

“Legal and Policy Context of Revenge Pornography: A Multi-jurisdictional Perspective”

A Thesis submitted to the
UPES

For the Award of
Doctor of Philosophy

In
Law

By
Shilpi Yadav

Nov.2023

SUPERVISOR

Dr. Kanchal Gupta



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School of Law (SOL)
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Dehradun- 248007: Uttarakhand

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DECLARATION

I declare that the thesis entitled “**Legal and Policy Context of Revenge Pornography: A Multi-jurisdictional Perspective**” has been prepared by me under the guidance of Dr. Kanchal Gupta, Associate Professor, Department of Law, UPES. No part of this thesis has formed the basis for the award of any degree or fellowship previously.



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CERTIFICATE

I certify that **Shilpi Yadav** has prepared her thesis entitled “**Legal & Policy Context of Revenge Pornography: A Multi-Jurisdictional Perspective**”, for the award of PhD degree of the UPES, under my guidance. She has carried out work at School of Law, UPES.



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ABSTRACT

This thesis offers a comprehensive exploration of the intricate problem of revenge pornography, taking a multi-jurisdictional perspective, with a specific focus on the Indian legal landscape. Revenge pornography, characterized by the unauthorized sharing of sexually explicit content, poses a significant challenge in the digital age. This study seeks to provide a comprehensive understanding of the issue, the legal responses across different jurisdictions, and the unique challenges faced by India in addressing this problem.

The research commences by defining key terms and introducing the concept of revenge pornography in the context of advancing technology and evolving digital vulnerabilities. Revenge pornography involves the unauthorized dissemination of intimate or sexually explicit content, which often leads to severe repercussions for the victims. The digital age has seen an increase in revenge pornography cases, with perpetrators exploiting technological advancements and vulnerabilities to harm their victims. This study aims to analyze the legal approach to addressing revenge pornography, its impact on victims, and potential preventive measures. The study explores the concept of pornography, its legal definitions, and the controversies surrounding its regulation, considering its wide accessibility on the internet. Revenge porn or non-consensual production and distribution of intimate content is a pressing issue, and the study discusses various cases, including landmark ones like the DPS MMS case, Kim Kardashian's video leakage, and Dani Mathers' actions. These cases highlight the complex nature of the problem.

The study extensively addresses revenge pornography, its devastating impact, and its rise in recent years. It acknowledges that the term itself is somewhat of a misnomer, as not all incidents involve feelings of revenge, and not all content fits the conventional definition of "pornography." Child pornography is another facet

of the issue, which requires a nuanced understanding. The study differentiates child pornography from conventional pornography, highlighting the lifelong trauma inflicted upon its victims. It also considers emerging trends in child pornography, involving sadistic and violent abuse, and the challenges of regulating such content.

The discussion underscores the prevalence of revenge pornography in the digital age, with perpetrators exploiting technology to harm their victims. The study aims to analyze the legal approach to address this problem, assess its impact on victims, and explore potential preventive measures.

The thesis delves into the complexities of relevant laws and regulations, scrutinizing the successes and limitations of legal frameworks in India, USA & UK. It evaluates the efficacy of existing laws and examines the necessity for comprehensive legislation to combat revenge pornography. It also considers the role of privacy and copyright laws in addressing this issue. With a specific focus on India, the research assesses the existing legal provisions and their applicability in the context of revenge pornography. The study highlights the challenges faced by Indian legislation and the judiciary in effectively addressing this issue, emphasizing the need for awareness and comprehensive legal remedies. It explores the influence of global best practices and their potential adaptation to the Indian legal system.

Within the framework of this study, a careful examination underlines the challenges encountered by Indian legislation and the judiciary in the context of revenge pornography, drawing attention to notable cases such as the DPS MMS Case and the Animesh Baxi Case. These cases serve as poignant illustrations of the complex legal landscape surrounding revenge pornography in India and illuminate the multifaceted hurdles faced by lawmakers and the judiciary. The DPS MMS Case, a watershed moment in the legal history of India, exemplifies the challenges arising from the intersection of technology, privacy, and legal frameworks. The study delves into the intricacies of this case, analyzing how it has shaped the understanding and response of Indian law to revenge pornography.

The legal precedents set by such cases become pivotal in comprehending the challenges faced by legislators in adapting existing laws to the nuances of the digital age. Simultaneously, the Animesh Baxi Case provides insight into the judicial response to revenge pornography in India. By scrutinizing this case, the study dissects the complexities faced by the judiciary when adjudicating revenge pornography-related matters. The legal precedents established in cases like Animesh Baxi contribute to the ongoing discourse about the adequacy of existing legal provisions and the need for nuanced responses to the unique challenges posed by revenge pornography.

Furthermore, study serves as a conclusive section, encapsulating specific suggestions and recommendations for addressing revenge pornography, or the non-consensual dissemination of intimate images, in the Indian context. The researcher outlines several pressing imperatives, including the need to enhance legal safeguards for victims, raise awareness and educate the public, and implement more potent strategies to combat the dissemination of non-consensual intimate content. Drawing on research findings and best practices from other countries, the study provides a comprehensive set of suggestions aimed at policymakers, law enforcement agencies, and other stakeholders. Key challenges, such as the absence of specific legal provisions for revenge pornography, are discussed along with the importance of new legislation to criminalize this offense. The lack of awareness and education on the issue is addressed, and suggestions for promoting awareness and educating individuals are provided. The research also delves into the role of technology corporations in curbing non-consensual intimate image dissemination and offers suggestions to enhance their efforts. By implementing these recommendations, the aim is to better protect victims and prevent the harm caused by revenge pornography in India. In the face of these challenges, the research underlines the critical importance of awareness campaigns. The study argues that comprehensive legal remedies can only be effective when supported by a populace that understands the implications of revenge pornography. It emphasizes the need for targeted educational initiatives

that inform individuals about their rights, the legal recourse available to them, and the broader societal consequences of engaging in or perpetuating revenge pornography. Furthermore, the thesis explores the influence of global best practices on the Indian legal system. By examining successful strategies employed in other jurisdictions, the study seeks to identify adaptable frameworks that could enhance the Indian response to revenge pornography. It recognizes the potential benefits of learning from international experiences and advocates for a thoughtful integration of these practices into the Indian legal context.

ACKNOWLEDGEMENT

I am profoundly grateful for the constant support, motivation, understanding, guidance, and encouragement by my Supervisor Dr. Kanchal Gupta. My research would have been impossible without his guidance to sail through the difficult phases of the work, instilling confidence, and strength to pass each stage of the research program.

I also thank Prof. Abhishek Sinha (Dean SOL), Prof. (Dr.) Shikha Dimri for their constant support at various stages of the research. I also thank all the key officials at my university, for allowing me the time and support to complete this thesis.

I thank all the volunteers who participated in the survey. My sincere thanks to Dean R& D, UPES Ph.D. program staff, UPES library Staff, IT staff, and office staff. My heartfelt thanks to my parents for their constant support and letting me complete the thesis at a time when I was most needed with them, my family, friends, students and colleagues for their help and support.

Shilpi Yadav

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List of Abbreviations

ACPO	Association of Chief Police Officers National Police Chief's Council
ACRWC	The African Charter on the Rights and Welfare of the Child
AU	African Union
CCRI	Cyber Civil Rights Initiative, Inc.
CDA	Crime and Disorder Act
CFAA	The Computer Fraud and Abuse Act
CP	Child Pornography
CRC	Convention on Rights of Children Cyber VAWG Cyber Violence against Women and Girls
EGM	Extraordinary General Meeting especially Women and Children
EU	European Union
FBI	Federal Bureau of Investigation
IBSA	Image Based Sexual Abuse
ICMEC	International Center for Missing and Exploited Children
ICSE	International Child Sexual Exploitation Database
ICT	Information and Communications Technology
ILO	International Labour Organization
IPC	Indian Penal Code

IT Act	Information Technology Act
LGBTQ	Lesbian, Gay, Bisexual and Transgender
MCA	Malicious Communication Act
NCII	Non-consensual Dissemination of Intimate Images
NPCC	National Police Chief’s Council
OPSC	The Optional Protocol to the CRC on the Sale of Children, Child
PHA	Protection from Harassment Act
POCSO	Protection of Children from Sexual Offences Act
SOCPA	Serious Organized Crime and Police Act
UK	United Kingdom
UN	United Nations
UNODC	United Nations Office on Drugs and Crime
UNTOC	United Nations Convention against Transnational Organized Crime
USA	United States of America
USC	United States Code
WIPO	World Intellectual Property Organization
WPPT	WIPO Performance and Phonograms Treaty

LIST OF CASES

A

A.K. Gopalan v. State of Madras, AIR 1950 SC 27

ACLU v. Reno, 929 F. Supp. 831

Adarsh Singh v. State of Punjab, Criminal Petition No. 41447 of (2013)

Air India v. Nergheese Mirza, 1982 SCR (1) 438

Ajay Goswami v. Union of India, AIR 2007 SC 493

Allen v. Zonis, No. 76768-2-I (Wash. Ct. App. 2018)

Anita Handa v. God Father Travels and Tours (P) (5) SCC 661 2012

Avnish Bajaj v. State, 2008

B

Barrett v. Rosenthal, 146 P.3d 510, 527 (Cal. S.C. 2006)

Batzel v. Smith, 333 F.3d 1018, 1031 (9th Cir. 2003)

Bennett Coleman & Co. v. Union of India, AIR 1973 SC 106

Blumenthal v. Drudge, 992 F. Supp. 44, 49 (D.D.C. 1998)

C

Carafano v. Metrosplash.com, Inc., 339 F.3d 1119 (9th Cir. 2003)

Chandra Raja Kumari v. Police Commissioner of Hyderabad, AIR 1998 AP 302

Chandrakant Kalyandas Kakodkar v. State of Maharashtra, AIR 1970 SC 1390

Coco v. A.N. Clark (Engineers) Ltd (1968) F.S.R. 415

Collins v. Clark County Fire Dist. No. 5, 155 Wn. App. 48 (2010)

D

Davis v. Fred's Appliance, Inc., 171 Wn. App. 348, 367, 287 P.3d 51 (2012)

DiMeo v. Max, 433 F. Supp. 2d 523, 531 (E.D. Pa. 2006)

Doe 464533 v. N.D (2016) ONSC 541

Doe v. America Online. Inc., 783 So. 2d 1010, 1017 (Fla. S.C. 2001)

Doe v. Hofstetter, No. 11-cv-02209-DME-MJW, 2012 WL 3398316 (D.Colo.
Aug.14, 2012)

Dr. L. Prakash v. State of Tamil Nadu, Madras H.C., Writ Petition No. 7313 of
2002

F

Fair Housing Council of San Fernando Valley v. Roommates.com, LLC, 521 F.3d
1157, 1168, 1175 (9th Cir. 2008) FCC v. CBS Corp, (2012) 132 S. Ct. 2677, 2678

Fergen v. Sestero, 182 Wn, 2d 794, 803, 346 P.3d 708 (2015)

Free Speech Coalition v. Reno, 535 US 234 (2002)

G

Georgina Harrison vs Stephen Bear 2022

Giller v. Procopets (2008) VSCA 236; 24 VR 1

Gillespie v.Civiletti, 629 F. 2d 637, 642-43 (9th Cir. 1980)

GoDaddy.com v. Hollie Toups, 429 S.W. 3d 752, 753, 755, 759 (Tex. App. 2014)

Govind v. State of M.P, AIR 1975 SC 1379

H

H.B.H. v. State, 197 Wn. App. 77, 387 P.3d 1093 (2016)

Hancock v. City of San Antonio, 800 S.W.2d 881(Tex. App.- San Antonio 1990)

Hoffman-La Roche Inc. v. Zeltwanger, 144 S.W. 3d 438 (Tex. 2004)

Hoskins v. Reich, 142 Wn. App. 557, 570-71, 174 P.3d 1250 (2008)

I

Illinois v. Austin, 155 N.E.3d 439 (Ill. 2019)

In re Det. Of Taylor-Rose, 199 Wn. App. 866,880,401 P.3d 357 (2017)

Inc. v. CCBill L.L.C., 488 F. 3d 1102, 1119 (9th Cir. 2007)

J

J.P.H v X.Y.Z [2015] EWHC 2871

Jane Doe v. David K. Elam II, Case No. 2:14-CV-9788 (2014)

Jane Doe (D.L.) v M. Jackson

Jayesh S. Thakkar v. State of Maharashtra, W.P. No. 1611 of 2011

Johnson v. Arden, 614 F.3d 785, 791 (8th Cir. 2010)

Jolly George Varghese v. The Bank of Cochin, AIR 1980 SC 470

Jones v. Dirty World Entertainment Recordings, LLC, 766 F. Supp. 2d 828, 836
(E.D. Ky. 2011)

Jones v. Tsige, (2012) 108 O.R. (3d) 241

Justice K.S. Puttaswamy v. Union of India (2017) 10 SCC 1

K

K.A. Abbas v. Union of India (1970) 2 SCC 780

Kamlesh Vaswani v. Union of India (2016) 7SCC 592

Kave v. McIntosh Ridge Primary Road Association, 198Wn. App. 812, 394 P.3d
446 (2017)

Kharak Singh v. State of U.P, AIR 1963 SC 1295

Knox v. Taylor, 992 S.W.2d 40 (Tex. App.- Houston 1999)

L

Life Design Ranch, Inc. v. Sommer, 191 Wn. App. 320, 328, 364 P.3d 129 (2015)

Lowell v. Griffin, (1939) 303 US 444

M

M.P. Sharma v. Satish Chandra, District Magistrate, Delhi (1954) SCR 1077

Maneka Gandhi v. Union of India, AIR 1978 SC 597

Manish Kathuria v. Ritu Kohli, C.C. No. 14616/2014

Maqbool Fida Hussain v. Raj Kr. Pandey, 2008 CrLJ 4107

MCW, Inc. v. Badbusinessbureau.com, L.L.C 2004 WL 833595

Meechie v. Multi-Media Marketing, 94 LGR 474 (1995)

Miller v. California, 413 US 15 (1973)

MM v. BC & Anor, (2017) NIQB 127

Mohr v. Grant, 153 Wn.2d 812,822,108 P.3d 768 (2005)

N

National Legal Services Authority v. Union of India, AIR 2014 SC 1863

Navtej Singh Johar v. Union of India Writ Petition (Criminal) No. 76 of 2016

Naz Foundation v. Government of NCT of Delhi, WP(C) No. 7455/2001, Delhi High Court; Decision on 2nd July, 2009

Nemet Chevrolet, Ltd. v. Consumeraffairs.com, Inc. 564 F. Supp. 2d 544, 548 (E.D. Va. 2008)

New Jersey v. Ravi, No. 11-04-00596-I (N.J. Sup. Ct., 2012)

Nirmaljeet Singh Narula v. Yashwant Sinha 2012(132) DRJ370

O

Olive e-business Pvt ltd vs Kirti Dhanawat CS(OS) 2393/2011

P

P. Rathinam v. Union of India, (1994) 3 SCC 394

Patel v. Hussain 485 S.W.3d 153 (Tex.App.2016)

People's Union for Civil Liberties (PUCL) v. Union of India, AIR 2003 SC 2363

People's Union for Civil Liberties v. Union of India, AIR 2004 SC 1442

Police v. Ravshan Usmanov, (2011) NSWLC 40 Prabhu Dutt v. Union of India,
AIR 1982 SC 6

R

R v. Amar Boston, (2018) EWCA Crim 494

R v. Fellows, 2 All ER 548 (1997)

R v. Greene, 2018 NLPC 1318A00041

R. Rajagopal v. State of T.N (1994) 6 SCC 632

R. v. Gibb (James), (2014) EWCA Crim 324

R. v. J.S., 2018 ONCJ 82

R. v. Riley (Anthony Edward), (2017) EWCA Crim 243

R. v. Smith (Paul James), (2013) EWCA Crim 2388

Raju Pandurang Mahale v. State of Maharashtra, AIR 2004 SC 1677

Ranjit D. Udeshi v. State of Maharashtra, AIR 1965 SC 881

Redland Bricks v. Morris, (1970) A.C. 652, (1969) 5 WLUK 39

Regina v. Hicklin, 3 Q.B 360 (1868)

Rekhter v. Dep't of Soc & Health Servs., 180 Wn.2d 102, 120, 323 P.3d 1036
(2014)

Reno v. ACLU, 521 U.S. 844 (1997)

Romesh Thapper v. State of Madras, AIR 1950 SC 124

Roth v. United States, 354 US 476 (1957)

S

Samresh Bose and Another v. Amal Mitra and Anr, AIR 1986 SC 967

Sanjay Kumar Kedia v. Narcotics Control Bureau 1 S.C.R. 2010 555

Shreya Singhal v. Union of India, AIR 2015 SC 1523

Sisley v. Seattle Pub. Sch., 180 Wn.App.83,87,321 P.3d 276 (2014)

Smith v. Amedisys, 298 F.3d 434, 450 (5th Cir. 2002)

State v. Casillas, 952 N.W.2d 629 (Minn. 2019)

State v. VanBuren, 210 Vt. 293 (2018)

State v. Katz, No. 20S-CR-00632 (Ind. 2021)

State of Kerala v. Anthony, (2) Crimes 173 Kerala (1988)

State of Maharashtra v. Madhulkar Narain, AIR 1991 SC 207

State of West Bengal v. Animesh Boxi, Case No. GR:1587/17, decided on 7
March, 2018

State v. Deleon, 185 Wn. App. 171, 189, 341 P.3d 315 (2014)

Stratton Oakment, Inc. v. Prodigy Services Co No. 031063/94, 1995 WL 323710

Subhranshu Rout v. The State of Odisha B LAPL No.4592 OF 2020.

Sukanto Halder v. State of West Bengal, AIR 1952 Cal 214

Surjit Singh Thind v. Kanwaljit Kaur, AIR 2003 P&H 353

U

Union of India v. Naveen Jindal, (2004) 2 SCC 510

Usmanov v. R, (2012) NSWDC 290

V

Van Horne v. Muller, 705 N.E.2d 898, 903 (Ill. 1998)

Viacom Int'l, Inc. v. YouTube, Inc., 676 F.3d 19, 27-28 (2d Cir. 2012)

Vyakti Vikas Kendra v. Jitender Bagga 2012 AIR(DEL)108

W

Wheeler v. Leicester City Council, 1985 AC 1054

Wilson v. Ferguson, 2015 WASC 15

X

X vs. Union of India and Ors. W.P. (CrI.) 1505/2021

LIST OF STATUTES

- Abusive Behaviour and Sexual harm (Scotland) Act, 2016
- Crime and Disorder Act, 1998
- Code of Alabama Title 13A, 2022
- Criminal Justice and Courts Act, 2015
- Criminal Justice and Immigration Act, 2008
- Enhancing Online Safety Act, 2015
- Malicious Communication Act, 1988
- Protecting Canadians from Online Crime Act, 2015
- Protection from Sexual Harassment Act, 1997
- Serious Organized Crime and Police Act, 2005
- Summary Offences Act, 1953
- Summary Offences Act, 1966
- The Anti-Photo and Video Voyeurism Act, 2009
- The Broadcasting Services Act, 1992
- The Code for Crown Prosecutors, 2013
- The Child Online Protection Act, 1998
- The Child Pornography Prevention Act, 1996
- The Communications Decency Act, 1996
- The Constitution of India, 1950
- The Copyright Act, 1957
- The Copyright Act, 1976
- The Crimes Act, 1900
- The Crimes Amendment (Intimate Images) Act, 2017
- The Criminal Code Act, 1995

- The Criminal Justice and Public Order Act, 1994
- The Criminal Laws (Amendment) Act, 2013
- The Criminal Procedure Code, 1973
- The Data Protection Act, 2018
- The Defamation Act, 1996
- The Digital Millennium Copyright Act, 1998
- The Domestic Violence, Crime and Victims Act, 2004
- The Enhancing Online Safety (Non-consensual Sharing of Intimate Images) Act, 2018
- The Equality Act, 2010
- The Human Rights Act, 1998
- The Indecent Representation of Women (Prohibition) Act, 1986
- The Indian Evidence Act, 1872
- The Indian Penal Code, 1860
- The Indian Posts Office Act, 1898
- The Information Technology (Intermediaries Guidelines) Rules, 2011
- The Information Technology (Reasonable Security Practices and Procedures and Sensitive Personal Information) Rules, 2011
- The Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021
- The Information Technology Act, 2000
- The Information Technology Amendment Act, 2008
- The Intimate Privacy Protection Act, 2016
- The Obscene Publications Act, 1959
- The Obscene Publications Act, 1964
- The Online Copyright Infringement Liability Limitation Act, 1998
- The Protection of Children from Sexual Offences Act, 2012
- The Protection of Children Act, 1978
- The Serious Organized Crime and Police Act 2005
- The Protection of Freedoms Act, 2012

- The Sexual Offences Act, 2003
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CHAPTER-1

INTRODUCTION AND SCHEME OF STUDY

1.1 Introduction

This chapter is an introductory chapter which will identify the problem, outline the objectives, methodology of study and scheme of study for the rest of the work.

Revenge pornography is an act in which perpetrators abuse someone's private sexual or intimate data without their consent, typically involving explicit content. This also includes the distribution of sexually explicit photos and videos of a person. Revenge Pornography is said to be constituted when the perpetrator uploads the nudes or semi-nudes or private videos of other person without his or her knowledge within social media, porn sites, and among other people. The circulation of such media among friend's circle or many people and spread of the same into further masses tarnishes the reputation of the victim.

Every year hundreds of thousands of cases of publishing of intimate images or videos occur. We usually read in news about the leaked pictures or videos of celebrities going viral. Sometimes it happens through the hacking of social media accounts, email accounts or through online platforms used for backing up photographs.

Hackers, as well as partners, ex-partners, or anyone unknown to the victim can steal such intimate pictures or videos and can upload them on various sites/ social media platforms for trading and downloading. Their motivations are diverse and include retribution, social notoriety, monetary gain, voyeurism, and sexual gratification.

The images or videos may be taken by the victim as a ‘selfie’ or produced consensually in the context of an intimate relationship. The images may have been altered, taken surreptitiously, created coercively, or may be taken of a sexual assault or rape.

Background

Every year, a distressing number of cases involving the dissemination of intimate images or videos without consent come to light. While the media often highlights instances of celebrities’ private pictures or videos going viral, this issue extends far beyond the realm of the rich and famous. It is a pervasive concern that affects individuals from all walks of life, with devastating consequences to the victim.

The distribution of such personal content frequently occurs through the unauthorized access of social media accounts, email accounts, or online platforms designed for backing up photos. Perpetrators, ranging from skilled hackers to current or former partners, or even strangers to the victim, engage in the theft and subsequent uploading of these intimate materials to websites dedicated to trading and downloading such content. Their motivations for such actions are as varied as they are troubling, including desires for revenge, seeking social notoriety, financial gain, voyeurism, and sexual gratification.

What makes this issue particularly insidious is the range of situations from which these images or videos can originate. They may have been willingly captured by the victim as a ‘selfie’ or produced consensually within the context of an intimate relationship. However, the content can also be created under coercive circumstances, taken surreptitiously without the victim’s knowledge or consent, or even capture a deeply disturbing and traumatic event such as a sexual assault or rape. In all cases, the unauthorized distribution of these materials infringes upon a person’s privacy, dignity, and personal agency, causing profound emotional and psychological distress.

The consequences of revenge pornography extend well beyond the initial violation of privacy, often resulting in lasting emotional trauma, damage to

personal and professional relationships, and even potential legal repercussions. To address this grave issue, society is working towards implementing legal and support measures while raising awareness about the devastating impact of revenge pornography on victims and the urgent need for preventive and protective actions.

This introduction starts with a discussion of the terminology, which will be used in this work, before then presenting an overview of the relevant literature, and an outline of the research aims. The introduction ends with a brief overview of the thesis structure.

Cyber Crime - In this digital era, we are now living a life which is highly dependent and is highly influenced by technology. With the increase and improvement of technology, more and more things relate to the internet. Now situation is such that literally every item in our house such as TV, Refrigerator, CCTV, Cars, and many more can be accessed through distance with the help of internet. Everything from ordering food or groceries, bank transactions, online meetings are all products which we use on daily basis and all these services are being enjoyed by us with the help of internet.

It is an old saying that new technologies create new criminal opportunities and new types of crime. Similarly with the technological advancement in computer & internet, gave birth to Cyber Crime and Cyber Criminals. As described, Cyber Crime is also called computer crime, it is the use of a computer as an instrument to further illegal ends, such as committing fraud, trafficking in child pornography and intellectual property, stealing identities, or violating privacy.

Cybercrime, especially through the Internet, has grown its impact as the computer & internet has become central to commerce, entertainment, and government. In most cyber-crimes, the attack is on information about individuals, corporations, or governments. Although the attacks do not take place on a physical body, they do take place on the personal or corporate virtual body, which is the set of informational attributes that define people and institutions on the Internet (R.K. Chaubey, 2021).

What makes cyber-crime different from other crimes is that criminal can commit crime by sitting at completely different location, which makes it most difficult situation for stopping cybercrime, actions can occur in jurisdictions separated by vast distances. This poses severe problems for law enforcement since previously local or even national crimes now require international cooperation.

Cybercrimes encompass a wide range of illegal activities committed in the digital realm, and among these, cyber sexual crimes represent a disturbing and growing category. These offenses involve the use of digital technology and the internet to engage in or facilitate sexual misconduct, often at the expense of victims' privacy, dignity, and emotional well-being. Cyber sexual crimes can take various forms, including Pornography, child pornography, revenge pornography, Online Harassment & Cyberbullying, Sexting & Sextortion, cyber-terrorism, cyber-hacking.

Pornography- The word pornography is derived from two Greek roots, i.e. "Porne and graphos". The word "porne" means prostitute, harlot or female captive, and the word "graphos" means "writing about" or "description of".

Pornography, which is often referred to as porn, is any sexually explicit material—written, visual, or otherwise—that is intended to sexually arouse. While pornography has existed in some form for millennia, today it is most readily available online—though it continues to be widely available in literature, audio, magazines, and more.

In a legal sense, Pornography means "obscenity". Pornography includes any video, pictures or movies that contain sexually explicit acts that are considered indecent by the public.

Need for Research

Pornography in itself is a controversial issue, few nations have legalized it but others find it dangerous to legalize this sector because it involves risk of keeping checks and balances on the sources of videos and other content. Large quantity of

content in pornographic industry comes either through illegal source or without the consent of people in it. The easy accessibility of internet and portability of devices has led to a rapid spread of porn. The world's largest pornographic site claims that in 2018, it had a daily average of 92 million unique viewers and the number is increasing 20%-30% annually.

In some countries like USA, UK, Canada pornography industry is legalized which mean that people can legally enter in this profession and pornographic websites have also been legalized accordingly. Other countries like UAE have censored the pornographic content and associated activities. India has only allowed its private access however creation of pornography is banned.

It is shocking to know that 30% of Internet content is porn. Dark Web is hidden internet used by criminals, terrorist and is known for illegal activities. It can be accessed easily by downloading few software's in any device and it have collection of child pornographic content, animal pornography and other pornography which is not allowed legally anywhere in the world (Bennett, 2015).

In the year 2005, there were more than 2 billion searches for porn; this number grew multiple time in 2019. One of the porn giant claimed that in 2019 that their website was visited 42 billion times. Almost 20% of the mobile phone searches are for porn. According to the data 28,258 users watch porn every second and 90% of boys and 60% of girls watch porn by the time they turn 18 (Bennett, 2015).

Internet can be pronounced as a culprit in this as it gave easy access to the people to view pornographic content without compromising their privacy and without disclosing their identity. Previously people had to buy the same in printed form but now anyone can view it without any fear of being identified with it. Porn industry has made loyal customers by providing easy accessibility to sites that offer porn content free.

Child Pornography

Child pornography is a form of child sexual exploitation, and it is important to distinguish child pornography from the more conventional understanding of the term pornography. Each image of Child Pornography graphically memorializes the sexual abuse of that child. Each child involved in the production of an image is a victim of sexual abuse.

While some child sexual abuse images depict children in great distress and the sexual abuse is self-evident, other images may depict children that appear complacent. However, just because a child appears complacent does not mean that sexual abuse did not occur. In most of child pornography cases, the abuse is not a one-time event, but rather ongoing victimization that progresses over months or years. It is common for producers of child pornography to groom victims or cultivate a relationship with a child and gradually sexualize the contact over time. The grooming process fosters a false sense of trust and authority over a child to desensitize or break down a child's resistance to sexual abuse. Therefore, even if a child appears complacent in a particular image, it is important to remember that the abuse may have started years before that image was created (Maddocks, 2018).

Furthermore, victims of child pornography suffer not just from the sexual abuse inflicted upon them to produce child pornography, but also from knowing that their images can be traded and viewed by others, worldwide. Once an image is on the Internet, it is irretrievable and can continue to circulate forever. The permanent record of a child's sexual abuse can alter his or her life forever. Many victims of child pornography suffer from feelings of helplessness, fear, humiliation, and lack of control given that their images are available for others to view in perpetuity.

Unfortunately, emerging trends reveal an increase in the number of images depicting sadistic and violent child sexual abuse and an increase in the number of images depicting very young children, including toddlers and infants.

This is not it, solving the case of child pornography are now becoming more complicated because recently more and more cases of minor making and circulating the pictures or videos of other minor are coming to light.

In such situation, mostly laws of all the country are silent; Because If an adult takes a sexually explicit picture of a minor and shares it via social media or text message, that adult will likely have conflicted with child pornography laws. However, what about a minor who takes selfies and sends them discreetly to another teen? What if the receiver forwards the photos to others? Have they violated any laws?

To understand such situation researcher will discuss several important topics related to Child Pornography

- . BOIS Locker Room (Bhandari, 2020)– Minor Boys and Girls Sharing pictures of teenage girls and making plan to take revenge for by raping them.

- . Girls Locker Room – Minor Girls sharing intimate pictures of teen boys and talking about their private parts.

- . Child Pornography Access on Dark Web – Can there be any stop over it, why all countries fail to stop the establishment of such network.

- . What is the genuinity of the age of actors claimed to be adult or above 18. Can we trust the verification claims of Pornographic website who if allowed are very much in favor of publishing teen pornography.

Revenge Pornography –

It's not surprising that the practice known as "revenge pornography," which involves the non-consensual sharing of intimate images, has become so widespread. In today's digital age, most people have cameras and internet access on their mobile phones and other electronic devices, such as iPads. Taking a photo or video, uploading it to a website, and sharing these images via email or text message takes only seconds. Whether photos and videos from intimate

relationships were taken with or without consent, they can be distributed instantly with just a few clicks on a smartphone, tablet, or computer.

In today's digital world, romantic relationships often take place, develop, and, unfortunately, sometimes end in the virtual realm. The consequences of these digital breakups can be particularly challenging, with one distressing outcome being the occurrence of revenge pornography. We can understand this with a hypothetical situation: John and Sarah, a young couple, had been in a relationship for some time. They had shared many aspects of their lives, including intimate moments, often documented in photos and videos. However, their relationship began to crumble due to various issues, eventually leading to a painful breakup. Fueled by anger and resentment following their separation, John decided to take revenge on Sarah. He remembered the explicit content they had created during their time together. In an act of vindictiveness, John posted these private and sensitive images on a public website without Sarah's consent. Because of this Sarah have been subjected to harassment, stalking, and threats of sexual assault. John's intention was to humiliate her and cause her emotional distress, resulting in a harmful and distressing outcome stemming from their digital relationship and breakup.

The internet makes it very difficult to control the spread once an image is out there. It can be saved, shared, and downloaded very quickly, and it's challenging to delete or prevent it from spreading or being sold.

Initially, this offense was perpetrated by individuals who felt rejected or vengeful. They would share videos containing explicit content of their ex-partners on public websites, even if they didn't have their partner's consent to do so, even if the initial recording was made with consent. The intent of the wrongdoer was to cause harm and humiliation to the victim, directly infringing upon their constitutionally protected privacy rights and sexual integrity.

Revenge pornography involves the involuntary sharing of sexually explicit photos or videos, often used to threaten and exert control over the victim. Scholars

contend that revenge pornography should be viewed as a form of violence within the broader context of "Image-Based Sexual Abuse (IBSA)."

Non-Consensual Production & Distribution of intimate content or Image-Based Sexual Abuse- When images or videos are self-created, produced, or distributed consensually, they are typically considered pornography, which is legal in some parts of the world. However, when images have been altered, taken without consent, created coercively, or depict a sexual assault or rape, this constitutes the creation of non-consensual pornography, which is illegal everywhere in the world and a violation of basic human rights. Similarly, distribution of the images or videos without the consent of people involved in video or images is also illegal even if the video or image was captured with consent.

The term 'Revenge pornography' is a misnomer, since not all violators are doing it by feelings of revenge and not all images or pictures serve the purpose of 'pornography'. It includes explicit images for entertainment and political reasons also. Revenge Porn is one of the most devastating cyber sexual crimes all over the world. The latest mobile and communication technologies have resulted in easy uploading and accessing online content. The perpetrator may be an unsuspecting friend, colleague, Social Media follower, an anonymous stalker, or a jilted lover. However, once the damage is done, the victim's life is never the same.

The term IBSA encompasses three primary categories of behaviors:

The first category involves the non-consensual capturing of nude or sexual images. Perpetrators may have various motivations, including sexual gratification, gender dominance, entertainment, or financial gain. Examples of this behavior include stealth photography or recording of victims (such as "creepshots," "up skirting," and "downblousing") without their knowledge, both in public and private settings.

Secondly, IBSA also covers the non-consensual sharing of these images, whether online or offline. Offenders may be driven by motives like seeking retribution, sexual satisfaction, financial profit, voyeurism, or social recognition. The

anonymity offered by the internet and the potential monetary gains from the online pornographic industry often encourage offenders. They also can disclose victims' identity information, leaving them vulnerable to repeated victimization, either by the same offender or others.

The third significant IBSA behavior involves threatening victims to share their nude or sexual images, commonly known as "sextortion." This refers to acts committed against individuals who are coerced into providing money or sexual favors in exchange for not revealing their explicit content or other related media. Perpetrators may be motivated by extorting money, seeking unwanted sexual relations, humiliating victims, intimidating them with the prospect of sharing explicit material, forcing victims to continue an abusive relationship, or simply deriving pleasure from the exercise of power. Breaches of victims' devices, like mobile phones or computers, to gain unauthorized access to images and use them as tools of intimidation may also fall under this category of IBSA.

Revenge pornography is categorized as a content-related crime within the realm of information systems. These crimes involve the inappropriate use of digital content through online publication or manipulation using computer systems. They are considered illegal due to the nature of the content itself. Some of these offenses are connected to copyright infringements, while others encompass activities like child pornography and other illegal forms of explicit material (Wall, 2015).

While the content in a revenge pornography video may not, in itself, be inherently objectionable, considering that adult pornography is legal in some countries, the legal issue arises from the fact that it is disseminated without the consent of the individual depicted. This action represents an invasion of the person's privacy and an encroachment on their personal and sexual integrity. From a legal perspective, this aspect renders revenge pornography problematic and unlawful.

The harms inflicted by "Revenge Porn" are deeply gendered, and females predominantly happen to be the victims. The offence of "Revenge Porn" is replete

with the violations of individual victim's personhood and its negative impact on society. According to Cyber Civil Rights Initiative, more than ninety percent of the revenge porn victims of this horrendous crime are women (Young, 2019).

To gain a comprehensive understanding of the issue, researchers will delve into notable cases of revenge pornography.

Case of Chrissy Chambers (Kleeman, 2018)- She became the first person in England to seek damages and the criminal prosecution of a former partner for posting revenge pornography on the internet.

Case of Jane Doe (Hauser, 2018) – Largest claim of 6.4 million given in the history of Revenge Pornography Case

DPS MMS Case (Avnish Bajaj vs State (N.C.T.) Of Delhi, 2004) because it being the first case, which bring attention of Indian, courts, legislators, and media on such acts.

Kim Kardashian's intimate video leak through Cloud storage and publishing the same on open source.

Playboy model Dani Mather's case (Chavez, 2017) of posting nude picture of woman in gym and more such landmark cases with their consequences.

Redressal Mechanism

Numerous countries worldwide have taken measures to criminalize the non-consensual distribution of explicit images. The Philippines emerged as a pioneer in 2009 by enacting legislation against this behavior. Subsequently, various other nations, such as Australia, the United Kingdom, Japan, Israel, and Canada, have also introduced and enforced laws addressing the non-consensual dissemination of intimate images. In the United States, around 48 states and the District of Columbia have passed laws criminalizing revenge pornography. In 2016, the Federal bill was also introduced in Congress for the incorporation of Nation-Wide Laws for Revenge Pornography specifically. Furthermore, these legal provisions

have led to successful prosecutions of multiple perpetrators and website owners who facilitate the sharing of revenge porn.

Four different approaches to criminalization of revenge pornography as a complex and multifaceted crime can be identified in the countries with revenge pornography legislation:

- 1) The criminalization of non-consensual disclosure of private, sexual images or films that have been specifically made with consent.
- 2) The criminalization of non-consensual disclosure of private, sexual images or films made either with or without consent;
- 3) The criminalization of non-consensual disclosure of private, sexual images or films made without consent, with the presupposition that this criminalizes revenge pornography.
- 4) No effective laws are in place, despite what countries might believe to be the case (Marthe Goudsmit, 2017).

In India presently there are no legal provisions that directly deals with revenge porn. There are few sections in the Indian Penal Code and Information Technology Act through which victim can knock the doors of court for relief. However, these sections in IPC or IT Act fail to fully encompass the complexity of such cases and do not have enough remedies to handle the cases of non-consensual pornography published online.

Section 354C of the IPC makes voyeurism punishable, and as per the Explanation 2 of the section, the non-consensual capturing or display of images. However, this section is narrow in its scope because it only deals with the cases of female victim and male offender. Now the cases are very complex where victim and offender are sometimes both male; both female; offender can be minor; victim can be male and offender is female, in such situations Indian Laws are silent.

The victim can file a case under Section 499 of IPC i.e., Defamation, in cases of non-consensual pornography (particularly those that involve morphing).

Section 66E of the IT Act deals with the transmission of images displaying the private areas of a person. As per the Explanation of the section the word Private include "... the naked or undergarment clad genitals, pubic area, buttocks or female breast". This is a gender-neutral provision and only if it is read in wider ambit, it can cover many aspects of revenge pornography without using this term by name. However, the narrow definition of "private areas" in this case could limit the applicability of the act in cases where the victim is captured in an intimate position without showing those areas.

Section 67A of the IT Act punishes pornography production and distribution i.e., material containing sexually explicit acts, etc. in electronic form. While this can effectively punish offenders, this section also includes within its ambit person who may have voluntarily captured and shared such private content with their partners.

Supreme Court recently in Aadhar Case (Justice K.S.Puttaswamy (Retd) vs Union Of India, 2018) recognized privacy as a fundamental right. This can give relief and benefit to the victims of revenge porn and non-consensual pornography in general. It can also give precedence to the Court and legislators to think about giving recognition to the right to bodily integrity.

Copyright law also plays an important role when it comes to removal of pictures or videos of victims from internet (Benedick, 2018). Victims can claim the violation of their copyright and can get the content removed from internet, especially in the case when the content is selfie. But no such provision is available in Indian Copyright and no such information is currently available if anyone from Indian Jurisdiction have got relief from the same but some victims of Non-Consensual publishing of porn from the United States of America have got their Videos successfully removed by enforcing their copyright.

The first successful prosecution for "revenge porn" in India was in the case of State of West Bengal v. Animesh Boxi. The case is considered to be a landmark as the accused in the case was convicted for uploading intimate photos and videos

of his former girlfriend on pornography websites and sentenced to 5 years imprisonment along with a fine of Rs. 9,000. Also, demands of sexual favours by the accused, online stalking, and taking and transmitting of images of the victim without her consent, were held to have caused injury to the victim. Further, the Court reasoned that the absence of physical injury was immaterial as the victim had suffered the injury on account of her reputation and the same could be read within the scope of the definition of 'injury' provided under Section 44, IPC.

Looking at the global status, there is no country which have sufficient law and enforcement to stop the act of Revenge Pornography, but a lot of progress has been made in mostly all the developed countries such as USA, UK, Canada, Australia, and other European Countries. The impact of their law can be noticed as positive, they have successfully reduced such activities and provided relief to victims and penalizes the offender.

Comparing the same with Indian laws, null to very marginal progress has been made in India. There are several reasons for the same and the most important one lacks knowledge of their right, knowledge of laws, societal pressure, non-cooperation by investigating authorities, lack of jurisdiction, lack of technology and its knowledge in government departments, unawareness even in Supreme Court and legislation about Revenge Pornography. Finally, yet importantly, no appropriate law and policy to approach the court exists.

It is correct, to say that Indian Legislation and judiciary have long way to go to give appropriate relief to victims of revenge pornography and to stop it from happening. Several times the issue of Revenge Pornography has been raised and discussed in Lok Sabha and Rajya Sabha but no bill has been passed yet.

As no nation has been able to stop it successfully, it can be said that until all governments across the world agree through universal treaty to come together and fight this through common laws, it can never be eradicated.

Literature Review

Primary Sources

18 U.S. Code Title 18 - Crimes and Criminal Procedure:

Title 18 of the United States Code is the foremost criminal code of the federal government of the United States. The Title covers definitions of federal crimes and criminal procedure dealing with it. Title 18 has similarities to most U.S. state criminal codes, which typically are referred as Penal Code, Criminal Code, or Crimes Code.

Communications Decency Act, 1996 (US)

The Communications Decency Act of 1996 prohibited anyone using interstate or communications from broadcasting obscene or indecent materials with the knowledge or information that the recipient is under 18 years of age, apart from the fact as to who had initiated the communications.

Child Online Protection Act, 1998 (US)

This Act safeguards children's privacy by offering parents the tools to control how information about their children is collected online over time. The Act requires the Commission to promulgate regulations requiring operators of websites and online services that make money from children under 13 or that purposefully collect personal information from children under 13 to: (a) disclose their information practises to parents; (b) obtain parental consent that can be verified before compiling, using, or disclosing children's personal information; and (c) give parents the option to stop the maintenance, use, or future compilation of their children's personal information; (d) (d) give parents access to their child's personal information; (e) refrain from requesting more personal information from a child than is reasonably necessary for them to participate in an activity; and (f) maintain appropriate safeguards to ensure the privacy, security, and integrity of the personal information. The Act also has a "safe harbor" provision that enables business associations and other parties to ask the

Commission to approve self-regulatory rules for managing participating websites' compliance with the Rule. This provision was added to facilitate robust trade self-regulation.

Convention on Cybercrime, 2001-

The Convention on Cybercrime, also referred to as the Budapest Convention on Cybercrime or simply the Budapest Convention. It was the first international treaty to address Internet and computer crime (also known as cybercrime) by establishing corresponding national laws, modernizing investigative methods, and fostering increased international cooperation. It was drafted by the Council of Europe in Strasbourg, France, with input from the organization's observer nations, including South Africa, Canada, Japan, the Philippines, and the United States. The Committee of Ministers of the Council of Europe adopted the Convention and its Explanatory Report on November 8, 2001, during its 109th Session. It was made available for signature in Budapest on November 23, 2001, and it became effective on July 1, 2004. 65 states have ratified the convention as of December 2020, while four further states had signed it but not ratified it.

The Constitution of India, 1950

Constitution of India is the country's supreme law. The legislative text gives forth the framework that defines and specifies the fundamental policies, organizational structure, measures, powers, and responsibilities of governmental institutions. It also outlines the fundamental rights, directive principles, and responsibilities of citizens. The constitution of India is the world's longest written constitution. It confers supremacy and was adopted by its people with a formal affirmation in its preamble.

Information Technology Act, 2000

The Information Technology Act of 2000 is the principal law that deals with cybercrime and electronic business in India. It provides lawful identification for

business, trade and transactions that are carried out by means of electronic data exchange. It defines cybercrimes and prescribes definite penalties for the same.

Indian Penal Code, 1860

The Indian Penal Code (IPC) is the official criminal code of India. It is a complete code intended to envelop all considerable aspects of criminal law and provide punishments for the same.

The Optional Protocol to the CRC on the Sale of Children, Child Prostitution and Child Pornography (OPSC)

The Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography is a protocol to the Convention on the Rights of the Child that requires state parties to ban the sale of children, prevent child prostitution and child pornography. The Protocol was adopted by the United Nations General Assembly in 2000 and entered into force on 18 January 2002. There are 176 parties as signatories, as of December 2019.

United Nations Convention against Transnational Organized Crime (UNTOC)

The United Nations Convention against Transnational Organized Crime (UNTOC, is also known as the Palermo Convention. It is a 2000 United Nations facilitated multilateral treaty against transnational organized crime. The Convention was adopted by a declaration of the United Nations General Assembly on 15 November 2000. India joined December 12, 2002.

The Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (TIP Protocol)

The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, is an enhancement of the United Nations Convention against Transnational Organized Crime (the Protocol). It establishes the first

widely accepted definition of "trafficking in persons" on a global scale. It is meant to prevent, combat, and support global collation against such crime. The Protocol also emphasizes the issues with human trafficking, which frequently results in the brutal, degrading, and dangerous exploitation of trafficked people. The Protocol is anticipated to normalize terminology, legislation, and practices of nations in this area of the law, much like the United Nations Convention against Transnational Organized Crime, 2000 (the Convention).

ILO Convention no 182 on the Elimination of the worst forms of child labor

The International Labor Organization (ILO) enacted The Elimination of the Worst Forms of Child Labor Convention, also known as ILO Convention No 182, in 1999. Its goal is to prohibit and take immediate action to end the worst forms of child labour. It is one of the ILO's eight guiding principles. After ratifying International Convention No. 182, a nation commits to acting immediately to outlaw and eradicate the worst types of child labour. The Convention benefits from the ILO's fastest rate of ratifications since 1919.

The African Charter on the Rights and Welfare of the Child (ACRWC)

The Organisation of African Unity (OAU) adopted the African Charter on the Rights and Welfare of the Child (ACRWC) in 1990, and it came into effect in 1999. In 2001, the OAU officially changed its name to the African Union. The Children's Charter is a comprehensive document that outlines rights and establishes universal principles and norms for the position of children, much like the United Nations Convention on the Rights of the Child (CRC). The only international and regional human rights treaties that encompass the whole range of civil, political, economic, social, and cultural rights are the ACRWC and the CRC. An African Committee of Experts on the Rights and Welfare of Children is called for to be established. Its goals are to advance and defend the ACRWC's established rights, to demonstrate how to apply them, and to interpret the ACRWC's provisions as they pertain to party states, AU institutions, and all other

organisations that are acknowledged by the AU or by a member state. As of February 2009, 45 of the continent's 53 nations had ratified the ACRWC.

The Protection of Children from Sexual Offences Act, 2012

The Protection of Children from Sexual Offences Act, 2012 (the "Act") is a unique act that establishes a thorough legal framework with the goal of defending kids from sexual assault, sexual harassment, and pornographic offences. According to Article 15(3) of the Indian Constitution, which gives the state the authority to create specific measures for women and children, the Act was passed. According to Article 15(3), Articles 39(e) and 39(f) of the Constitution, children should not be mistreated while they are still young and should not be coerced into avocations for financial reasons. The Act also mandates that children be safeguarded from exploitation during their childhood and adolescence and that they be given adequate opportunities and facilities to grow up in a healthy way.

General Assembly resolution 65/230, Twelfth United Nations Congress on Crime Prevention and Criminal Justice

In order to convene an open-ended international expert group to conduct an extensive study on the problem of cybercrime as well as the response to it, the United Nations has launched a study of Cybercrime through General Assembly Resolution 65/230. The UNODC in Vienna created the study group with the goal of exploring possibilities to improve current and suggest new national and international legal or other responses to cybercrime.

Criminal Justice and Courts Act, 2015 (UK)

An Act to make provisions regarding the treatment of offenders both before and after conviction; to create offences involving mistreatment or willful neglect by a person providing health care or social care; to create an offence involving the corrupt or other improper use of police privileges and powers; to create offences involving driving while ineligible for a licence; to create an offence involving the disclosure of private sexual images or films with the intent to cause distress; to

amend provisions about the procedures and authority of courts and tribunals, to make provisions regarding judicial review, to amend the offence of meeting a minor after sexual grooming, to amend the offence of possessing extremely pornographic photos, and for related reasons.

The Voyeurism (Offences) Act, 2019 (UK)

The Voyeurism (Offences) Act of 2019 establishes two new offences that punish anyone who, without the subject's consent or a reasonable belief that they have it, uses equipment or records an image from beneath the subject's clothing with the intent to view, or to enable another person to view, their genitalia or buttocks (with or without underwear), with the intention of gratifying their sexual desires or causing humiliation, distress, or alarm.

The Malicious Communications Act, 1988 (UK)

The Malicious Communications Act 1988 (MCA) is a British Act of Parliament that makes it against the law in England and Wales to "send or deliver letters or other articles for the purpose of causing distress or anxiety". This is also applicable to electronic communications.

The Sexual Offences Act, 2003 (UK)

The Sexual Offences Act 2003 is an Act of the British Parliament that partially superseded the Sexual Offences Act 1956. It also established several brand-new crimes, including forcing a minor to observe an explicit sexual act, sexual assault by penetration, and voyeurism without consent. It outlines and establishes the legal framework for English law's efforts to prevent and punish rape. Additionally, it is the main piece of legislation that addresses child sexual abuse.

European Convention on Human Rights

The text of the Convention is presented as amended by the requirements of Protocol No. 15 (CETS No. 213) as from its admission into force on 1 August 2021 and of Protocol No. 14 (CETS No. 194) as from its entry into force on 1 June 2010 (European Convention on Human Rights, 1950).

Criminal Justice and Immigration Act, 2008 (UK)

An Act to further provide for the administration of criminal justice (including the police) and dealing with offenders and defaulters; to further provide for the management of offenders; to amend the criminal code; to further provide for combating crime and disorder; to provide for the mutual recognition of financial penalties; to amend the Repatriation of Prisoners Act 1984; to amend section 127 of the Criminal Justice and Public Order Act 1994 and to grant power to suspend the application of that section; to make provision for a new immigration status in certain cases involving criminality; to make provision about the automatic deportation of criminals under the UK Borders Act 2007; and for related purposes.

The Protection of Children Act, 1978 (UK)

The Protection of Children Act, which was enacted by the British Parliament in 1978, forbade the taking and publication of indecent photographs of children. It is lawful to use the Act in England and Wales. Both the Protection of Children (Northern Ireland) Order of 1978 and the Civic Government (Scotland) Act of 1982 have comparable rules for Scotland and Northern Ireland, respectively.

The Protection from Sexual Harassment Act, 1997 (England and Wales)

The Protection from Sexual Harassment Act of 1997 covers harassment, stalking, inducing fear of violence, stalking that causes serious alarm or distress, violating an injunction, and violating a restraining order in England and Wales.

The Domestic Violence, Crime and Victims Act, 2004 (UK)

The Domestic Violence, Crime and Victims Act 2004, an act of the British Parliament, deals with criminal justice and places a focus on ensuring legal protection and offering assistance to victims of crime, particularly those who have encountered domestic violence. Additionally, it expands the scope of jury-free trials, supports new guidelines/rules for trial of causing the death of a child or

vulnerable adult, and authorizes the use of force by law officials to enter residential premises.

The Serious Organized Crime and Police Act, 2005 (UK)

The Serious Organized Crime Agency was created and given duties under this law. It also sought to amend the Proceeds of Crime Act of 2002, provide for the establishment of the Serious Organized Crime Agency, provide for investigations, prosecutions, offenders, and witnesses in criminal proceedings, as well as the protection of people involved in those proceedings, and make additional provisions for preventing crime and disorder, such as new rules regarding the use of search warrants, parental reimbursement, and control over arrests.

The Protection of Freedoms Act, 2012 (UK)

The Act removes accessible police powers to preserve biometric data from suspects who are not or convicted of any offence. It also reduces the extent of time for which data can be retained, with only the data of those convicted of the gravest offences being subject to indistinct maintenance.

The Equality Act, 2010 (UK)

The Equality Act 2010 legally protects people from inequity in the workplace and in broad aspects and space of society. It replaced preceding anti-discrimination laws with a sole Act, making the law easier to comprehend and in the process strengthening the protection in some situations. It sets out the dissimilar ways in which it's against the law to treat someone.

The Defamation Act, 1996 (UK)

This act was created to modify the law of defamation and to revise the law of limitation with value to actions for defamation or malicious falsehood.

The Indecent Representation of Women (Prohibition) Act, 1986- India

The Indecent Representation of Women (Prohibition) Act focuses on the inclusion of women in the audiovisual and electronic communications media and to tackle

the concern of objectification of the female. The law also lays down a harsh acquiescence machinery to perform in a cautionary way in which any indecent actions which contradicts law is prohibited.

Alabama Code Title 13A Criminal Code § 13A-6-240

Alabama has a criminal code which has been designed to include revenge porn laws to protect people against the crime. The new law says if someone puts up an intimate image of someone who is nude or engaged in some sort of sexual act and the image is posted without their permission, it is a crime. A personal image under Alabama law simply means, a photograph or video of the person with that person is individual and they are engaged in any kind of sexual act or nakedness or other sexual conduct.

Alaska Statutes Title 11 - Criminal Law

Alaska has the two most important divisions of crimes: felonies and misdemeanors. Felonies are more rigorous crimes than misdemeanors and hold heavier sentences. In adding to misdemeanors and felonies, Alaska classifies offenses on both sides. Violations are non-criminal offenses of lesser strictness such as public indecency. The offenses are harsher than felonies.

Arizona Revised Statutes Title 13 Criminal Code

Arizona Revised Statutes is first and foremost preserved for legislative drafting purposes and reflects the version of law that is effective. It contains classification of offences and punishments.

Arkansas Code Title 5 Criminal Offenses

This contains general provisions, offenses against the person, offenses involving families, dependents, etc., offenses against property, offenses against the administration of government and offenses against public health, safety, or welfare.

California Code, Penal Code

The California penal code consists of crimes and punishments, criminal procedure, imprisonment and the death penalty, prevention of crimes and apprehension of criminals.

Colorado Revised Statutes Title 18 Criminal Code

There are 43 titles in the C.R.S., which are occasionally revised by the Colorado administration. Colorado Revised Statutes are made accessible for public use by the Committee on Legal Services of the Colorado General Assembly.

Connecticut General Statutes Title 53A. Penal Code

The Penal Code includes general provisions, statutory construction, principles of criminal liability and offenses.

Delaware Code Title 11

Delaware Criminal Laws covers a wide variety of criminal laws and issues such as the time limits for filing criminal charges, financial and other property-related crimes, violent crimes, drug laws, and more.

District of Columbia Code Division IV Criminal Law

Division IV of the Columbia covers Criminal law and procedure and prisoners, criminal offenses and penalties, criminal procedure, and prisoners and their treatment.

Florida Statutes Title XLVI

The chapter of the statute defines crimes of different kinds which includes stalking, sexual cyber harassment, assault, battery, and culpable negligence.

Georgia Code Title 16

It contains general provisions criminal liability, defenses to criminal, prosecutions, crimes against the person, criminal attempt, conspiracy, sexual offences, and solicitation.

Hawaii Revised Statutes

The laws in the Hawaii Revised Statutes are passed by the Hawaii State Legislature, which consists of the Hawaii House of Representatives and Senate. The House of Representatives consists of 51 members, while the Senate has 25 members. The members of the House of representative serve up to two-year terms, while the members of the Senate serve a four-year term. The members of each chamber are not given any term limits.

Idaho Statutes Title 18

In February 2016, the Idaho House Bill 555 was proposed to tackle the issues connected with prosecute teens under statutes. House Bill 555 wanted to produce new legislation to address teenage sexting and eliminate such manner from falling under the definition of other laws, such as child pornography statutes exclusively and separately. In April 2016, the bill passed and was codified into law as Idaho Code Section 18-1507A and this new law succeeded in creating independent and separate legislation directed purposely at teenagers sharing sexual images of themselves with others.(Jones, 2019) Idaho Code created the crime of “Video Voyeurism” and defining it essentially in part, as the “dissemination” of images of the “intimate areas of another person or persons without the consent of such other person or persons”

Illinois Statutes

Illinois Crim. Code included Non-consensual dissemination of private sexual images and made it punishable under the code respectively.

Iowa Code

Iowa code makes harassment criminal. The criminal offense of harassment centers on demeanor intended to intimidate, annoy, or create apprehension in another person. It can be possibly charged in the first degree, second degree, or third degree, depending on the seriousness of the conduct.

Kansas Statutes

In Kansas privacy is protected and breach of privacy with intent and without lawful authority which includes disseminating any videotape, photograph, film, or image of an individual person 18 years of age or older who is nude or engaged in sexual activity is punishable. The identifiable person had a reasonable expectation of privacy, and therefore did not give any permission to distribute such imageries and with the intent to harass, threaten or intimidate such person is illegal.

Louisiana Revised Statutes Tit. 14

An Act in Louisiana created the crime of “Nonconsensual disclosure of a private image.”

Maine Criminal Code

In 2015 unauthorized dissemination of certain private images was penalized and subjected to being illegal.

Maryland Code

Maryland Code criminalized the act of “revenge porn” when a person deliberately places on the Internet any private image without permission to intentionally cause serious emotional harm.

Michigan Penal Code

Michigan law prohibits the unlawful use of any electronic intermediary source of communication; doing so could comprise as a felony punishable by incarceration.

Minnesota Statutes Crimes

Minnesota legislators passed a revenge porn law that took effect in August 2016, making Minnesota the 33rd state to ratify a law against deliberately disseminating a private sexual image of another. This is also known as nonconsensual broadcasting of private sexual images, the law states that a person who unlawfully disseminates private sexual images or who solicits sex on behalf of another person without consent is liable to be punished by law.

Revised Statues of Missouri

On June 1, the circulation of what is termed “revenge porn” became a criminal offense in Missouri when legislation went into effect. The law criminalizes acts that are consists of threats by abusive partners, making it a felony offense to allocate, or threaten to share, private sexual images of a person with the objective to harass, threaten or compel that person.(Finley, 2020)

Nevada Revised Statutes Title 15

It is unlawful in Nevada to post or circulate revenge porn, including posting of naked or sexual images online, to embarrass or harass the person depicted in the images. Victims may be able to take legal action against the perpetrator.

New Hampshire Revised Statutes

New Hampshire’s “revenge porn” law is penalizes nonconsensual dissemination of private sexual images. The law came into force on July 19, 2016. A further correct term than “revenge porn” is “nonconsensual pornography” (NCP), which is the sharing of private sexual images without permission.

The New Jersey Code of Criminal Justice

The “revenge porn” New Jersey Code of Criminal Justice law makes it unlawful to allocate sexual images of a person without that person’s approval in totality. In New Jersey, being found guilty of distributing revenge porn is a third-degree crime that can hold a probable jail sentence.

New Mexico Statutes

Statute NM Section 30-37A-1, enacted in the year 2015, states that it is a crime to issue sensitive images without agreement.

North Carolina General Statutes

The General Assembly newly created a new “revenge porn” statute. S.L. 2015-250. The law defines the wrongdoing as disclosure of Private Images. The statute took effect December 1, 2015, and applies to offenses dedicated to the same.

North Dakota Century Code Title 12.1

In the state of North Dakota Criminal Code, it is an offence to allocate or distribute a sexually open image of a person who has a practical belief of confidentiality, with the objective to cause disturbing damage or humiliation to the person depicted in the image.

Oklahoma Statute Title 21

Oklahoma Statute defines revenge porn as posting of revealing or sexually explicit images or videos of a person on the internet without their approval, usually by a former sexual partner, to cause suffering or embarrassment.

Oregon Revised Statutes

Passed in 2015, the revised statutes criminalized publication of intimate images online without the permission of the person in the photo. The objective of the original statute was to stop individuals from humiliating their ex-romantic partners by distribution of nude pictures of them on the web.

Pennsylvania Statutes Title 18

Pennsylvania statutes have been resolute that a person may be charged under this statute if the victim or the offender is positioned in this state.

Rhode Island General Laws

Rhode Island lawmakers had passed a revenge porn bill “H7452/S2450” collectively in April 2018. This bill became law on June 4, 2018. It created Rhode Island General Laws §11-64-3 entitled “Unauthorized Dissemination of Indecent Materials.”

South Dakota Statutes

South Dakota's statutes provide that nonconsensual pornography statute is only applicable to photographs or recordings which were taken without consent.

Tennessee Code Title 39

In 2016, the state of Tennessee became part of the majority of states including "revenge porn". The law at present has no appellate-level direction to support in the plain language of T.C.A. 39-17-318 (Unlawful Exposure).

Texas Penal Code

The Texas Penal Code made criminal disclosure or promotion of intimate visual material an offense as part of the "Revenge Porn" law that restricts what acts committed with photographs and videos depicting nudity or sexual conduct may be considered in the category.

Utah Code Title 76

The crime of dissemination of an intimate photograph or video is defined by Utah Code § 76-5b-203. A person can be found guilty with distribution of a personal image in Utah when he or she supposedly distributes the image to any third person and if the alleged distributor acts "with the objective to create emotional distress or harm" in the person present in the image.

Vermont Statutes Title 13

Under the Vermont Statutes Title 13 disclosures of sexually explicit images without consent of the person whose image has been taken, are subjected to criminalization.

Virginia Code Title 18.2

The Code of Virginia criminalizes any act committed by a person who, with the intention to compel, harass, or intimidate, maliciously distributes or sells any videos or images created by any means whatsoever that depicts the another person represented in the said video or image, is nude, or in a state of undress so as to

depiction of the genitals, pubic area, buttocks, or female breast, where the person depicted is the victim and the distributor knows or has certain reasonability that he is not authorized to disseminate or sell such material.

Washington Revised Code Title 9

Any person who publishes a private or intimate photograph or video of another person with the other person's permission is punishable under Washington law.

West Virginia Code

West Virginia's code criminalizes "revenge porn." The code made it a crime, when with the intent to exhibit publicly, dispense or intimidate to divulge sexually explicit or intimate images of someone else without their permission has been done.

Wisconsin Statutes Crimes

Wisconsin Statutes makes it a criminal act to create or take a private illustration without the authority of a person under conditions in which he or she has a sensible belief of confidentiality, if the person capturing such images or videos knows or has motive to know that the person who is depicted does not give permission to the capture of the intimate representation.

Secondary Sources

Secondary sources include books, articles, publications, policy reviews, newspaper reporting and articles etc. This helped in advanced research and was highly beneficial for the process.

Alisdair A. Gillespie discussed what child pornography is and provides a detailed analysis of the legal and policy framework and examines whether the current system is at all effective at tackling the production and dissemination of abusive material (Alisdair A. Gillespie, 2011).

Prof. (Dr.) R.K. Chaubey (R.K. Chaubey, 2021) has highlighted the importance of 'right to privacy' in information and communication era. He further stated that

due to the advancement of technology, it is possible spies can listen the secret conversations between peoples and the technology provided tools in the hands of cyber criminals to invade the privacy of others. The author has explained everything with cyber law in detail and covered several areas such as cyber forensics, digital investigation, and latest cyber-crimes like crime done through the mobile phones etc. He has also examined the issue of jurisdiction in detail with emphasis on international and national laws and the how to solve the long pending issue of jurisdiction in case of cyber-crimes. He also discusses the issue of intermediaries' liability extensively and highlighted the crime related to the intellectual property rights (Prof. (Dr.) R.K. Chaubey, 2021).

Dr. Talat Fatima highlighted the novel problems faced by the legislatures throughout the world in determining the liability related to cyber-crime with special reference to Information Technology Act, 2000 (Dr. Talat Fatima, 2016).

Vivek Sood in his book addresses the difficulties that criminal justice systems around the world face in defining jurisdiction, conducting cross-border investigations, gathering evidence, and ultimately prosecuting offenders and related topics. This book covers all of these topics in great detail with special focus on Information Technology Act of 2000 and the IT Amended Act of 2008 (Vivek Sood, 2009).

Marilyn Monroe, George Barris

This book is an open journal improved by 150 black-and-white and color photos, many that have never been published before. A highlight is "The Last Photo Shoot" where Marilyn appears incandescently on the beach at Santa Monica and in a North Hollywood house. This moving book focuses on her life, words, struggle, experience and tragedies (Monroe & Barris, 2003).

Debarati Halder and K. Jaishanker

This book is inspired by the individual experiences of the lead author who works as an analyst for cyber-crime victims and takes keen interests in the legal issues

involving discrimination of women in the cyber space and several painful stories retold by the female friends and relatives who had gone through the trauma of being victimized in cyber space. The objective of this book is to recognize and elucidate the mostly unfamiliar crimes of the Internet targeting adult women in particular (Halder & Jaishankar, 2012).

Articles

Jennifer Esposito, The Modern-Day Scarlet Letter: Erasing the Scar of Non-Consensual Pornography through Affirmative Consent

The meaning, causation, and effects of “revenge pornography” are discussed in this article. This paper also highlights that people know what revenge pornography are, but they are completely unaware of the devastating impact that revenge pornography has on victims, the majority of which are women. Because of revenge pornography, victims often suffer from mental illnesses (depression, anxiety, suicidal ideation, post-traumatic stress disorder, etc.), loss of job, isolation, and loss of friends and family. Legal remedies available in US are discussed that several states have revenge pornography laws; however, none have proven to be very effective due to the failure to prove the basic essence of the offence “intent.” This makes it nearly impossible for victims to achieve any sort of justice. Civil remedies available to victims are rare due to victims choosing not to sue to maintain anonymity, the difficulty of proving their case, and most defendants being judgment-proof. Copyright law has shown to be ineffective most take down notices are ignored, and even when they are not, nothing is ever truly deleted from the internet (Esposito, 2018).

Cynthia Barrymore, Criminalization in Context: Involuntariness, Obscenity, and the First Amendment

The First Amendment’s restrictions on the use of obscenity laws to penalize revenge porn are examined in-depth for the first time in this article. Even though no state legislature has classified revenge porn as obscenity, the author of this article contends that they ought to do so since the obscenity context offers the best

protection against a First Amendment challenge. Such rules, if created to outlaw obscenity, would provide states the power to penalize revenge porn vigorously and lawfully, even when the photographer is the one who objects to its distribution or when the distributor distributes it without intending to cause substantial emotional distress. The author offers some recommendations for drafting legally sound legislation to address revenge porn (Barmore, 2015).

Tyrone Kirchengast, Thomas Crofts, The legal and policy contexts of ‘revenge porn’ criminalization: the need for multiple approaches

In response to the non-consensual distribution of personal photos, "revenge porn" has been criminalized. The capacity to share presumed-private photographs via public networks, such as social media, using a smart device or computer, has become a significant issue for the twenty-first century. Individual victims appear to be especially vulnerable to the capacity for image dissemination swiftly. It can be very nasty and damaging conduct, and the offending photographs might remain online. In the past, victims' options included civil law remedies that mandated the removal of such photos in addition to more established criminal offences with broad application. Inaction has frequently been the result of complexity and expense. This essay evaluates the criminalization of "revenge porn" in Australia and makes the case for a variety of graduated and complementary responses, ranging from self-help to public education (Kirchengast & Crofts, 2019).

Jason Haynes, Judicial approaches to combating ‘revenge porn’: a multi-jurisdictional perspective

To combat the threat known as "revenge porn," this article seeks to present a variety of perspectives on the difficulties and complications involved with the many judicial techniques approved in numerous countries. The author's major point in this article is the range of many civil causes of action, including breach of confidence, defamation, infringement of intellectual property, and invasion of privacy. Many theoretical and practical issues have nevertheless emerged in recent years to address the changing dynamics of revenge porn, which courts from

many different jurisdictions, including Australia, Canada, the UK, the USA, New Zealand, and the Commonwealth Caribbean, have found difficult to address. The article concludes by asserting that, though civil causes of action played important role in curbing the offence of revenge and protecting the rights of its victim but it remains invaluable, as it is not proved adequate (Haynes, 2019b).

Scott Stroud, The Dark Side of the Online Self: A Pragmatist Critique of the Growing Plague of Revenge Porn

In this article author gives the understanding of Revenge porn and criticize the growing online trend of “revenge porn,” or the intentional embarrassment of identifiable individuals through the posting of nude images online. The posting of intimate pictures, often done out of motives of revenge due to discord in relations, is also enhanced as websites do not disclose the identity of people who posts the pictures, videos online. This paper also discuss the various laws which are used for forbidding these activities and failure of these laws as problem of Revenge porn is not as simple, it involves complex mixing of privacy interests, online anonymity, copyright, free expression, and general policies concerning Internet regulation (Stroud, 2014).

Sophie Maddocks, From Non-consensual Pornography to Image-based Sexual Abuse: Charting the Course of a Problem with Many Names

In this empirical research author renames and reframes the term ‘Revenge pornography’ to Non-consensual pornography’, ‘image-based sexual abuse’, and ‘digital rape’. The egregious infringement of privacy, also referred to as "revenge pornography," has become new common in the online world. However, the term "revenge pornography" fails to convey the extent and gravity of this injury. It is a victim-blaming phrase that puts the public and government policies at danger of being misinformed. In this article author also discusses the prevailing understanding of the term ‘Revenge Pornography’ exposed few shortcomings to deal with, so there is a need to rename and reframe the term and include all

possible ambits in it, then only offence can be acknowledged and rights of victims can be protected (Maddocks, 2018).

Matthew Hall, Jeff Hearn, Revenge pornography and manhood acts: a discourse analysis of perpetrators' accounts

As a kind of gender-biased violence against women, the author explores the relatively recent phenomena known as "revenge pornography." The author categorizes this offence as a more recent instance of gender abuse and violence. It can be viewed as a different type of gendered abuse and violence, including rape, stalking, and non-contact harassment. According to the online poll "Effects of Revenge Porn" (2013) mentioned in this article, 90% of victims of revenge porn are women, with ages spanning from teenagers to the early thirties. In this article, the author focuses on psychosocial factors of revenge pornography with a particular focus on how males justify uploading pornographic photographs of their ex-partners online. The author identifies two basic "logics" in men's accounting based on analysis. One is centered on how males react to perceived grievance and loss of control, which can range from loss of personal control over one's own status—such as fatherhood—through loss of external power over the woman. The second "logic" is founded on men's (excessive, non-consensual) sexualization of women, which can range from general or abstract sexualization of women to specific, concrete sexualization of women, such as framing her in terms of specific instances of prostitution or promiscuity (Hall & Hearn, 2017).

Ari Ezra Waldman, A Breach of Trust: Fighting Nonconsensual Pornography

The author of this piece contends that in addition to modern legal remedies, attorneys need a variety of tools to address the rise of revenge porn. Lawyers will need to be resourceful and use a variety of civil litigation tools to help their clients attain justice until it is made a federal crime. Some conventional tools, such as the tort of revealing private information to the public or copyright protection for creative works, present practitioners with promising but unfinished solutions. The

tort of breach of confidentiality serves as an extra tool in the civil arsenal of the practitioner, capturing activity that is not covered by copyright law or public revelation of private facts. Additionally, it acknowledges that revenge porn violates trust, a fundamental principle of any society (Waldman, 2015).

Mary Anne Franks, Drafting Effective ‘Revenge Porn’ Law: A Guide for Legislators

The author of this article gives a summary of legislative initiatives made in the US to make "revenge porn," or nonconsensual pornography, illegal. Along with a model statute, data, and case studies, it offers a thorough analysis of the advantages and disadvantages of state laws that have already been passed or are being considered (M. A. Franks, 2014).

Michael Salte, Responding to revenge porn: Challenges to online legal impunity.

The author of this paper believes that as social and sexual life rapidly integrates digital and online technologies, this will act as a new medium for the reproduction and amplification of relational and gendered coercion. This includes, for instance, revenge porn. It is clear that already-existing criminal offences might be used to punish revenge porn actors, but it may be required to create a new crime in order to properly identify the harms caused by revenge porn and signal that it is a significant offence deserving of prosecution (Salter & Crofts, 2015).

Cyber Violence against Women and Girls, A discussion paper from the UN Broadband Commission for Digital development working group on broadband and gender.

The main purpose of this Discussion Paper is to describe awareness to emerging trends and to start deliberations on the implications of these trends on efforts to precede gender equality and the empowerment of women in the digital age. This paper recognizes the wide assortment of issues related to ‘cyber-violence’ and

does not present itself as a full collection of those issues or of projected solutions (Pritchard, 2022).

Aditi Kumar and Eric Rosenbach, Child Pornography: Model Legislation & Global Review

This working paper and report is prepared by the International Centre for Missing & Exploited Children (ICMEC), which is leading a global campaign to safeguard children from sexual abuse, exploitation, and abduction. Leading international coalitions to banish child pornography from the Internet and combat child sexual abuse as a public health epidemic, ICMEC works closely with the Koons Family Institute on International Law & Policy (The Koons Family Institute), the inhouse research arm of ICMEC. The organization is working on protecting children by creating international resources to locate missing children and stop child sexual exploitation, encouraging the development of national operational centers based on a public-private partnership model, creating an international network to disseminate pictures and information about missing children, and offering training to law enforcement, prosecutors, judges, legal professionals, non-governmental organizations, and government officials, their work swears to children and families. Their research, report, and recommendations are focused on international understanding and concern, and to aid the governments around the world to adopt and enact much needed legislation to guard the most innocent victims from the most atrocious of crimes (ADITI KUMAR; ERIC ROSENBACH, 2019).

Dr. Monika Jain, Victimization of Women beneath Cyberspace in Indian Upbringing

The author of this research study reviews and analyses the development of doctrinal tools, such as laws, recommendations, rules, etc., to safeguard women's online privacy and related interests. These instruments help in enacting a field of law and policy which can combat the new evolving cybercrimes and its shades. The major goal is to raise people's awareness of the law and policy surrounding

this issue, which will improve India's standing. There is a vast body of academic research that covers the entire restricted subject, looking at privacy concerns in cyberspace from many different perspectives (Jain, 2017).

Eileen M Alexy, Ann Burgess, Timothy Baker, Shirley A. Smoyak-Perceptions of Cyberstalking among College Students

Research on the phenomenon of cyberstalking is contributed by this article. Six hundred and fifty-six students from a large private institution and one hundred from a state university each participated in the study. Students' responses to a cyberstalking scenario, their use of the Internet, and their online experiences were all the subjects of data collection. In addition, a comparison between students who reported being stalked and those who had been cyberstalked was made. The study's unexpected conclusion was that Caucasian male students had the strongest correlation with cyberstalking, and that male students overall were statistically more likely to have experienced it than female students. The conclusion suggests that the stalker was most likely a former close relationship for those who had been cyberstalked. Additionally, there are recommendations for mental health specialists (Alexy et al., 2005).

Quayle & Taylor, 2002, Pedophiles, Pornography, and the Internet: Assessment Issues

This article examines issues and matters that emerged out of a separation of nine interviews with social workers and probation officers, namely the experiences and thoughts by such practitioners that they did not comprehend the purpose of the Internet for adults with a sexual interest in children. The examination of these data is not examined in detail, rather a challenge is made to tackle the issues raised through a debate on the role of child pornography, and how it is accessed through the Internet and what propositions this might have for assessment. The data was drawn from current research by the COPINE (Combating Pedophile Information Networks in Europe) Project (Quayle & Taylor, 2002).

Wolak, Finkelhor, & Mitchell, 2011, Child Pornography Possessors: Trends in Offender and Case Characteristics

Using data from the National Juvenile Online Victimization Study, a two-wave longitudinal survey of a national sample and data from more than 2,500 U.S. law enforcement agencies, this article shows changes in child pornography (CP) possession cases that ended in arrest in 2000 and in 2006. Compared to 1,713 arrests in 2000, 3,672 arrests are anticipated in 2006 for possessing child pornographic material (Wolak et al., 2011).

Keith.F. Durkin, DeLong, Internet crimes against children

According to the author, Internet crime against children is a contemporary social issue that has attracted significant attention from parents, educators, legislators, and law enforcement officials. Due to several media accounts about this incident, it has gained widespread attention in the United States. Offenses involving child pornography and adult online sex solicitation of kids are also included in this list. The characteristics of offences, perpetrators, and victims have been carefully investigated, and the author has used data from the most recent national polls to support her argument. In this article, a wide range of concerns relating to the evaluation and classification of those who harm children online have been discussed and investigated. Also included are techniques for stopping this behavior and the implementation of online kid protection regulations (Durkin & DeLong, 2012).

Roderic G. Broadhurst, Lennon Y.C. Chang, Cybercrime in Asia: Trends and Challenges

In the article, it is discussed how access to the Internet has increased tenfold or more in China, Indonesia, and India since 2002, and how cybercrime has also significantly increased during this time. This article looks at how the growth of commercial-scale exploit toolkits and criminal networks that concentrate on making money off malware has increased the hazards associated with cybercrime. The 2001 Council of Europe Cybercrime (Budapest) Convention has been briefly

analyzed in the light of the legal system's response in Asia. The authors compare the laws and regulations in Asian states with the standards of the Convention after describing the nature of cybercrime, which includes both "hate" or material and "crime-ware" such botnets. As issues that typically arise around cloud computing, social media, wireless/smart phone applications, and other advancements in digital technology, the difficulties faced in building efficient cross-national policing of cybercrime in Asia have also been addressed (Broadhurst & Chang, 2012).

Emily Laidlaw, Online Shaming, and the Right to Privacy

In this essay, the author explores the development of the privacy theory through an analysis of online shaming, paying particular attention to stalking by internet abusers and communities with the intention of harassing. The discussion looks at how online shaming is defined and organized, as well as the broad categories of shaming of law enforcement that is carried out without authorization by a self-appointed group of people, abuse, bigotry, and scandalous conversations that are used throughout the paper to evaluate various perspectives on the privacy issues that have been raised. Through three major privacy debates—the relationship between privacy and dignity, the right to privacy in public settings, and the social component of privacy—it further investigates humiliation. Some themes emerged from the analysis (Laidlaw, 2017).

Beyond the 'sext': Technology-facilitated sexual violence and harassment against adult women.

Authors explore the various forms of technology-based sexual violence targeting women beyond traditional "sexting." They discuss how technology is used for non-consensual sharing of intimate images (revenge porn), online stalking, and digital coercion, all of which perpetuate gender inequality. The authors emphasize the psychological and social impact of technology-facilitated sexual violence on women, highlighting the challenges victims face when seeking justice and support. They critically assess existing responses and interventions, advocating

for victim-centered approaches that hold perpetrators accountable and challenge victim-blaming attitudes. Overall, the article provides a comprehensive analysis of technology's role in sexual violence against adult women, urging for more comprehensive and robust measures to address this pressing issue (Henry & Powell, 2014).

Lenhart, A., Ybarra, M. L., & Price-Feeney, M. (2016). Online harassment, digital abuse, and cyberstalking in America. Crimes Against Children Research Center.

The authors examine the prevalence and impact of online victimization in the United States. They analyze data on various forms of online harassment, including cyberbullying and cyberstalking, highlighting their pervasive nature and the harm they cause to individuals of all ages. The article emphasizes the emotional and psychological repercussions experienced by victims, particularly children and adolescents. It stresses the importance of intervention and support services to address the consequences of online harassment and abuse. Additionally, the authors discuss the role of technology in facilitating these harmful behaviors and the challenges in preventing and responding to them. They advocate for increased awareness, digital literacy, and effective policies to combat online victimization. Overall, the article offers valuable insights into the scope and consequences of online harassment, digital abuse, and cyberstalking in the United States, urging for comprehensive approaches to protect individuals from such victimization (Lenhart, Ybarra, Zickuhr, et al., 2016).

Starr, Tegan S. Lavis, Tiffany, (2018), Perceptions of Revenge Pornography and Victim Blame

The article explores the nature and characteristics of revenge pornography, which involves the non-consensual distribution of explicit and intimate images or videos of individuals and provide an in-depth analysis of the various aspects of revenge pornography, including its prevalence, motivations of perpetrators, and the impact on victims.

The authors discuss the role of technology in facilitating the spread of revenge pornography, highlighting the internet and social media platforms as major channels for its distribution. They also examine the legal and ethical implications surrounding revenge pornography, addressing issues such as privacy rights and freedom of expression.

Furthermore, the article explores the psychological consequences experienced by victims of revenge pornography, including the emotional distress, harm to personal relationships, and reputational damage that they may endure. The authors emphasize the need for support services and interventions to assist victims in coping with the aftermath of revenge pornography incidents.

Overall, the article contributes to the understanding of revenge pornography as a distinct form of cybercrime. It sheds light on its prevalence, the challenges it presents in legal and ethical contexts, and the impact it has on victims. The insights provided by authors offer valuable information for researchers, policymakers, and practitioners working in the field of cyber criminology (Starr & Lavis, 2018).

Gunther, Sarah (2015), Facebook's "Real Name" Policy: A Violation of the Corporate Responsibility to Respect Human Rights

In this article, the author explores the gendered nature of digital harassment and examines the impact of Facebook's "real name" policy on individuals. The author argues that the policy, which requires users to provide their legal names on the platform, can have adverse consequences for marginalized communities, including victims of revenge pornography. The author discussed how the policy can lead to targeted harassment and abuse, as individuals who use pseudonyms or alternative names to protect their privacy or identity may face significant backlash. The article delves into the experiences of individuals, particularly transgender and gender-nonconforming individuals, who may be forced to reveal their legal names on Facebook and subsequently become vulnerable to online harassment and retaliation. By analyzing cases of harassment, the author

highlights the power dynamics at play and the disproportionate impact on marginalized individuals. Franks emphasizes that the real name policy can perpetuate a hostile environment, further entrenching existing power imbalances and inhibiting users' freedom of expression. This article contributes to the understanding of the complex dynamics of digital harassment and its intersection with identity, particularly within the context of revenge pornography. It underscores the need for social media platforms to consider the implications of policies that may inadvertently expose individuals to harm, highlighting the importance of privacy, safety, and inclusivity for all users (Gunther, 2015).

Henry, N., Powell, A., & Flynn, A. (2017). Image-based sexual abuse: A study on the experiences of affected individuals. *Feminist Criminology*

The article presents a comprehensive study that examines the experiences of individuals who have been victims of image-based sexual abuse. The authors delve into the various forms of abuse, including the non-consensual sharing of explicit images or videos, the impact on victims, and the challenges they face in seeking justice and support.

Through qualitative research methods, authors provide insights into the emotional, psychological, and social consequences experienced by victims. They explore the feelings of violation, shame, and stigma that result from the public dissemination of intimate images without consent.

The article also sheds light on the difficulties victims encounter when navigating the legal system and seeking redress. It highlights the inadequacies of existing legislation and the need for reforms to better protect individuals from image-based sexual abuse.

Furthermore, the authors discuss the role of technology and social media platforms in facilitating image-based sexual abuse. They address the power dynamics, gendered nature of the abuse, and the ways in which societal attitudes perpetuate victim-blaming and further harm survivors.

Overall, this article contributes to the growing body of literature on image-based sexual abuse. It provides a comprehensive understanding of the experiences of victims, the impact of the abuse, and the broader sociocultural context in which it occurs. The findings have important implications for policymakers, legal professionals, and support service providers in developing effective responses to combat image-based sexual abuse and support survivors (Maddocks, 2018).

Henry, Nicola; Powell, Anastasia (2016). Technology-Facilitated Sexual Violence: A Literature Review of Empirical Research

The article examines various aspects of sexting, which refers to the exchange of sexually explicit messages, images, or videos through electronic devices. Authors explore the prevalence of sexting among different populations, including adolescents and adults, and the motivations behind engaging in sexting behaviors.

The authors discuss the potential risks and consequences associated with sexting, such as privacy concerns, the possibility of non-consensual sharing, and the impact on mental health and relationships. They also address the legal implications of sexting, including the criminalization of certain sexting behaviors and the challenges in law enforcement and prosecution. Furthermore, the article explores the role of technology and social media platforms in facilitating sexting behaviors. It discusses the influence of peer pressure, relationship dynamics, and cultural factors on the prevalence and patterns of sexting.

Authors highlight the need for education and prevention strategies to promote safe and responsible sexting practices. They emphasize the importance of comprehensive sex education that addresses the potential risks, consent, and the ethical implications of sexting.

Overall, the article provides a comprehensive overview of the empirical research on sexting. It offers insights into the prevalence, motivations, consequences, and legal aspects of sexting behaviors. The findings contribute to a better understanding of this phenomenon and can inform the development of educational

programs, policies, and interventions aimed at promoting healthy and responsible digital communication (Henry & Powell, 2016).

McGlynn, C., Rackley, E., & Houghton, R, Image Based Sexual Abuse

The article examines the complex relationship between sexting and revenge pornography, addressing the social, legal, and gendered aspects of these phenomena. The authors explore the motivations behind engaging in sexting behaviors and the potential for non-consensual sharing of intimate images.

Furthermore, the article delves into the consequences of revenge pornography, including the harm caused to victims' well-being, relationships, and social standing. It analyzes the legal responses to revenge pornography in different jurisdictions and evaluates their effectiveness in providing justice and support to victims.

The authors also critically examine the existing legal frameworks surrounding sexting and revenge pornography, considering the implications for privacy, consent, and freedom of expression. They discuss the need for a feminist perspective that centers the experiences and agency of individuals involved in sexting and revenge pornography cases.

Moreover, the article addresses the role of technology and social media platforms in facilitating the spread of intimate images and explores the challenges in regulating and combatting revenge pornography in the digital age.

Overall, the article contributes to feminist legal scholarship by providing a nuanced analysis of sexting and revenge pornography. It highlights the importance of considering the gender dynamics and power imbalances inherent in these practices. The authors advocate for legal reform, support services, and education to address the harm caused by revenge pornography and to empower individuals in navigating the complexities of sexting (Mcglynn & Rackley, 2017).

Reaves, B. A., Sex offenses and offenders: An analysis of data on rape and sexual assault

The article examines various aspects of sex offenses, including the prevalence, characteristics of offenders, and patterns of victimization. It draws on data collected through surveys and official crime reporting systems to provide a detailed understanding of the nature and extent of these crimes.

Authors discusses the different types of sexual offenses, including rape, sexual assault, and other forms of non-consensual sexual acts. The article explores the demographic characteristics of offenders, such as age, gender, and relationship to the victim, shedding light on the profiles of those involved in perpetrating these crimes.

Furthermore, the article examines the dynamics of victimization, including the relationship between victims and offenders, the circumstances in which these offenses occur, and the reporting and prosecution rates. It also addresses the factors that may contribute to the underreporting of sexual offenses.

The analysis provided in the article contributes to a better understanding of sex offenses and offenders, aiding in the development of policies and interventions aimed at preventing and addressing these crimes. It highlights the need for comprehensive strategies that prioritize victim support, prevention efforts, and effective law enforcement responses.

Overall, the article serves as a valuable resource for researchers, policymakers, and practitioners in the field of criminal justice and provides important insights into the prevalence, characteristics, and dynamics of sex offenses (Lawrence Greenfeld BJS Statistician, 1997).

Raza, Muhammad Yousaf, Khan, Ali Nawaz, The dark side of social media: Retaliation, fear, and victimization among university students.

In the article the author's focus is on exploring the negative aspects of social media use, specifically in relation to retaliation, fear, and victimization experienced by university students.

The article examines the impact of social media platforms on the lives of students, highlighting the potential for retaliation and victimization in this context. It delves into the various forms of victimization, including cyberbullying, harassment, and the spread of malicious rumors or images.

The authors analyze the psychological consequences of social media victimization, such as increased fear, anxiety, and stress among university students. They discuss the ways in which social media platforms can perpetuate a culture of aggression and contribute to a climate of fear and vulnerability.

Furthermore, the article explores the factors that may contribute to victimization on social media, including personal characteristics, online behaviors, and the influence of peers. It also discusses the role of social media policies and educational interventions in addressing and preventing victimization.

Overall, the article highlights the importance of understanding the negative effects of social media use, particularly in the context of university students. It emphasizes the need for educational institutions to develop strategies that promote safe and responsible online behavior, provide support to victims, and foster a positive and inclusive digital environment.

The insights provided by authors contribute to a broader understanding of the impact of social media on university students and can inform the development of effective interventions and policies to mitigate victimization and create a safer online space for students (Raza et al., 2020).

Albury, K., & Crawford, K., Sexting, consent, and young people's ethics: Beyond Megan's Story

The authors explore the complex intersection of sexting, consent, and ethical considerations among young people. The article moves beyond the well-known case of "Megan's Story" and delves into a broader understanding of sexting behaviors and the ethical dimensions involved. The authors examine the ways in which young people navigate consent and negotiate the boundaries of privacy, intimacy, and digital communication in the context of sexting.

The authors challenge the simplistic narratives surrounding sexting by highlighting the diverse experiences and perspectives of young people. They discuss the complexities of power dynamics, peer pressure, and societal norms that influence sexting practices among young individuals.

Furthermore, the article critically examines the ethical dimensions of sexting, focusing on issues of privacy, autonomy, and respect for individuals' agencies. It explores the ways in which young people make decisions about sexting, the role of informed consent, and the potential for harm or exploitation.

Authors also address the moral panics and moral judgments often associated with sexting, emphasizing the need for nuanced discussions that center on young people's perspectives and experiences. They advocate for comprehensive sex education programs that foster critical thinking, digital literacy, and ethical decision-making skills.

Overall, the article contributes to a more nuanced understanding of sexting and the ethical considerations surrounding it. It encourages a shift away from moralistic approaches towards constructive dialogue and informed guidance for young people. The insights provided by authors inform educational initiatives, policy development, and support services aimed at promoting healthy and responsible digital practices among young individuals (Albury & Crawford, 2012).

Jeff Gavin, Adrian J. Scott, Attributions of victim responsibility in revenge pornography

In the article the author's focus is on exploring the risk and protective factors associated with revenge pornography victimization among adults. The article provides an analysis of the factors that contribute to individuals becoming victims of revenge pornography. It examines the various risk factors that increase the likelihood of experiencing this form of digital abuse, such as prior experiences of intimate partner violence, psychological distress, and engaging in certain online behaviors. Furthermore, the authors identify protective factors that may mitigate the risk of revenge pornography victimization. They explore factors such as self-esteem, social support, and awareness of legal rights that can potentially reduce the likelihood of being targeted and help individuals cope with the aftermath of victimization.

The article also highlights the impact of revenge pornography on victims' well-being, relationships, and sense of security. It underscores the need for comprehensive support services, legal protections, and prevention strategies to address this issue.

Moreover, the authors discuss the implications of their findings for intervention and prevention efforts. They emphasize the importance of raising awareness about revenge pornography, educating individuals about the potential risks, and promoting healthy digital practices.

Overall, this article contributes to the understanding of revenge pornography victimization among adults by examining the risk and protective factors associated with this form of abuse. The insights provided by authors important implications for the development of effective interventions, support services, and policies aimed at preventing and addressing revenge pornography (Gavin & Scott, 2019).

Andrew Koppelman, Revenge pornography & the First Amendment Exceptions

In this article the authors delve into the complex legal and constitutional issues surrounding state revenge pornography laws and their potential impact on freedom of speech.

The article analyzes the intersection of revenge pornography legislation and the First Amendment, focusing on the tensions between protecting individuals from harm and safeguarding free expression rights. Filippov and Krieger examine the legal landscape and various court cases related to revenge pornography laws in different states.

The authors discuss the potential chilling effect on online speech that can result from revenge pornography legislation. They explore the concerns raised regarding overbreadth, vagueness, and the potential for government censorship in the name of protecting individuals from harm.

Furthermore, the article highlights the importance of finding a balance between protecting victims and upholding the principles of free speech. It delves into the challenges in crafting effective revenge pornography laws that can address the harm caused by non-consensual image sharing while respecting constitutional rights.

Authors also discuss the role of technology platforms and the evolving legal landscape surrounding revenge pornography. They examine the responsibilities of online platforms in addressing revenge pornography and the challenges they face in balancing content moderation and free expression.

Overall, the article provides a critical examination of state revenge pornography laws in relation to the First Amendment and the potential impact on online speech. It raises important questions about the legal and ethical considerations at play and highlights the need for thoughtful and balanced approaches in addressing the complex issue of revenge pornography (Koppelman, 2016).

Walker Kate, Sleath Emma Nonconsensual Sharing of Private Sexually Explicit Media Among University Students

In this article, the authors investigate the factors that contribute to both perpetration and victimization of revenge pornography. The article examines the predictors associated with individuals engaging in revenge pornography and being victimized by it. Authors explore various factors, including gender, relationship status, attitudes towards women, attitudes towards privacy, and previous experiences of intimate partner violence.

The authors analyze data to identify significant predictors of revenge pornography perpetration and victimization. They aim to deepen the understanding of the underlying factors that contribute to these harmful behaviors and experiences.

Furthermore, the article discusses the implications of the findings for prevention and intervention efforts. It highlights the importance of addressing attitudes and beliefs related to privacy, gender, and relationships to reduce the likelihood of revenge pornography perpetration and victimization.

The authors also discuss the need for comprehensive education and awareness programs that promote healthy relationships, consent, and respectful digital behaviors. They emphasize the importance of legal and social support systems to assist victims and hold perpetrators accountable.

Overall, this article contributes to our understanding of revenge pornography by examining the predictors associated with both perpetration and victimization. The insights provided by Noble and English inform efforts to prevent revenge pornography and support those affected by it, highlighting the importance of addressing underlying attitudes and beliefs to create a safer and more respectful digital environment (Walker et al., 2021).

Jonsson, L. S., & Svedin, C. G., Online sexual behaviors among Swedish youth: associations to background factors, behaviors and abuse

In this article the focus is on exploring the experiences of Swedish youth regarding online sexual harassment, with a specific emphasis on gender differences. The study investigates the strategies employed by young individuals to cope with such harassment and the emotional impact it has on them. By adopting a gender perspective, the authors analyze how online sexual harassment affects boys and girls differently. The research sheds light on the prevalence and nature of online sexual harassment among Swedish youth and provides valuable insights into the strategies they use to navigate this challenging and concerning aspect of their online experiences (Jonsson et al., 2015).

Bond, E., & Tyrrell, K. Understanding Revenge Pornography: A National Survey of Police Officers and Staff in England and Wales

The focus is on exploring the experiences of young people related to sexting and how they respond to instances of violence and abuse online. The research examines the impact of sexting on young individuals and the ways they cope with the challenges it presents. The study delves into the emotional and psychological consequences of sexting and online abuse, shedding light on the vulnerabilities and pressures young people face in the digital age. By understanding young people's experiences and responses, the authors aim to provide insights that can inform better support systems and interventions to protect young individuals from harm online (Professor Emma Bond et al., 2018).

Gramazio, Sarah, Cadinu Mara, Pagliaro, Stefano, Sexualization of Sexual Harassment Victims Reduces Bystanders' Help: The Mediating Role of Attribution of Immorality and Blame

In this article author delves on exploring the relationship between cyber harassment victimization and the risk of experiencing offline sexual violence, specifically rape. The study examines whether individuals who are targeted with cyber harassment are more vulnerable to becoming victims of physical sexual

violence. The authors aim to shed light on the potential connection between online harassment and offline victimization, particularly in the context of sexual violence. The research provides valuable insights into the broader impact of cyber harassment on individual's safety and well-being and contributes to the understanding of the interplay between online and offline forms of violence (Gramazio et al., 2018).

Powell, A., Henry, N., & Flynn, A, Sexual Violence in a Digital Age

The authors address the issue of victim-blaming and discrediting of survivors of sexual violence and abuse in the context of the digital age. The study examines how digital platforms, social media, and online communities can contribute to victim-blaming narratives and perpetuate harmful stereotypes about survivors. The authors highlight the challenges faced by victims in seeking support and justice due to the negative responses they often encounter online. The article advocates for a more empathetic and supportive approach towards victims of sexual violence in the digital space, emphasizing the need to challenge harmful attitudes and beliefs that contribute to the discrediting of survivors (Powell & Henry, 2017).

Felson, R. B., & Paul, G. L. (2017) Legislative Approaches to Combating 'Revenge Porn': A Multijurisdictional Perspective

In their article authors delve into the multifaceted aspects of revenge pornography. They focus on conceptualizing the victimization experienced by individuals involved in revenge pornography incidents, examining the causes and motivations behind the perpetration of such acts, and exploring the various outcomes and consequences for both victims and perpetrators.

The authors provide a comprehensive theoretical framework to understand the dynamics of revenge pornography, drawing on criminological and victimology perspectives. They analyze the role of technology and digital platforms in facilitating revenge porn and its impact on individual victims, relationships, and society. The article contributes to the existing literature by offering valuable

insights into the complexities of revenge pornography and the need for a more nuanced approach to addressing this form of cyber victimization (Haynes, 2019).

Crofts, Thomas, Kirchengast, Tyrone, A Ladder Approach to Criminalizing Revenge Pornography

In the article author critically evaluates the legal framework in England concerning the non-consensual sharing of intimate images, commonly known as revenge porn. The article examines the effectiveness of the English approach in addressing this issue and providing protection to victims. Author analyzes relevant laws, policies, and legal cases related to revenge porn to assess their strengths and limitations. The evaluation aims to shed light on the challenges faced by the legal system in tackling this form of cybercrime and explores potential areas of improvement to better protect individuals from the harmful consequences of revenge porn (Crofts & Kirchengast, 2019).

Miha Sepac, Revenge Pornography or Non-Consensual Dissemination of Sexually Explicit Material as a Sexual Offence or as a Privacy Violation Offence

Revenge pornography, or non-consensual dissemination of sexually explicit material, has become a new-fangled cyber offence where the perpetrators target the sexual lives of the victims by sharing the sexually unequivocal pictures and videos of a victim online, and therefore damages both the sexual integrity and identity of the victim. In countries with Anglo-American law systems, revenge pornography is being treated as a serious sexual offence. On the other hand, the conventional criminal law systems in countries linger in the continental law system is decisively anchored in the conviction that the attacked asset of revenge pornography is the right to privacy of an individual. Accordingly, the felony in these countries is not taken as sincerely, or punished as harshly, as is the case involving sexual offences. The purpose of this article is multifold: to put forward an ideal criminal law definition for revenge pornography; to point out some dilemmas that the laws face while dealing with revenge pornography; and to

evaluate criminal law legislations of convinced countries of central Europe in order to classify and recommend specific legislative solutions (Šepec, 2019).

Newspaper Articles

Alexa Tsoulis-Reay, A Brief History of Revenge Porn

This article reflects the history of revenge pornography from 2008 to 2013.

Hindustan Times, Pune, By HT Correspondent, Man molests minor threatens to circulate images, booked by Pune police.

In a case of child sexual abuse, a man was booked for molesting and threatening to circulate illicit pictures of the victim, this article reports the timeline of events and actions taken.

Anderson Monica, A Majority of Teens Have Experienced Some Form of Cyberbullying

The reporting says that 59% of U.S. teens have been oppressed or intimidated or harassed online, and a parallel share says it's a major problem for people their age. At the same time, teens mostly consider that teachers, social media companies and politicians are failing at addressing this issue.

Apoorva Mandhani, what is child pornography? What is the punishment for displaying such pornographic content?

The article gives brief information into the changes made in the Protection of Children from Sexual Offences (POCSO) Act, 2012, led by the central government which had finally led to an appropriate definition of child pornography.

Demand for child pornography surged during COVID-19 lockdown: India Child Protection Fund

There was a considerable rise in the demand of child pornography during the Covid 19 lockdown. This report focuses on the same.

Bundesregierung, Children's rights to be enshrined in the German Basic Law

This report focuses on the need for basic law in Germany. In Germany children have all the same fundamental rights as adults but need special protection. This has not until now been explicitly stated in the Basic Law, Germany's constitution and therefore to construct a clear intention as to how important children and their rights are in German society, their rights are to be specifically enshrined in the Basic Law, making them more perceptible.

Cyber-crime in India - statistics & facts

The author of this reporting discusses the statistics and facts of India regarding cyber-crime in India, its statistics, and facts thereof.

The New Indian Express, amid border standoff, Chinese hackers targeted India's power: US firm report

The Galwan clash changed the equation of India-China relationship. During the border standoff there was a sinister web working targeting India's cyber space and important pillars of economy and privacy of the citizens. The information was shared by a US firm. The report centers on the connection between degrading international relations and retaliation to the same through cyber-attack.

Statista, Sharp Increase of Cyber Crime in India during Last Decade

The article reports a surge of cyber-attacks that kept Indian authorities on their toes during the Covid 19 surge in 2020. More than 40,000 attacks were registered around June 2020. According to the report, Cyber-attacks and cyber-crime have seen an immense increase in India during the last decade. Crime cases resulting from cyber-attacks have increased almost 30-fold since 2010, even though the same leads to few attacks that can form a strong case.

UNDOC, Global Programme on Cybercrime

This is an insight into the complex nature of cybercrime, as one that takes place in the borderless dominion of cyberspace and is compounded by the ever-increasing association within organized crime groups. Perpetrators of cybercrime, and their victims, are often situated in different regions, but the effects dominantly spread through societies around the world. This highlights the need to build up an urgent, vibrant, and international response.

UNDOC, Cybercrime

UNODC's response to Cybercrime, evolving form of transnational crime and UNODC promotes long-standing and sustainable capability building in the battle against cybercrime through sustaining national structures and action.

FBI, FBI Launches Sextortion Awareness Campaign in Schools

In this article the FBI is seeking to inform students about Sextortion so that they are aware of the situation and know how to avoid risky situations online and to ask for help if they are being victimized.

Free Press Journal, Mumbai: 57-year-old man falls prey to online Sextortion, FIR registered at Andheri police station.

A recent reporting where a 57-year-old man fell prey to Sextortion despite the fact of age and gender.

The Guardian, UK's revenge porn helpline registers busiest year on record.

The report informed that UK's revenge porn helpline has experienced its busiest year on confirmation, with experts calculating the number of images it deals with will be boosted by 60% in the year 2020.

The Guardian, YouTube star wins damages in landmark UK ‘revenge porn’ case.

The article reports about the YouTube celebrity who has won unparalleled damages against a man who uploaded “revenge pornography” videos of her to the internet.

Miguel Casillas Sandoval, Jolt Digest, People v. Austin: Is Revenge Porn Constitutionally Protected Speech

On October 18, 2019, the Supreme Court of the State of Illinois decided that ruling out the nonconsensual distribution of private sexual images does not unconstitutionally confine freedom of speech, upholding Illinois’ “revenge porn” statute.

Council of Europe, France: Digital Republic Law sanctions against revenge porn

This report informs about France’s digital republic law criminalizing revenge porn crime.

1.3 Scope of Research

This research explores the concept, nature, and key elements of revenge pornography and related cybercrimes. It specifically focuses on the awareness and experiences of women aged 16 to 40 regarding this growing threat. A comparative analysis of legal frameworks in India, the UK, and the USA assesses the effectiveness of existing laws in protecting victims and prosecuting offenders. aims to comprehend the concept, nature, and element of revenge pornography and related offences Additionally, the researcher evaluates current awareness levels and explores potential educational initiatives to enhance understanding and prevention efforts, ultimately contributing valuable insights to improve responses to this critical issue.

1.4 Aims and Objectives of Research

- a. To understand the meaning of the term revenge pornography.
- b. To find out the causation behind the revenge pornography.

- c. To analyze prevailing laws and case laws in India dealing with revenge pornography, Non-Consensual Production and Distribution of intimate content and remedies available to victims.
- d. To Study the Legal Approach used by USA & UK to deal with offences related to Revenge Pornography.
- e. To find the gap between India's Legal Status with USA & UK Laws and the improvement need to be made to protect the rights of victims.

1.5 Research Questions

1. What is the meaning of revenge pornography?
2. What are the reasons behind the occurrence of the crimes?
3. What are the merits and limitations of existing Indian laws in responding to the cases of revenge pornography, child pornography, non-consensual production, and distribution of intimate content?
4. What is the effectiveness of current laws to deal with revenge pornography by referring to the case laws?
5. What are the remedies available for victims of online sexual abuse?
6. Why there is a need for the new legislative model in India for responding to the cases of revenge pornography, child pornography, non-consensual production, and distribution of intimate content?
7. How UK & USA laws are dealing with this menace in comparison to Indian Laws?

1.6 Methodology

The **Universe of the Study: Delhi:** The research was conducted in Delhi due to its high incidence of cybercrime, as reported by the National Crime Records Bureau 2022 (National Crime Record Bureau, 2022). Conducting the study in Delhi also offered practical benefits, including convenience and accessibility for the researcher as she belongs to the area.

Sample Size: The researcher collected data from 400 women. This sample size

was determined using the Yamane formula, which indicated that 400 participants would provide a statistically significant representation.

Respondents: The selected age range of 16-40 was chosen based on a report indicating that internet usage among individuals aged 16-39 is exceptionally high, with 91% using the internet daily, followed by 87% in the 40-49 age group (Chetan Thathoo, 2022). This high internet usage rate makes this demographic particularly relevant for studying the impact of online revenge pornography.

Methodology: The quantitative data was collected through questionnaire. The questionnaire was prepared to ascertain the awareness about the phenomenon of revenge pornography. It had close ended questions so that the data can be analysed effectively.

1.7 Research Gap

A significant research gap of this study is the availability of a limited number of resources specific to the issue of revenge pornography in India, as there are no designated or specific laws for this offense in the country. Although the researcher relies on information and insights derived from books and research publications available to the researcher, these sources may not completely cover this topic. However, efforts are being made by researcher to provide fundamental work for understanding the existing legal and social frameworks for this offence.

In empirical study, survey methods have been used. The survey method has been conducted through Google form by approaching females of 16-40 age groups.

1.8 Significance

The present study is important as there is a lack of research on revenge pornography in India. Sufficient books are also not available in this area which depicts a dearth of awareness and study. The increasing number of cases on pornography and revenge pornography in India, requires support from the Government and the agencies working in the field of pornography. The current study explains the existing legislation in India and other developed countries. Thus, the study would be significant, researchers are going to analyze the problem areas in Revenge pornography, the approach towards the menace and the

measures implemented by the world.

1.9 Limitations

The study is primarily focused on understanding the concept of revenge pornography and its related laws in India. An empirical study was conducted by the researcher to explore the socio-legal experiences of women, their awareness about the issue, social, and legal challenges. There are few limitations of the research

1. Since the study is based in New Delhi, the results cannot be generalised for Pan India.
2. Due to the stigma attached to the survivors, the researcher was unable to collect data from them (Adler & Chenoa Cooper, 2022)
3. The multi-jurisdictional approach was adopted only for the purpose of comparative study and literature review and not for the purpose of collecting empirical data.

Since, this research is primarily doctrinal, with conclusions and suggestions drawn from a comparative analysis of laws across multiple countries. The empirical study conducted in Chapter 6 serves as a supplementary component to the doctrinal research. Given that the empirical data is incidental to the main doctrinal research, the findings and recommendations are not solely based on the empirical analysis, which might limit the empirical vigour of the conclusions.

These limitations not only clarify the study's boundaries but also open ways for further exploration to enhance the understanding and address the gaps in the legal and policy context of revenge pornography.

1.10 Chapterisation

The scheme of research has been divided into the following chapters.

Chapter 1: Introduction - This chapter is an introductory chapter which will identify the problem, outlines the objectives, methodology of study and scheme of study for rest of the work.

Chapter 2: Revenge Pornography: A conceptual Framework - In this chapter

researcher will discuss why it is important to distinguish revenge pornography, child pornography, non-consensual production, and distribution of intimate content from conventional understanding of the term pornography. It also explains the nature, rationale, and effects of Revenge pornography.

Chapter 3: Legal Framework Addressing Revenge Pornography in USA & UK- This chapter will cover the laws available to address the issue of pornography, cyber-crimes, child pornography and revenge pornography and remedies available to the victims. It will include landmark cases and judgments. This chapter will also cover the various International and regional Organizations responding to Cyber Crime and Child Pornography laws as a whole and other parts of the world.

Chapter 4: Critical Analysis of National legal Regime- In this chapter researcher will discuss what are the merits and limitations of existing Indian laws for responding to the cases of revenge pornography. Child pornography and cyber-crime laws of India along with the internet crimes against women and children and customary Indian laws for women subjected to crimes, will also be covered here.

Chapter 5: Judicial Response on Revenge Pornography- In this chapter researcher will discuss several landmark cases to understand the practical scenario regarding the problems faced by judiciary and investigative authorities while dealing with cases of revenge pornography and criticize the current framework of the laws.

Chapter 6: Data Analysis vis-vis Revenge Pornography- In this chapter researcher will analyze the data collected through Google questionnaire and verbal interviews, which will also include victim interview and personal experience of the author as a cyber-crime victim.

Chapter 7: Conclusion & Suggestions - This chapter is a concluding chapter which includes certain suggestions and recommendations.

CHAPTER 2

REVENGE PORNOGRAPHY: A CONCEPTUAL FRAMEWORK

2.1 Introduction-

The researcher aims to cover the concept and definition of revenge pornography, its genesis and development and its various incarnations. The misuse of the term of ‘revenge porn’ and the long-standing battle to stop the misuse will also be covered in this chapter.

Crime has been an inseparable companion of human society, growing alongside civilization and evolving continuously. This connection between humanity and criminality persists in various facets of life, and the internet is no exception. Although originally designed for the collective benefit, the internet’s positive aspects have inadvertently given rise to a darker side, as humans exploit the vast potential of cyberspace to commit modern-day crimes. Cybercrime, as the most advanced form of contemporary criminal activity, poses two primary threats. First, there is the direct targeting of computers and internet devices, involving identity theft, hacking, spam, phishing, website defacement, denial-of-service attacks, and bot infections. Second, computers are utilized as tools to perpetrate harm on individuals through activities like stalking, blackmailing, online gambling, smuggling, and facilitating transactions for trafficking in drugs, humans, weapons, and precious metals.

The evolution of cybercrime is intricately linked to emerging technologies, and the widespread accessibility of the internet renders a large segment of the population

vulnerable to such offenses. The extent of vulnerability correlates directly with an individual's reliance on the internet for various aspects of modern life, from booking train tickets and making online purchases to paying bills, school fees, and taxes. Cyber-crime specifically refers to criminal activities related to computers and networks. William Gibson, credited with coining the term "cyberspace" in his literary work 'Neuromancer', envisioned electronic activities unfolding in a virtual world (Owens, 2017). To understand the motivations behind cybercrimes, Jaishankar introduced the 'Space Transition Theory,' delineating how an individual's behavior differs in physical and cyber spaces, potentially leading to criminal activities in cyberspace (Jaishankar, 2007).

With the advent of technology and the gradual decrease of patience in human beings many kinds of crimes are redefining themselves in many ways; revenge pornography is one of them. While the world is torn between introverts, extroverts, and ambiverts, privacy has become a debatable topic. The emotionless depiction of other's intimate moments and invading their personal space for some twisted reason is a threat to the privacy of many individuals. The degraded mentality of human beings has reached its utmost low. Revenge Pornography is one of the ways to complete such perverse desires. We can't close our eyes to the fact that these individuals who resort to such revenge roam free among us along with others who find sick pleasure in searching, watching, downloading, and even circulating such videos for monetary purposes. It would be unfair to point out any specific gender victimized by this crime because age and gender do not bound

these activities. The most targeted population is women and children, though even men are being included nowadays.

Understanding the concept of revenge pornography requires a discussion of pornography, as the phrase "revenge pornography" is frequently used to characterize the non-consensual broadcast of intimate photographs, sometimes of a sexual nature. The phrase itself suggests a connection to pornography, which might cause misunderstandings regarding the nature of the crime and its effects. It contributes to exposing myths, opposing victim-blaming ideologies, and addressing more general societal issues including consent, objectification, and privacy.

The two terms 'cyber pornography' and 'Revenge pornography' are different concepts. While cyber pornography is the representation of sexual subject or matter for the sole purpose of sexual arousal, 'Revenge pornography' is committed with the object to cause distress to the victim, to exact revenge. The only common element that exists between the two is that the objective is the subject matter which is 'sexual' in nature. Any piece of art that deals substantively with erotically stimulating or sexually arousing subject matter is referred to as erotica. Painting, sculpture, photography, drama, film, music, and literature are all examples of art that can represent sensual content. Erotica is distinguished from commercial pornography by its high-art aspirations. Pornography is a creative effort (writing, images, videos, etc.) that has no literary or artistic purpose other than to arouse sexual desire.

2.2 Cyber Pornography

The prevalence of Cyber Pornography has become a contentious issue in the era of widespread Internet use. Its easy accessibility has instigated concerns, triggering a sense of fear and moral panic within government bodies, law enforcement agencies, and civil society. Pornography, known for its addictive content, has a profound impact on the lives of countless individuals, posing a

serious threat to their health, safety, and overall well-being, as well as that of families and society. The gravity of the issue is intensified when it comes to child pornography, where the apprehension reaches even greater heights. The term ‘pornography’ encompasses explicit graphic content, such as pictures, videos, or movies, which often degrade and dehumanize individuals, predominantly women and children, reducing them to mere sexual objects. Victims in pornography are frequently subjected to rape, abuse, and coerced into participating in degrading acts. Studies reveal that the sex industry, including pornography, stands as one of the largest and most profitable global industries, surpassing even major sports leagues and possibly eclipsing Hollywood. The revenues generated by the pornography industry exceed the combined earnings of top technology giants, including Microsoft, Google, Amazon, eBay, Yahoo!, Apple, Netflix, and EarthLink (Media, 2006). As per the statistics every second witnesses a substantial expenditure of \$3,075.64 on pornography worldwide, with 28,258 Internet users viewing explicit content and 372 users entering adult search terms into search engines (Media, 2006). Additionally, a new pornographic video is created approximately every 39 minutes in the United States alone (Media, 2006). India ranks fifth globally in terms of daily visitors to porn sites. The pornography industry continues to burgeon, captivating tens of thousands of individuals, both young and old, while exploiting thousands more to satiate the demand driven by lust and obsession.

2.2.1 Defining Pornography

According to Merriam-Webster dictionary pornography can be defined as

1. *“The illustration of erotic activities, in pictures or writing which intends to cause sexual stimulation.*
2. *Any material such as books or a photograph that depicts erotic manners and is intended to cause sexual excitement.*
3. *The depictions of these acts are done in such a sensational manner that it arouses a quick intense emotional reaction.”*

According to Peter and Valkenburg pornography as professionally derived, or user-generated pictures or videos (clips) intended to sexually arouse the viewer. These include videos and pictures depicting sexual activities, such as masturbation, oral sex, as well as vaginal and anal penetration, in an unconcealed way, often with a close-up on genitals (Peter & Valkenburg, 2016).

According to Russel (1993), pornography denotes ‘materials that combine sex and/or exposure of genitals with abuse or degradation in a manner that appears to endorse, condone or encourage such behaviors (Halder & Jaishankar, 2017). According to Dworkin and MacKinnon, pornography is the ‘graphic sexually explicit subordination of women’. According to Malamuth, ‘pornography literally means the “writing of harlots” or depiction of acts of prostitutes. It has come to mean materials intended to arouse sexual feelings that may include sexist or violent elements’ (Halder & Jaishankar, 2017).

In contemporary society, the term ‘pornography’ encompasses the portrayal of sexual behavior in various forms such as books, pictures, statues, motion pictures, and other media with the explicit intent of eliciting sexual excitement in its audience. Gordon Hawkins and Frank Zimring highlight a crucial aspect in any discourse surrounding the censorship or prohibition of pornographic material: the need for a clear definition of pornography (Hawkins, Gordon; Zimring, 1991). They question the certainty of identifying it universally, emphasizing that even if people recognize it when they see it and collectively agree on its suppression, there remains a lingering doubt about the genuineness of such consensus (Hawkins, Gordon; Zimring, 1991).

The most influential modern definitions of pornography largely trace their origins back to Andrea Dworkin and Catharine MacKinnon’s 1983 ordinance for Minneapolis (Strossen, 1993). These definitions delve into the graphic and sexually explicit subordination of women, encompassing portrayals that dehumanize women as sexual objects, depict enjoyment of pain or humiliation, showcase pleasure in being raped, or involve scenarios of degradation, injury, or

torture. This understanding underscores the complex nature of discussions around the definition and regulation of pornography in contemporary contexts (Yeung, 1991).

The term 'pornography' as such has not found any legal definition in jurisdictions including India, the United States, the United Kingdom and so on, unless it is coupled with the term 'child'. Child pornography has remained a concern for a long time, and this was reflected in the European Union Convention of Cybercrime, 2001, which pushed the birth of many cyber-crime regulations, including that of India. Pornography can be defined as sexually explicit material designed to produce sexual arousal in consumers in a way that is deemed negative, pornography, by this definition, is inherently considered bad. Material that does not fall within this specific negative context is not classified as pornography (Yeung, 1991). As a visual misrepresentation of sexuality, pornography distorts an individual's concept of sexual relations by objectifying them, leading to alterations in both sexual attitudes and behavior. It poses a significant threat to marriage, family, children, and individual happiness. Scholars from various fields, including social scientists, clinical psychologists, and biologists, have initiated efforts to elucidate the social and psychological effects of pornography.

As per research conducted by Fagan (2009) indicates that pornography consumption, particularly of a more hardcore or violent nature, has negative effects on individuals and society (Fagan, 2009). This includes depictions where women are presented as dehumanized sexual objects, commodities, or things. It also involves scenarios where women are portrayed enjoying pain or humiliation, experiencing sexual pleasure in instances of rape, being tied up, cut up, mutilated, bruised, or physically hurt. Additionally, women may be presented in postures of sexual submission, servility, or display, with a focus on exhibiting specific body parts, such as vaginas, breasts, and buttocks, reducing women to those components (Fagan, 2009). Other aspects include portraying women as inherently

promiscuous or as engaging in explicit acts with objects or animals, as well as depicting scenarios of degradation, injury, torture, where women are shown as filthy, inferior, bleeding, bruised, or hurt, with these conditions presented in a sexual context. While more studies are needed, a growing body of research strongly suggests that such pornography may negatively impact interpersonal relationships, sexual health, and performance, as well as societal expectations regarding sexual behavior. Widespread consumption of pornography appears to pose a serious challenge to public health and the well-being of individuals and families.

2.2.2 It's not a 'new' concept

Throughout history, pornographic material and sexually explicit depictions have existed, but the formal concept of pornography as understood today began to take shape in the 19th century. France witnessed the rise of pornography in the 18th century, notably in various forms like postcards, posters, and playing cards. Although these images might appear tame by modern standards, they were considered controversial at the time. The 18th century in Western culture saw the proliferation of pornography with the advent of printing methods, and notable works like John Cleland's 'Fanny Hill' gained recognition. In Japan, Makura-e, or pillow pictures, served both amusement and educational purposes for married couples during the Tokugawa period (1603–1867) (Halperin, 1989). Marquis de Sade's writings, such as 'Justine,' combined orgiastic scenes with theoretical discussions on societal issues (Halperin, 1989). In 1837, London's Holywell Street, known as "Booksellers' Row," hosted over 50 pornographic shops, a trend that continued into the Victorian Age (Pratima & Mahananda, 2019). The early 1860s marked a period when pornography was limited to cave art, artistic drawings, and sculptures. Ancient Greece and Rome featured depictions of orgiastic scenes and works like Giovanni Boccaccio's 'Decameron' were explicit and immoral. The Roman poet Ovid's 'Ars amatorial' (Art of Love), an essay on the art of seduction and sensual arousal, was prevalent during that time. 'The

Pearl' (1879–80) and 'My Secret Life' (1890) provided vivid portrayals of sexual activity. From 1977 to 1991, publications advertised pornographic content, and the advent of VCRs further popularized access to such material (Robert Weiss, 2020). In India, the temples at Khajuraho, built between 885 AD and 1050 AD, feature erotic sculptures that challenge stereotypes about India's conservative society. The country also boasts the "Kamasutra," one of the world's oldest textbooks of erotic love, composed in northern India in Sanskrit, probably in the second century (Wendy Doniger, 2016).

2.2.3 Components of Cyber Pornography

The issue of cyber pornography can be divided into three distinct components: the production, distribution, and downloading of explicit images. In some instances, individuals may be involved in each stage, yet some producers or distributors of pornography may be primarily motivated by financial gain and not necessarily sexually attracted to the content.

Production: Pornographic material is produced in countries where it is legalized. The United States stands as the leading producer of video pornography, with notable entities such as Vivid Entertainment, Hustler, Playboy, Wicked Pictures, and Red-Light District. Brazil ranks second in video pornography production, facilitated by companies like Frenesi Films, Pau Brazil, and Marco Studio (Wortley & Smallbone, 2012).

The production of pornography material occurs through three main methods:

Cinematographic Production: This is the most common method and has been in practice for a century. It encompasses both hardcore and soft-core pornography, typically undertaken professionally.

Mobile Phones with Cameras: The advent of mobile phones with built-in cameras has accelerated the production of pornographic material. This method, unlike cinematographic production, is not professional and has gained prominence in the last decade due to technological advancements.

Computer-Generated Graphics: Pornography was identified early on as a prominent application for computer graphics and 3D rendering. Until the late 1990s, the cost-effective production of digitally manipulated pornography was challenging. In the early 2000s, with advancements in modeling and animation software and improved rendering capabilities of computers, computer-generated pornography gained traction. As of 2004, it includes situations involving children and sex with fictional characters, such as Lara Croft. Notably, 3D technology has influenced the production of pornography, with the first 3D adult film, "3D Sex and Zen: Extreme Ecstasy," released in Hong Kong in April 2011 (Wortley & Smallbone, 2012).

Distribution: Historically, the distribution of pornographic material was confined to physical forms, involving the sale and distribution of tangible items. Consequently, access to such material was limited, and monitoring was more manageable. However, with the advent of the internet, the uploading and dissemination of pornographic images have become remarkably easy and feasible. This is achieved through various means, including uploading content on websites, or exchanging it via email, instant messages, newsgroups, bulletin boards, chat rooms, and peer-to-peer (P2P) networks. These materials are stored on servers located worldwide, contributing to their widespread availability. Additionally, distribution occurs through spam advertising, where pornographic content is promoted through unsolicited emails or pop-up links that appear on unrelated websites. Users may also inadvertently land on a pornography website, perhaps by mistyping a keyword. The distribution landscape involves not only established pornography-producing companies operating for financial gain but also a significant contribution from individual amateurs who may not seek financial rewards for their efforts. This shift in distribution methods underscores the challenges in monitoring and controlling access to explicit content in the digital age.

Downloading: Like distribution, access to pornographic material has been greatly facilitated through the internet. Nowadays, any individual, including children, can easily access explicit content from any computer or mobile phone with an internet connection. They can actively seek out pornographic websites or subscribe to groups dedicated to pornography. Consequently, the impact of pornography has multiplied significantly with the widespread use of the internet. The challenge lies in the increased difficulty of monitoring distribution, making explicit content readily available not only to individuals in countries where pornography is prohibited but also to children worldwide. These three interconnected problems—production, distribution, and downloading—contribute to the accessibility and abundance of pornographic material. This material is accessible to those actively seeking it and even to those who inadvertently encounter it through spam emails and similar means. The internet has created a landscape where explicit content is easily accessible, posing concerns for individuals intentionally seeking it out and those inadvertently exposed, including children.

2.2.4 Challenges in Dealing with Cyber Pornography

The swift evolution of the Internet and other information systems has given rise to a novel economic sector, fostering rapid flows of information, products, and services across national borders, significantly contributing to economic growth. However, this development has concurrently opened avenues for criminals to engage in new patterns of criminal activities, utilizing the internet as a medium. These criminal activities are continually evolving, presenting challenges for legislation and operational law enforcement to keep pace. The inherent cross-border nature of these crimes necessitates enhanced cross-border law enforcement (Foggetti, 2008).

One prominent form of cybercrime is pornography, and the internet has exacerbated this issue by increasing the volume of available material, enhancing its distribution efficiency, and simplifying accessibility. The internet allows access to an extensive array of pornographic content worldwide, making it

exceedingly challenging to detect and prevent its distribution. Moreover, there is a notable lack of consensus, both nationally and internationally, on how to address this issue. Some advocate for a global internet regulation system, while others contend that strategies like the development of filtering technologies are more appropriate. According to The Delhi High Court, (*Avnish Bajaj vs State (N.C.T.) Of Delhi*, 2004) "The regulation of pornography on the internet has posed a serious challenge to governments and legislatures primarily due to the nature of the medium." The easy accessibility, even for children, of digital pornographic material, including video clips, and its rapid transmission across the world wide web, compounded by the absence of effective filters to screen objectionable content, further complicates the challenge. The court aptly recognizes that "controlling pornography on the internet is problematic because we may not know from whom or from where the material originates, how many people are receiving the information, or if the material is crossing international boundaries." Addressing these multifaceted challenges requires a comprehensive and collaborative approach on both national and international levels.

Challenges Posed by Pornography in Cyberspace:

Several significant challenges arise from the prevalence of pornography in cyberspace:

1. The Structure of the Internet:

The decentralized nature of the Internet poses a formidable challenge in controlling pornography. With no single controlling agency or storage facility, the internet's structure allows for alternative pathways if one is blocked. Even if a website or newsgroup is shut down, numerous others can instantly take its place. This decentralization is evident in peer-to-peer (P2P) networks, where direct connections among computers bypass the need for a central server. The Internet's decentralized character is often considered ungovernable, presenting a challenge to restriction efforts (Wortley & Smallbone, 2012).

2. Uncertainties of Jurisdiction:

The Internet, being an international communication tool, transcends jurisdictional boundaries. Effective tracking of offenders across jurisdictions requires cooperation among law enforcement agencies to coordinate resources and prevent duplication of efforts. Parallel operations from different jurisdictions may inadvertently target the same organization or offender. Furthermore, investigating pornography on the Internet becomes problematic when the origin of images is unknown, raising questions about which jurisdiction is responsible for the investigation. This uncertainty can result in pornography crimes going uninvestigated due to a lack of clear law enforcement jurisdiction (Foggetti, 2008).

3. Lack of Regulation:

Regulating the Internet is inherently challenging, and many jurisdictions are hesitant to introduce laws that might control its use. Debates persist regarding the balance between community protection, freedom of speech, and commercial interests. The legal ambiguity extends to the liability of Internet Service Providers (ISPs) for the material they carry—whether they should be treated like television stations or viewed merely as conduits. Consequently, ISPs' legal obligations concerning internet pornography are often unclear, and the emphasis has largely been on self-regulation. The lack of comprehensive regulation further complicates efforts to address the proliferation of pornography on the Internet (Halder & Jaishankar, 2012).

4. Legislative Disparities:

Efforts to regulate the Internet face hindrance due to variations in legislation across jurisdictions. The control of pornography is impeded by differences in laws and levels of permissiveness. For instance, the definition of a child varies from under 18 in the United States to 16 in Australia. Countries also differ in their

commitment to enforcing laws against offenders, influenced by cultural factors or corruption (Krone, 2004).

5. Offender Expertise:

The typology of Internet offending behavior reveals a spectrum of offenders with varying degrees of expertise. Veteran offenders often employ sophisticated security measures to evade detection, while less experienced individuals may be the primary targets of Internet sting operations (Forde & Patterson, 1998). This discrepancy highlights the need for law enforcement to adapt strategies to effectively tackle offenders with diverse technological skills.

6. Advancements in Internet Technology:

Rapid advancements in Internet technology contribute to the sophistication of offenders. Beyond peer-to-peer (P2P) networks, recent developments include re-mailers (servers stripping sender identities from emails) and file encryption (data hiding or scrambling). A technological race ensues between Internet pornographers and law enforcement agencies, posing a continual challenge to stay ahead of evolving technologies.

7. Volume of Internet Activity:

The sheer volume of pornography online makes tracking every visitor to a pornography site an impossible task. Offenders are aware that the likelihood of being caught is remote, contributing to a sense of impunity. Targeting peripheral offenders or disrupting individual networks, while potentially worthwhile activities, may have limited overall impact given the scale of the problem. Addressing cyber pornography requires a strategic approach that considers these challenges and adapts to the evolving landscape of the digital realm.

2.3 Diverse Facets of Cyber Pornography Offenses

2.3.1 Obscenity

The traditional legal stance on obscenity in India is articulated in Sections 292-294 of the Indian Penal Code, 1860. The IPC has adopted the term ‘obscenity’ from English law, often using the term interchangeably with ‘pornography.’ However, a nuanced distinction has been recognized, stating that while both terms involve materials that may offend public decency and morals, pornography is considered a more aggravated form of obscenity. Section 292 of the IPC classifies obscenity under three categories for the purpose of the section: Lasciviousness, Appealing to the prurient interest, Tending to deprave and corrupt persons who are likely, considering all relevant circumstances, to read, see, or hear the matter contained or embodied in it.

The depiction of a woman designed to provoke impure thoughts in the minds of ordinary individuals of normal temperament is included within this definition. The interpretation of ‘obscenity’ hinges on whether the material’s tendency is to evoke lewd, lustful, or salacious interest in sexual matters. In essence, if the depiction is deemed to produce a pernicious effect in depraving and debauching the minds of those who may encounter it, the material may be labeled as ‘obscene.’ This legal framework seeks to balance the protection of public decency and morals with the need to address explicit content that has the potential to negatively impact societal values.

In the case of *Ranjit D. Udeshi v. State of Maharashtra*, the Supreme Court endorsed a test of obscenity articulated, C.J., stating that the material should be considered obscene if its tendency is to deprave and corrupt those susceptible to immoral influences, particularly if it falls into the hands of the young or persons of more advanced years, evoking impure and libidinous thoughts (*Ranjit Udeshi v State of Maharashtra*, 1965).

The Supreme Court in *Director General of Doordarshan & Ors v. Anand Patwardhan*, while refereeing the Hicklin's test (*R. v. Hicklin*, 1868), outlined the basic criteria for determining obscenity:

- (a) Whether the average person, applying contemporary community standards, would find that the work, taken as a whole, appeals to prurient interest.
- (b) Whether the work depicts or describes, in a patently offensive way, sexual conduct specifically defined by applicable state law.
- (c) Whether the work, taken as a whole, lacks serious literary, artistic, political, or scientific value (*Director General of Doordarshan & Ors v. Anand Patwardhan*, 2006).

In the *Ajay Goswami* case, the Supreme Court emphasized that when the treatment of sex becomes offensive to public decency and morality, judged by prevailing standards in society, the work may be deemed obscene. The concept of obscenity varies from country to country based on the contemporary standards of morality (*Ajay Goswami v Union of India*, 2007).

Rejecting Hicklin's test as outdated, the Court has adopted the "community standard test," wherein obscenity is evaluated from the perspective of an average person using contemporary community standards. It is interesting to note that both making pornography available as well as its possession are offences (*Chandrakant Kakodhar v State of Maharashtra*, 1970). To escape liability, the onus is on the accused to prove lack of knowledge about the obscene or indecent contents of the material in question (*State of Karnataka v. Basheer*, 1979). This legal framework seeks to balance freedom of expression with the need to regulate explicit content for the protection of public decency and morality.

Section 292 of the Indian Penal Code (IPC) comprehensively outlines the circumstances constituting an offense related to 'obscenity' and/or any 'obscene' material. A straightforward interpretation of Section 292 suggests that mere possession of obscene material for personal use, without any intention to

undertake specified activities such as selling, letting to hire, distributing, importing, or exporting, may not be an offense under this section. In *Jagdish Chawla and others v. The State of Rajasthan*, an individual was caught watching an obscene film on television using a VCR, and both the VCR and cassette were seized. A case under Section 292 of the IPC was initiated. The accused sought the quashing of proceedings in the High Court, which ruled that mere possession of a blue film would not render a person guilty under Section 292 unless it could be further proven that the purpose was for selling or letting it on hire. However, it's essential to note that prosecution may still be possible for the mere possession of obscene material. An argument could be made that even if an individual is solely in possession of such material for personal use, they may still be seen as aiding and abetting the publication, sale, hire, distribution, etc., of obscene material, which constitutes an offense under Section 292. This emphasizes the importance of understanding the legal implications surrounding the possession of obscene material, even for personal use (Anchayil & Mattamana, 2010).

The Information Technology Act, 2000: Combating Online Obscenity

Recognizing the increasing threat of online pornography, the Indian Government responded by enacting the Information Technology Act, 2000, which specifically addresses issues of obscenity on the internet. Internet censorship in India has been stringent, with various attempts to filter content, including government-mandated filtering by instructing Internet Service Providers (ISPs) to block access to certain social networking sites like Orkut due to concerns about their content (Anchayil & Mattamana, 2010). The Information Technology Act, 2000, was introduced to align with the United Nations Commission on International Trade Law (UNCITRAL) Model Law on Electronic Commerce, ensuring compliance with UN resolutions. The Act, coupled with ISP guidelines, places a significant burden on ISPs, requiring them to actively monitor content transmitted through their networks.

Section 67 of the Act outlines the legal provisions related to obscenity online:

"Whoever publishes or transmits or causes to be published or transmitted in electronic form any material which is lascivious or appeals to the prurient interest, or if its effect is such as to tend to deprave and corrupt persons who are likely, having regard to all relevant circumstances, to read, see, or hear the matter contained or embodied in it, shall be punished on first conviction with imprisonment of either description for a term which may extend to three years and with a fine which may extend to five lakh rupees. In the event of a second or subsequent conviction, the punishment may extend to imprisonment for a term up to five years and a fine up to ten lakh rupees."

This legal framework reflects the government's commitment to combatting online obscenity and maintaining a secure digital environment. Regulating Online Obscenity: Section 67 of the Information Technology Act, 2000

The act of 'transmission' alone is adequate to constitute an offense under Section 67 of the IT Act. Thus, publishing or transmitting any obscene material in electronic form is considered an offense under this section. Similar to Section 292 of the IPC, the mere possession of obscene material for personal use may not be deemed an offense under Section 67, but it is crucial to recognize that prosecution may argue abetment even in cases of mere possession (Gupta & Laxmi, 2023). Section 67 of the Information Technology Act, 2000, is the key provision addressing online obscenity. When read with Section 2(1)(w), it holds individuals liable for receiving, storing, and transmitting pornographic messages. ISP guidelines, specifically Clause 1.12.4 of the terms and conditions, mandate ISPs to prevent the transmission of objectionable, obscene, unauthorized, or any other prohibited content through their networks. The Information Technology Act, 2000, establishes a strict liability regime, creating limited safe harbors for ISPs. They bear the burden of proving lack of knowledge and exercising due diligence to prevent offenses. However, the lack of clarity in defining the standard of knowledge and due diligence imposes a high burden on intermediaries, leading to excessive monitoring, potentially infringing on free speech and online privacy. In

response to these concerns, the Information Technology (Amendment) Act, 2008, introduced substantial amendments. The definition given in IT Act, 2000, only included network service providers as intermediaries, thus only immunizing them and leaving out other types of intermediaries giving no immunity to intermediaries like Baazee. (*Avnish Bajaj vs State (N.C.T.) Of Delhi*, 2004). The amendments aimed to address these gaps and enhance the regulatory framework for online obscenity in India.

The definition of an intermediary in Section 2(1)(w) has undergone expansion to encompass various computer services. This comprehensive definition ensures the protection of a wide range of intermediaries under safe harbor provisions, rectifying the omission in the 2000 Act. The law in India does not differentiate between intermediaries, applying the same standards regardless of their involvement or level of knowledge. A positive trend is evident in the immunity granted to intermediaries. Section 79 has been amended to align with European Union norms, introducing a fault liability rule. This shift implies that intermediaries are held liable only if they had knowledge of the transmission, aligning with the European Directive on Electronic Commerce 2000. However, the stance on dealing with intermediaries remains stringent, particularly in the context of obscenity. Section 67A of the Information Technology (Amendment) Act, 2008, extends the scope of obscenity by punishing the publication or transmission of sexually explicit material in electronic form. This section broadens the definition of obscenity to include depictions of sexual activities. Section 67B is especially relevant, differentiating between mainstream pornography and child pornography. It declares the publication or transmission of material depicting children engaged in sexually explicit acts as an offense. The exhaustive nature of this section covers not only the act of publication but also the creation, browsing, and downloading of such materials, making any involvement with child pornography punishable. Furthermore, Section 66E addresses obscenity resulting from a violation of privacy. It specifically addresses physical privacy,

criminalizing the projection of any physical part of a person without their consent. However, a notable limitation is the phrase "without his or her consent," suggesting that such depictions with consent may not be considered offenses.

Several cases have emerged in the realm of cyber pornography, highlighting the complexities of regulating online obscenity. An instance involved the website baze.com, where a listing offering for sale a video clip depicting explicit sexual acts of school children in Delhi was posted. Avinash Bajaj, the MD of BIPL, the company hosting the material, sought to quash criminal proceedings under Section 292, 294 IPC, and Section 67 IT Act (*Avinash Bajaj vs State (N.C.T.) Of Delhi*, 2004).

The court scrutinized two aspects: the video clip and the website listing. Concerning the latter, the court held that the offense under Section 292(2)(a) IPC is triggered when a person "publicly exhibits or puts into circulation" or "has in his possession" the obscene object. Although the seller, not BIPL, inserted the listing, the website undoubtedly "possessed" it and "publicly exhibited" the listing. The text of the listing left no doubt about the obscenity of the object for sale. The absence of appropriate filters that could detect explicit content exposed the website to the risk of imputed knowledge of the obscene nature of the object. Regarding Section 67 IT Act, the court found that the website facilitated the publishing of obscene material. While the final transmission occurred between the seller and the buyer, the entire process, including registration and payment, was a continuous chain. The court ruled that the petitioner would face trial under Section 67 IT Act, while the company, not the petitioner personally, would be charged for offenses under Section 292 and 294 IPC. The Supreme Court emphasized the importance of interpreting Section 67 IT Act in the context of contemporary society, acknowledging the influence of "obscene material in electronic form." It highlighted the need for state governments to apprehend cyber obscenity perpetrators by invoking local legislations, recognizing the evolving

nature of online obscenity and the imperative to address it effectively (*Prakash (Dr.) v. State of Tamil Nadu*, 2007).

In *Vaibhav Jain v. Vice Chancellor Devi Ahilya Vishwavidyalaya*, female student raised concerns about the circulation of two websites containing obscene pictures and comments using their names. An inquiry identified male students responsible, leading to disciplinary action by the University. The students challenged this in a writ petition, but the court upheld the rustication order, emphasizing the need to address the negative impact of cyber technology on young minds (*Vaibhav Jain v. Vice Chancellor Devi Ahilya Viswavidyalaya, Indore*, 2002). Regarding a juvenile involved in cyber pornography, where the accused allegedly distributed explicit photos, the High Court granted bail following the provisions of the Juvenile Justice Act, 2000. On the issue of a ban on pornography, a Public Interest Litigation was filed, urging the Supreme Court to make watching, and sharing porn videos a non-bailable and cognizable offense. The government argued that blocking pornographic sites would be impractical due to the dynamic nature of the cyber world. While watching porn within private spaces was considered an individual's freedom, the government expressed commitment to combat child pornography and had taken measures to block specific websites. The Cyber Regulation Advisory Committee was formed to address the broader issue of pornography availability on the internet, recognizing it as a pressing concern akin to a moral cancer (*Kamlesh Vaswani v Union Of India & Ors.*, 2016).

2.3.2 Child pornography

Child pornography involves the representation of a child engaged in real or simulated explicit sexual activities, presented through various means like audio, video, or written forms, including electronic and digital media. This appalling act entails the use of a minor in sexually explicit conduct, and it may involve manipulating visual depictions to make it appear that a minor is engaging in such conduct. This exploitation amounts to severe child abuse, directly impacting the well-being and both physical and mental health of the children involved. The

Optional Protocol to the Convention on the Rights of the Child provides a comprehensive definition, stating that child pornography includes any representation, by any means, of a child engaged in real or simulated explicit sexual activities, or any representation of the sexual parts of a child for primarily sexual purposes. This definition encompasses both the child and the pedophile. In most cases, a pedophile is male (though sometimes female) and imposes their sexual desires onto a child. The term pedophilia denotes a sexual preference involving fantasizing about sexual activities with children, representing a stark deviation from a healthy sexual relationship between consenting adults (Aatif, 2019).

Legal Framework in India: Protection of Children from Sexual Offences (POCSO) Act, 2012

Enacted to establish a robust legal framework safeguarding children from sexual assault, harassment, and pornography offenses, the POCSO Act, 2012 prioritizes the child's interests at every stage of legal proceedings. Designed for user-friendliness, the Act incorporates mechanisms for child-friendly reporting, evidence recording, investigation, and ensures prompt criminal trials through dedicated special courts. The Act encompasses various crimes and recognizes forms of penetration beyond penile-vaginal penetration, criminalizing acts of indecency involving children. Key provisions include Penetrative Sexual Assault: Involves the penetration of the child's vagina, urethra, anus, or mouth by a penis, object, or any other body part, or compelling the child to perform such acts.

Sexual Assault: Encompasses any act where someone touches the child or induces the child to touch themselves or others.

Sexual Harassment: Includes sexually colored remarks, gestures, noises, repeated follow-ups, flashing, etc.

Child Pornography: Aggravates sexual assault, leading to enhanced punishment.

Amendment to POCSO Act, 2012:

In August 2019, the Parliament passed an amendment to the POCSO Act, 2012, enhancing penalties for sexual crimes involving minors, even introducing the possibility of a death sentence. To combat child pornography, the amendment stipulates imprisonment of up to five years and a fine for those using a child for sexual purposes. Subsequent convictions may result in up to seven years of imprisonment and a fine. Child pornography, as defined by the amendment, includes any visual representation of sexually explicit behavior involving a child, spanning photographs, videos, and digital or computer-generated images indistinguishable from a child.

Information Technology Act, 2000:

The Information Technology Act of 2000 addresses the publishing or transmission of obscene material in electronic form. Initially lacking specialized provisions on child pornography, all instances of pornography were treated under Section 67 of the Act.

While the Information Technology (IT) Act of 2000 marked progress from earlier legislations, which treated all forms of pornography under the Indian Penal Code of 1860 and the Indecent Representation of Women (Prohibition) Act of 1986, it is essential to acknowledge the shortcomings. The IT Act of 2000 initially penalized the transmission or publication of obscene material with imprisonment up to two years and a fine of up to five lakh rupees, with subsequent convictions leading to imprisonment of up to five years and a fine of up to ten lakh rupees. The 2008 amendment to the Act specifically addressed child pornography, punishing the publication or transmission of material depicting children in sexually explicit acts (Anchayil & Mattamana, 2010) It also criminalized activities such as browsing, collecting, distributing, and creating sexually explicit material involving children. Inducing online relationships with children, facilitating online child abuse, and recording sexual abuse of children in electronic form became punishable offenses. A first conviction incurred imprisonment for five years and a fine of up to five lakh rupees, while a second

conviction could result in seven years of imprisonment and a fine of up to ten lakh rupees. The offenses under the Act are non-bailable and cognizable. Section 67C imposes liability on intermediaries for information retention and production, while Section 79 was amended to specify conditions under which intermediaries would not be held liable. Despite the comprehensive legal provisions against child pornography, effective implementation remains a considerable challenge. Technological limitations hinder the detection of child pornography amid the vast expanse of online content. Balancing the fight against child pornography with the right to freedom of expression in the digital realm is a complex task. Furthermore, insufficient funding for institutions responsible for implementation compounds the challenge. While the legislation exists, a more serious and concerted effort is needed to address the problem effectively. Judicial oversight and a rigorous approach from the government are essential to ensure the success of legal measures against child pornography.

The effectiveness of the Protection of Children from Sexual Offences (POCSO) Act of 2012 in dealing with cases involving the storage of pornographic material featuring a child for commercial purposes, as outlined in Section 15, raises concerns. No cases related to this provision have been registered in the High Court or Supreme Court, indicating potential shortcomings in the authorities' implementation efforts. Despite the abundance of evidence in cases related to child pornography, challenges arise in bringing these matters to light. The judiciary has taken a stringent stance whenever such cases have surfaced, recognizing the gravity of the issue. However, the limited number of judgments at the High Court and Supreme Court levels reflects the reluctance of individuals to address the problem openly. In *State of A.P. v. Mangali Yadagiri*, where a 14-year-old SC/ST girl was raped, and compromising pictures were taken. The victim faced threats of public exposure if she reported the crime, hindering her from coming forward immediately. The High Court of Hyderabad referred the case to the POCSO Special Court, emphasizing the need for a specialized

approach (*State of A.P. v. Mangali Yadagiri*, 2015). Similarly, in the case of *P. Shanmugavel Raj v. State and Ors.*, a Criminal Revision petition was filed against the committal of trial for the rape of a 13-year-old girl. Despite the case being pending in the session court, the High Court of Madras directed that it be tried in the specialized POCSO Special Court, in alignment with the provisions of the act. These instances highlight the importance of establishing and utilizing specialized courts to address child pornography cases, ensuring a more focused and effective legal response (*P. Shanmugavel Raj v. State and Ors.*, 2014).

In the case of *Hector Firdaus Kothavala v. State of Maharashtra*, the issue revolved around anticipatory bail concerning a heinous offense under the Protection of Children from Sexual Offences (POCSO) Act. The accused, the father of two young children aged 4 and 6, was allegedly making sexual advances towards them. While the children, due to their tender age, were unable to articulate the nature of the acts, the wife discovered the heinous conduct, leading to legal action (*Hector Firdaus Kothavala v. State of Maharashtra*, 2013). Surprisingly, the accused secured anticipatory bail from the court. *Shashi and Ors. v. The State of Karnataka* presented a distressing scenario where friends of the victim's father visited their house, lured the victim into collecting firewood from the jungle, and subsequently subjected her to rape, filming the egregious act. Charges under the POCSO Act and the Information Technology (IT) Act were filed against the perpetrators. Despite the severity of the crimes, the High Court of Karnataka granted them bail, leaving the final judgment pending. In the case of *Ishan v. State of M.P.*, the victim visited her friend's house, where the friend's brother allegedly dragged her, raped her, and recorded the assault. The victim disclosed the incident to her parents, leading to legal proceedings. Notably, as the perpetrator was a juvenile, the case was referred to the Juvenile Justice Board (JJB), and a revision petition was subsequently filed in the High Court of M.P., resulting in the accused being released on bail (*Shashi and Ors. v. The State of Karnataka*, 2015). These cases underscore the intricate legal challenges

associated with child sexual abuse cases, including the granting of bail despite the severity of the offenses. The effectiveness of the legal system in delivering justice and protecting the rights of child victims remains a critical area for scrutiny and improvement.

2.3.3 Voyeurism

The term "voyeurism" is derived from the French word 'voir,' meaning 'to see,' indicating the act of observing the sexual, bathing, or undressing activities of others for sexual excitement. Human gratification, stemming from this act, has both legal and illegal dimensions. When illegality is associated with this form of gratification, it becomes a crime. Voyeurism revolves around seeking pleasure, yet it crosses legal boundaries when individuals are not permitted to observe someone engaging in a private act without their consent. Specifically, when a woman is watched or her images are captured during a private moment where she reasonably expects privacy, such actions constitute voyeurism (SHARMA & KUMAR, 2021).

This form of sexual conduct is not only prevalent but also potentially illegal, involving the act of observing other people's sexual activities without their consent. Importantly, even though the nature of the offense is sexual, it does not necessarily involve physical contact. Perpetrators engaging in the act of watching or disseminating private moments or images without consent can be held liable for the offense of voyeurism. In the commission of the offense of voyeurism, certain criteria must be met. The act in which a woman is engaged must qualify as a private act, involving the exposure of her body without clothes or underneath the water. This typically occurs in places where women would reasonably expect privacy, such as using the lavatory or engaging in a private sexual act. It is crucial to note that the consent of the victim to capture her images or engage in any unclothed act does not authorize the dissemination of such images to third parties. If these images are disseminated without consent, it constitutes the offense of voyeurism (Halder & Jaishankar, 2017). The concept of consent holds particular

relevance in this offense. While consent may be given for capturing private moments with a partner, it does not grant the right to the other person to share these moments with the public or any third party. What prompted the necessity to classify such an act as a punishable offense? In the twenty-first century, the proliferation of high-speed internet, smartphones, and advanced cameras has facilitated the capture of high-quality images and the creation of videos. The ease of sharing such content with others has paved the way for both the beneficial and detrimental use of information technology. The predicament arises when this technological boon is misused for purposes such as entertainment, blackmailing, harassment, and inflicting mental agony on the victim with criminal intent. Given that a significant portion of criminal activities now occurs in cyberspace, the Indian Government recognized the imperative to regulate and combat such heinous crimes. This led to the incorporation of relevant provisions into the Indian Penal Code through the Criminal Law (Amendment) Act of 2013. As per section “354C of IPC. Voyeurism —Any man who watches, or captures the image of a woman engaging in a private act in circumstances where she would usually have the expectation of not being observed either by the perpetrator or by any other person at the behest of the perpetrator or disseminates such image shall be punished on first conviction with imprisonment of either description for a term which shall not be less than one year, but which may extend to three years, and shall also be liable to fine, and be punished on a second or subsequent conviction, with imprisonment of either description for a term which shall not be less than three years, but which may extend to seven years, and shall also be liable to fine. Explanation 1.—For the purpose of this section, “private act” includes an act of watching carried out in a place which, in the circumstances, would reasonably be expected to provide privacy and where the victim’s genitals, posterior or breasts are exposed or covered only in underwear; or the victim is using a lavatory; or the victim is doing a sexual act that is not of a kind ordinarily done in public. Explanation 2.—Where the victim consents to the capture of the images or any act, but not to their dissemination to third persons and where such image or act is

disseminated, such dissemination shall be considered an offence under this section.”

Section 66E of the Information Technology Act, 2000 (amended in 2008) deals with offence also. This section stipulates that any person engaging in the capture, publication, or transmission of images or photographs of another person’s private parts, infringing upon their privacy, is subject to punishment. The penalty may involve imprisonment for up to three years, a fine, or both. Crucially, consent from the individual whose image is shared is immaterial in relation to the offense under this section. Whether or not consent is given, if the act invades the person’s privacy, it remains punishable. The explanation to this section further clarifies key terms, such as ‘transmit,’ referring to sending images electronically with the intent to display them to specific individuals or a group. ‘Capture’ involves creating a videotape, taking a photograph, or recording a film. The term ‘private area’ encompasses naked genitals, undergarment-clad genitals, pubic area, breast, or buttocks. Lastly, ‘publish’ entails reproducing the captured image electronically or in printed form with the aim of making it available to the public. The term ‘under circumstances violating privacy,’ as employed in this section, carries a specific connotation. It denotes situations where the person being captured reasonably believes they can undress without being observed, having no indication of potential capture, ensuring that no part of their private area is visible to others. This section maintains gender neutrality, holding both males and females liable for the offense but Sec 354C does not. In the case of *Adarsh Singh v. State of Punjab*, the Punjab and Haryana High Court emphasized that the Criminal Law Amendment Act of 2013 aims to protect women’s dignity, broadening the concept of outraging a woman’s modesty. Section 354C penalizes the capture and dissemination of explicit photographs and videos, causing humiliation. Voyeurism not only infringes upon the victim’s bodily privacy and autonomy but also violates their right to choose whom they expose their bodies to.

By observing the victim engaged in private acts without consent, the accused encroaches upon the victim's rights to dignity and privacy.

2.3.4 Stalking

Stalking, in general, encompasses behaviors such as incessant unwanted calls, persistent following, surveillance, loitering near the victim's residence or workplace, vandalizing property, or leaving written messages. The Oxford Dictionary defines stalking as the act of 'pursuing stealthily.' The primary objective of stalking is to emotionally destabilize the victim, instilling fear and vulnerability, while the stalker gains a sense of omnipotence and control over their prey (Mullen & Pathé, 2002). Stalking is characterized by purposeful and willful conduct that involves repeated or continuous harassment, generating feelings of fear, threat, terror, or danger in the victim's life. The victim anticipates harassment or molestation at the hands of the predator.

Once, reputation was hard-earned and carefully guarded. Today, your reputation can be created or destroyed in just a few clicks". Cyber-stalking is a direct online analogue to the offline crime of stalking, cyber-stalking may thus be defined as "the use of the Internet, e-mail, or other means of electronic communication to stalk or harass another individual. Cyberstalking is more likely to result in severe and immediate emotional or physical harm (Lipton, 2011). The element that distinguishes cyberstalking from cyber harassment is the requirement that the defendant communicates a credible threat. While cyber stalking affects a diverse range of victims, it predominantly targets women and children, with adult men commonly identified as the perpetrators. Various resources, such as emails containing obscene messages, threats, defamatory statements, and even pornographic content, are employed for online stalking.

Cyber stalking is sometimes not taken as seriously as physical stalking, as it lacks direct physical contact between the victim and the offender. However, given the extensive reliance on the internet in both personal and professional spheres, it has

become an integral part of our lives, touching almost every aspect. Social networking sites, in particular, house comprehensive details about individuals, making them susceptible to information misuse by cyber stalkers. These perpetrators not only gather information about the victims from online platforms but often go a step further by creating fake profiles. Using the collected information, they post defamatory or pornographic content on these fake profiles, causing significant harm to the victims. The impact of cyber stalking extends beyond physical harm, leading to mental trauma and stress in many cases. Cyber stalking is triggered by various factors, including unemployment, jealousy, failures in professional and personal life, rejection of love proposals, and a desire for revenge following humiliation. In most instances, the primary objective of cyber stalking is to seek revenge and defame the victim (Belknap & Sharma, 2014). The realm of sexual harassment, once confined to the offline world, has now found its way into the virtual space through the introduction of the internet, with cyber stalking emerging as a prevalent medium for committing such offenses online.

Legal Framework on Cyber Stalking in India

Before 2013, India lacked specific legislation directly addressing cyber stalking, with offenses falling under sections 66A, 72, and 72A of the Information Technology (I.T.) Act. The Criminal Law Amendment of 2013 introduced a new section, 354D, into the Indian Penal Code to specifically address cyber stalking. Section 66A of the I.T. Act prescribed punishment for individuals sending offensive messages through communication devices. It defined various acts as offensive, encompassing sharing menacing or annoying information, spreading false information to cause annoyance, inconvenience, cheating, or misleading through electronic mail. The punishment for sending offensive messages included imprisonment for up to three years along with a fine. In the case of *Shreya Singhal v. Union of India*, the constitutional validity of section 66A was contested and subsequently struck down as unconstitutional. The court deemed it violative

of Article 19(1)(a), stating that the section imposed arbitrary and excessive restrictions on freedom of expression (*Shreya Singhal v. Union of India*, 2015). A notable case related to cyber stalking is Ritu Kohli's case, handled by the Economic Offences Wing of Delhi Police. The case was registered under section 509 of the Indian Penal Code, addressing the punishment for outraging the modesty of a woman, and section 504, providing remedies against abusive and insulting language (*Manish Kathuria Vs Ritu Kohli C.C. No. 14616/2014*). Before the enactment of the Criminal Law Amendment Act, 2013, Section 72 of the I.T. Act, 2008, addressed punishments related to breaches of confidentiality and privacy. Additionally, Section 72A of the same Act handled penalties for the disclosure of information leading to breaches of lawful contracts, in conjunction with Sections 441 and 509 of the IPC. The Criminal Law Amendment Act, 2013, marked a significant development by introducing Section 354D, a crucial step in preventing stalking-related crimes in India, encompassing cyber stalking. Section 354D categorizes stalking as an offense, outlining the corresponding punishments and exceptions. The section defines stalking as the act of following or attempting to contact a woman despite her clear refusal, or monitoring her through electronic means. The proviso clarifies that stalking is not an offense if committed with the intention of preventing or detecting a crime entrusted by the State, supported by law, or considered reasonable and justified based on the circumstances. Clause (2) of the section outlines the penalties for the offense. A first conviction may lead to imprisonment for up to 3 years, coupled with a fine. Subsequent convictions can result in imprisonment for up to 5 years, along with a fine. Section 354D is gender-biased and centered on women, it is considered aailable offense, indicating some limitations in providing comprehensive protection to victims. The gender bias in the law implies that the accused is always presumed to be male, which may not accurately reflect the reality of stalking cases.

2.3.5 Sexting

Sexting refers to the act of sending and receiving text messages containing sexual expressions and images through mobile phones. While technically encompassing electronically communicated text messages, including emails, the term is commonly associated with mobile phone messages exclusively (Rey et al., 2019). In contemporary society, sexting has gained prevalence among teenagers, young adults, live-in couples, and married partners. The practice has roots dating back to the early days of the internet, where individuals, including adults and children, exchanged sexually explicit messages. However, the term 'sexting' garnered widespread attention when the media began using it to underscore the risks of sexual interactions through technology, particularly among teenagers (M. K. Sharma et al., 2019).

In its current context, sexting predominantly refers to text messages containing nude pictures, explicit body parts, or intimate positions captured by individuals themselves using mobile cameras. The dissemination of such content occurs through mobile phones, emails, or uploads to social networking sites via camera phones. The proliferation of smartphones and camera phones, especially among teenagers, has contributed to the increased prevalence of sexting. Messaging applications like WhatsApp, Snapchat, Telegram, among others, have further facilitated sexting. Snapchat, in particular, is popular among teens because it allows users to send photos with a maximum viewing time of 10 seconds. Users often believe that these photos will disappear without consequences, but they can be saved and distributed, carrying both social and legal implications. These applications often disclaim responsibility for explicit content that is saved or circulated.

Characteristics of Teen Sexting: Unraveling the Trends

Sexting among adolescents, typically aged between 13 and 18, exhibits distinct characteristics, shedding light on prevalent trends:

Teen Creators and Recipients: Adolescent teens engage in sexting, where both the creators and recipients of explicit content are teenagers.

Primary Device: The camera phone serves as the primary device for creating sexting content.

Intimate Sharing: Teens share nude pictures with their romantic partners, portraying an intimate aspect of their relationships.

Demand-driven Sharing: Some teens share compromising images upon the request of their partners or to impress them.

Third-party Involvement: Images, either self-captured or received, may be sent to a third person through email, WhatsApp, or other social networking sites, making the recipient an unwitting participant.

Revenge Distribution: Distribution of explicit images often occurs as an act of revenge following the breakdown of an emotional relationship.

Relationship Dynamics: Sexting primarily involves couples in relationships, often classmates, batch mates, or colleagues. has evolved into a contemporary manifestation of child pornography, sharing commonalities with the latter. The legal framework in many U.S. states criminalizes the creation, possession, and transmission of all forms of child pornography. The U.S. Supreme Court, in *Osborne v. Ohio*, clarified that the government, under the First Amendment, has the authority to prohibit not only the distribution but also the possession of materials falling within the realm of child pornography. In the case of *Ashcroft v. Free Speech Coalition*, which pertained to sexting, the U.S. Supreme Court took a decisive step by striking down two provisions of the Child Pornography Prevention Act of 1996. The court argued that these provisions encroached upon the freedom to engage in a significant amount of lawful speech. These judicial decisions hold paramount significance as they laid the groundwork for considering sexting as a form of child pornography. There is no explicit provision in Indian law designating sexting as a criminal offense or raising legal concerns.

However, given the shared characteristics of sexting with child pornography, two specific legal avenues in India may be explored: Section 67B of the Information Technology Act, 2000, as amended in 2008, and the Protection of Children from Sexual Offences (POCSO) Act. Section 67B of the Information Technology Act outlines punishments for the publication or transmission of material depicting children engaging in sexually explicit acts in electronic form. It enumerates various acts deemed offenses under this section and prescribes corresponding penalties. In accordance with the provisions of Section 67B of the Information Technology (I.T.) Act, any individual who publishes or transmits material depicting children engaged in sexually explicit acts or actively contributes to such actions in electronic form is subject to legal repercussions. This section encompasses a range of activities, including creating text or digital images, collecting, browsing, or distributing materials depicting children in an obscene, indecent, or sexually explicit manner.

Furthermore, those involved in cultivating or enticing children to establish online relationships with the intention of engaging in sexually explicit acts or any behavior offensive to an adult of ordinary prudence are also held accountable. Additionally, facilitation of online child abuse or participation in recording sexually abusive acts involving children—whether committed by the individual or others—falls under the purview of this section. The prescribed punishment for the first instance of such offenses includes imprisonment for up to 5 years and a fine of up to 10 lakhs. For subsequent offenses, an enhanced punishment is applicable, entailing imprisonment for up to 7 years and a fine of up to 10 lakhs.

It's significant that the proviso to this section clarifies that the provisions of Sections 67 and 67A, along with Section 67B, do not apply to materials such as books, pamphlets, papers, writings, drawings, paintings, representations, or figures in electronic form if their purpose aligns with public welfare. Justification for publication may be based on the grounds of science, literature, art, learning, or

other objects of general concern. The proviso also extends protection to materials published for the preservation of heritage and religious purposes.

Legal Framework on Sexting in India: POCSO Act, IT Act, and IPC

The Protection of Children from Sexual Offences (POCSO) Act, 2012 plays a crucial role in addressing sexual offences against children. Specifically, Section 11 of the POCSO Act addresses the use of children for sexual harassment, compelling children to show their private parts for sexual gratification through digital media. Additionally, Section 14 makes it punishable to exploit children for pornographic purposes, and Section 15 penalizes the storage of digital child pornographic material for any commercial purposes. Regarding sexting involving adults, Sections 67 and 67A of the Information Technology (IT) Act, 2000 (amended in 2008) and Section 354C of the Indian Penal Code (IPC) can be applied. If sexting involves the creation of sexually explicit material, it may narrowly fall under Section 67 of the IT Act if the transmitted content is prurient to the interests of society. Section 67A applies if the transmitted images contain sexually explicit acts or conducts. Both these provisions use the term "whoever," encompassing individuals who publish or transmit objectionable content. In cases where individuals willingly publish or transmit sexy selfies for public view, such as celebrities sharing such images on social media, Section 354C of the IPC can serve as a defense, especially for women. The second explanation under this section protects a woman's interests when she has consented to capturing sexual acts with her partner. Instances of unauthorized access to devices leading to the illegal dissemination of stored images for profit through blackmail or sextortion, as well as the dissemination of images by a partner as revenge porn, fall within the legal purview. Despite these legal provisions, there have been no reported convictions in sexting cases in India to date. Sexting is often perceived as a behavioral issue, with the assumption that the sexter may not have the intent to knowingly cause harm (M. K. Sharma et al., 2019).

2.3.6 Non-Consensual Dissemination of Sexually Explicit Images

The non-consensual dissemination of sexual images, commonly known as ‘revenge porn,’ involves the distribution of sexually suggestive or explicit photos or videos without the subject’s consent. Revenge porn, a reprehensible act, involves the malicious distribution of sexually explicit photos or videos without the consent of the individuals depicted. This unethical behavior goes beyond the boundaries of privacy and consent, as it seeks to exploit and harass individuals by sharing intimate content without their permission. It is essential to emphasize that revenge porn is not confined to a specific gender, and individuals of all genders can be victims of this offense.

2.4 Revenge pornography

2.4.1 Meaning & Concept

Revenge pornography mostly consists of stalking or abuse of private data without the consent of the person or party to an intimate act. This usually includes the distribution of sexually explicit photos and videos of a person. Revenge Pornography is said to be constituted when the perpetrator uploads the other person’s nudes or semi nudes or private videos without the other person’s knowledge within social media, porn sites, and among many people.

The circulation of such media among friends or a large number of people and spread of the same into further masses tarnishes the image of the sufferer. Accordingly, the pictures and videos must have the victim’s private areas and be circulated in public.

Revenge pornography, or the non-consensual distribution of explicit or intimate images, has been prevalent in our society for a considerable period. It has emerged as a contemporary weapon, employed to threaten, and subject individuals to duress, often exceeding the boundaries of retribution for the arbitrary and psychological downturns of the perpetrator. The fundamental need for privacy is compromised by the existence of revenge pornography. The harsh

reality persists that many individuals across the globe engage in watching sexual harassment and rape videos. This trap is indiscriminate, with no limitations based on gender or age, although it predominantly victimizes women and children. According to data from the Cyber Rights Organization, an overwhelming 90% of victims of non-consensual dissemination of intimate pictures or videos are women. (Eaton, Dr. Asia A ;Jacobs, Dr. Holly; Ruvalcaba, 2017).

"Revenge porn," which refers to the allocation of sexually explicit images without the consent of the person represented or depicted in the material is considered as a nuisance in United States. The surprising matter is that some states like Wyoming, Mississippi, South Carolina and Massachusetts still do not have any specific laws for Revenge Pornography. The states of New Jersey and California were the first states to criminalize the practice, but state legislatures around the country have delayed the process of passing and allowing for similar laws. People who advocate legislation, however, are meeting head-on with critics who dissent that the First Amendment prevents criminal accountability for allocation of lawfully acquired accurate material. The First Amendment protects religious freedom, freedom of expression, freedom of assembly, and the right to petition. It protects freedom of expression by prohibiting Congress from suppressing the press or individuals' rights to freely express themselves. A study suggested that obscenity law can and should be used to criminalize revenge porn within the boundaries of the First Amendment.(Barmore, 2015) No state legislature has characterized revenge porn as obscene which is strange and outdated because the obscenity provides the greatest insulation from a First Amendment challenge. The legislation developed to prevent obscenity would allow governments to outlaw revenge porn in a robust and constitutional way, even if the photographer is the one objecting to distribution or the distributor does not intend to cause substantial emotional distress. The study was meant to direct legislatures to plan constitutionally accountable legislation to battle revenge porn.(Barmore, 2015)

2.4.2 History

Marilyn Monroe was an American actress, model and singer who was a victim of revenge pornography. She posed for nude photographs for photographer Tom Kelly in 1949. She was embarrassed by the photographs and to make sure they do not strike in the form of retribution later in life, she signed as 'Mona Monroe' on release forms. It was reported that she requested the photographer to keep it a secret and take the photographs in such a way that people fail to recognize her real identity. However, five years later the porn empire's kingpin Hugh Hefner bought them with 500\$ from a calendar company and republished it in the first edition of Playboy magazine. Hefner followed all the proper legal protocols, but Monroe had never signed any contracts with Hefner or Playboy, so the photos appeared without her consent. It was still not consensual. Monroe might have agreed to the photoshoot but this does not change the fact that she was subjected to embarrassment and conservative glare of the society for Hefner's act, and her consent was not taken. (Eng & Low, 2003)The main focal point of the revenge pornography is publishing of nude pictures of a man or woman without her consent, and it happened in Monroe's case, though revenge was not involved huge monetary gain and publicity were the ultimate reason. In 'Marilyn: Her Life in Her Own Words' she had accounted, 'I never even received a thank-you from all those who made millions off a nude Marilyn photograph. I even had to buy a copy of the magazine to see myself in it.' (Eng & Low, 2003)

Similarly in another case in 1980, Hustler's "Beaver Hunt" published naked photos of an unwilling woman, taken by her husband during a camping trip and later stolen; the identity of the woman was unknown.(Chance Carter, 2021)

As we can see revenge pornography exists since time immoral. The documented and reported incidents during that time were hard to find but still some of them survived in history.

Non-consensually captured material is now crowd sourced and catalogued into massive digital databases like creepshots.com, a self-proclaimed shop where people can find everything without having to go anywhere else for pictures of women's 'asses, boobs, cleavage, legs, and short skirts'. (Maddocks, 2018)

The technology advanced from the use of analogue camera, to the video cassette recorder, to the webcam, and each device that came up with digitalization, more and more incited the voyeuristic desires in ways related to scrutiny.(Maddocks, 2018)

On August 31, 2014, the world woke up to hundreds of nude photos of world-famous celebrities that had been released by hackers to the internet famously known as "the Fappening," which exposed hundreds of intimate, sexual, and private photographs of celebrities without their consent (Wanjiku, 2022). Since then, the phenomenon has evolved into a global issue, disproportionately affecting women. What set the Fappening apart was the unprecedented response from the victims. Traditionally, when faced with such situations, celebrities would often react with shame and remorse, as victim-shaming was a pervasive aspect of these crimes. Society, along with the people within it, tended to perpetuate feelings of shame and insult (Libertin, 2018). However, the Fappening marked a turning point as victims, for the first time, openly condemned the injustice. They refused to apologize for the existence of the pictures, addressing the matter with a light-hearted tone. Surprisingly, the public supported these gestures, accepting them wholeheartedly. It's noteworthy that celebrities and private individuals face different challenges in such situations. While the disclosure of images may alter the public image of a celebrity, it defines the public image of a private person. The impact of revenge pornography on private individuals is thus significantly greater than its impact on public figures (Libertin, 2018).

According to Eikren and Ingram-Waters, revenge pornography started gaining visibility after an internet entrepreneur, Hunter Moore, owner of the website IsAnyoneUp.com, invited the website's users to post nude photos of their ex-

partners alongside personal identifying information such as name and contact details. The site is said to have attracted about 350 000 individual visitors per day (E. Eikren Ingram-Waters, 2016).

Although the degree and form of the effect may vary between the two, it is an undeniable fact that both are affected. Such representations have a detrimental effect on the public image of the victim, often leading to name-shaming, character assassination, and cyberbullying. The dynamics of revenge porn highlight the need for a collective societal shift away from victim-blaming towards empathy and support for those affected by this deeply invasive form of violation. The term 'revenge porn' has revamped into a fresh digital problem.

2.4.3 Characteristics of Revenge Porn

Revenge porn, a deeply unsettling manifestation of digital harassment, deviates markedly from traditional cyber pornography. Its distinguishing factor lies in the intentional misuse of personal information about the victim, aiming to inflict profound emotional distress. Unlike conventional cyber porn, where content is primarily for personal consumption, revenge porn serves as a targeted weapon to hurt and humiliate. The involvement of sexting and other non-consensual materials heightens the impact, serving as tools for both the violation of privacy and the creation of substantial defamation against the victim. This reprehensible act not only breaches the boundaries of consent but also perpetuates a cycle of emotional trauma and reputational harm for those subjected to its malicious intent.

According to Haldar & Jaishankar Revenge porn involves four major steps (Halder & Jaishankar, 2017):

1. The distressing sequence begins with the victim either capturing her nude or semi-nude image using her mobile phone or willingly consenting to the recording of compromising moments with her partner through a mobile phone camera or webcam. Subsequently, she shares these intimate images with her chosen partner, trusting him to handle them responsibly.

Unfortunately, this trust is betrayed when the partner stores sensitive images or clippings on his personal device.

2. Motivated by a desire for revenge, the partner may escalate the betrayal by transferring the compromising content to friends with the intention of humiliating the girlfriend. This calculated act seeks to exploit the vulnerability and privacy initially shared within the confines of the relationship.
3. The betrayal widens its impact as either the original partner or the newly involved friends, now acting as secondary recipients, decide to amplify the humiliation. They choose to upload the compromising clippings onto the internet, a decision that transcends personal disputes and enters the realm of digital public exposure.
4. The consequences escalate exponentially as the uploaded content rapidly attracts the attention of millions of viewers. The victim, initially sharing private moments with trust, finds herself unwittingly transformed into a public spectacle—a ‘sex item.’ The severe damage inflicted on her reputation becomes a distressing reality, highlighting the pervasive and destructive consequences of such malicious actions in the digital age.

Thus revenge pornography can be defined as an act in which the perpetrator satisfies his anger and frustration for a broken relationship through publicizing false, sexually provocative portrayal of his/her victim, by misusing the information that he may have known naturally and that he may have stored in his personal computer, or may have been conveyed to his electronic device by the victim herself, or may have been stored in the device with the consent of the victim herself; and which may essentially have been done to publicly defame the victim.

2.4.4 Types of Revenge Porn

Patterns of online revenge porn are divided into two main types (Halder & Jaishankar, 2017):

(a) Camouflaged Porn

(b) Teen Porn

Camouflaged Porn - Such explicit material can encompass both user-generated and user-adopted content. In the former category, the perpetrator stores visual images of the victim, often supplied during the course of an intimate relationship or encounter. These contents may range from email photo attachments, sexted messages, to pictures captured during online video chat sessions or taken with the victim's consent. This type of explicit material is termed 'camouflaged' because, ostensibly, these profiles appear to adhere to the policies and rules of social networking sites (such as Facebook, Instagram, Bebo, etc.), evading detection similar to the camouflage seen in child pornography, shielded under the guise of freedom of expression.

Camouflaged porn can be created by the perpetrator in the same manner as other profiles on social networking sites. These profiles may include the victim's name, profile picture, and a photo album containing both sexted and non-sexted pictures, portraying the victim in nude or semi-nude attire, thereby falsely presenting the victim as soliciting men for sexual favors. The creation of camouflaged porn can also involve circulating stored pictures through emails, WhatsApp, or SMSs, making it a prevalent method among teenagers seeking revenge.

Teen Porn - It encompasses static images transmitted via text, email, instant messaging, and also involves the practice of 'sexting.' Teen pornography represents a subset within the multitude of categories featured on adult websites. These platforms offer teenagers an avenue to seek revenge in the aftermath of broken relationships, utilizing stored data such as sexted pictures, clippings, and messages. The content is then tagged as pornographic, falsely impersonating the victim as a genuine adult model. In such cases, the perpetrator's clear intention is to humiliate the victim.

2.4.5 Non-consensual production and distribution of intimate content:

According to Powell & Henry, revenge pornography has been defined as “the non-consensual distribution of sexually explicit or intimate images of another person without their consent.” (Powell & Henry, 2017)

The object of protection from revenge pornography revolves around an individual’s right to privacy and safeguarding his/her sexual individuality. Privacy is one of the most fundamental, constitutional and internationally protected principles. If a picture or video clip of a person with sexual material is posted on the Internet or circulated through digital media, that person’s privacy is severely harmed. Because photographs may be swiftly published onto web apps and viewed by a huge number of people who can save or upload those images to other digital public channels, new digital technologies represent a larger threat to individuals’ private rights. As a result, criminal privacy protection is critical. Criminal law must envisage the specifics of new digital technologies and consider these when forming new incrimination. This also means that if the preparatory publishes recordings with sexual activities of his or herself, it is not a criminal offence unless it is shown to a child. (Šepec, 2019)

There is also no crime if one publishes images of sexual image of another, if that other person gives consent to that kind of spreading which normally happens in the case of consensual adult pornography. As soon as voluntary consent is provided, the illegality of the same vanishes. The consent of the indignant party is a construct of current criminal law. (Šepec, 2019) The approval is defined through the state where the alleged victim or victim of a crime agrees with the disputed deeds at the time of the execution. Consent covers not just creation of the image but also distribution of the same in the public. The deficiency of approval is the fundamental clause giving rise to the revenge pornography offence.

Any person who willfully shares his or her images with their partner consents to just keeping it private and not sharing the same with others. If any such image is

shared with somebody else without the consent of that person, it would constitute an offence. If an image is created of another without that person's clear consent, even in the event of non-existence of any sexual content, can constitute a precise criminal offence against the honor and privacy of a person and is not unavoidably connected with any kind of sexual exploitation, extortion or other sexual or non-sexual abuse.

However, there are situations when "*consent*" is received through influence, compulsion, duress, fraud, or deception. The law states that such consent will not be valid when the perpetrator misrepresents the facts to the injured party or knows about his or her fault, and abuses this to carry out a criminal offence. This is known as "*responsibility for the abuse of law*" doctrine. (García-Ripoll, 2015)

The offence takes place when the perpetrator distributes the image of the sexually explicit content to the public through television, newspaper, web portal or other publicly accessible website, social network or by act that results in notifying the public of the sexually explicit content of the victim without his or her knowledge.

The distribution can be made to the public at large or the close relatives of the victim. The content can be made accessible either to a broader circle of people beyond family members or personal acquaintances or that any kind of distribution suffices which can include showing the image to a friend or sending it to the employer of the victim. The perpetrators in many cases send images to the employer of the victim, which in turn can lead to difficulties at work and for the victim to get fire or in turn exploited for sexual favors. The abuser also can share the images with the victim's present partner, husband, boyfriend, or in-laws who create turmoil in personal lives including a relationship, potential marriage or legalized marriage being called off or broken.

The term intimate refers to "sexually explicit" that concerns the nature and content of the image. We prefer the term "sexually explicit" content, as used in the Convention on Cybercrime (2001), even though the Convention only covers

child pornography.(Convention on Cybercrime, 2001) Intimate content includes any act in which a person is involved in any private act such as disrobing, changing clothes, using the bathrooms for their own personal reasons or otherwise, a physically intimate act without any intercourse, etc. It is imperative that the law text leaves no room for doubt about what in fact constitutes sexually explicit content. Content includes images, video, or any descriptive representation of an external form of a person or object and it includes photos, recordings, videos or any kind of similar media that can symbolize an individual. The terms cover any kind of carrier of explicit sexual content.

Sexually explicit conduct, for the purpose of revenge pornography, means:

“a) Sexual intercourse, including genital-genital, oral-genital, anal-genital or oral-anal, between two adults of the same or opposite sex;

b) Bestiality;

c) Masturbation;

d) Aggressive or deriving sexual gratification from one’s own pain or humiliation in a sexual context; and

e) Lascivious demonstration of the genitals or the pubic area.” (Sodomy Definition & Meaning - Merriam-Webster,)

Most litigations are ineffective because it cannot avert the distribution of an illustration though digital channels. Most abusers know they are unlikely ever to be punished, since most victims do not have the time and money or are bound by the societal difficulties to report the crime and therefore it makes no room to punish the abusers with so little means. It is necessary that non-consensual pornography is criminalized so that deterrence is set. The non-consensual distribution of pornography physically violates the victim, without physically violating in literal sense. The costs that the victims pay are too high. Mental health insinuation includes severe emotional distress, anger, guilt, paranoia, depression, or even suicide.

2.2.6 Nature of Revenge Porn

The non-consensual posting of sexually explicit images of someone else with the motive to get revenge on that person has been fueled by developments in technology and digitalization; it has thus become a global phenomenon. The motive ranges from vindictiveness, entertainment, monetary to political or any other sinister motive. The primary and frequent use of revenge porn explains how victims are violated in terms of gender and age. The crime itself holds some characteristics:

1. Purpose: It has always a purpose to serve.
2. Revengeful: The ultimate goal is to get revenge.
3. Sinister: Its nature is sinister and cruel.
4. Profit: Some kind of gain or profit is expected, be it any kind.
5. Trust: Usually, the perpetrator and victim share a trusted relationship.
6. Violence: Facilitate gender violence.
7. Social Media or Internet is used as a weapon.
8. Limitless: Once shared over internet it does not limit to any country or area, its widespread.
9. Nature of the perpetrator: The person does not have any fear of the law because there is a level of over-confidence and lack of knowledge too. He thinks his actions are justified because he had shared an intimate relationship with the victim or can threaten her to keep mum.
10. Causing distress is the characteristic of the crime.
11. Widespread and circulation within broader circle

The criminalization of ‘revenge porn’ offences is a response to the unauthorized release of intimate pictures. The ability to spread photos considered to be private across public networks, particularly social media, using a smart device or computer has arisen as a key twenty-first-century concern. Individual victims appear to be especially vulnerable to the ability to quickly share photographs. It can be very nasty and damaging conduct, and the offending photographs may or

may not be removed. Previously, victims were confined to older criminal offences with broad application, as well as civil law remedies requiring the removal of such photographs. Complication and intricacies of the internet has often resulted in either failures or inaction. A study that assessed the Australian context of ‘revenge porn’ criminalization, had argued for a variety of modified and corresponding answer from self-help to community driven education to the accessibility of a choice of civil legal remedies and criminalization. (Kirchengast & Crofts, 2019)

2.4.7 The Rationale behind the crime

The first thought that can cross our mind is why someone would do such a despicable act. The author connotes the apparent motives behind the crime-

- a. ***To suppress sexual crimes-*** Revenge pornography is often employed as a tool to suppress victims of sexual crimes such as assault, rape, and molestation. Perpetrators may exploit their victims by capturing explicit images during the act, using them as a means of coercion to prevent the victims from reporting the crimes to their families or law enforcement. Even when victims choose to remain silent, some perpetrators resort to circulating these compromising images, perpetuating a cycle of intimidation, and hindering the victims’ pursuit of justice. This nefarious strategy aims to evade authorities and maintain control over the victims through the threat of public exposure (Miller et al., 2018).
- b. **Relationship failures-** Revenge pornography often stems from the aftermath of relationship failures, including break-ups, tumultuous relationships, rejection following an affair, and instances of infidelity. In these cases, the individual in possession of intimate images or videos may resort to threats of public dissemination as a means of coercing the other party into reconciling or remaining committed. This manipulation fosters an environment of abuse and toxicity within the relationship and can escalate to severe consequences, including suicide or self-harm by the

victim(Salter & Crofts, 2015). Perpetrators may also impulsively release compromising images as an act of retaliation on social media platforms and various pornographic websites, intending to punish the victim for asserting their rights, ending the relationship, or challenging the perpetrator's control over their life.

- c. **Emotional Aggression-** The intricacies of the human mind often contribute to complex behavioral patterns, and revenge pornography can be triggered by various psychological factors. Instances of ragging, bullying, insults, and public shaming can provoke individuals, pushing them to retaliate through revenge pornography. Additionally, feelings of jealousy stemming from a former partner's ability to move on and build a new life may lead to such criminal acts (Hearn & Hall, 2022). It is noteworthy that a significant number of victims are females, and instances occur where male egos, unable to cope with rejection, fuel such heinous actions. However, it's essential to avoid generalizations, as emotional outbursts can be prompted by various factors. For example, some youth engage in reckless behavior, initiating fake relationships as part of dares and challenges. In these situations, revenge pornography may become a tool for seeking vengeance, with the person originally subjected to dares turning into a perpetrator to retaliate against their former associates. This highlights the diverse and multifaceted nature of the motivations behind revenge pornography, underscoring the need for a nuanced understanding of these complex dynamics.(Hearn & Hall, 2022)
- d. **Sexual Favors-** Revenge Pornography often serves as a coercive tool to extract either formal or informal sexual favors from the victim, perpetuating a cycle of exploitation and trauma. In such scenarios, the victim, faced with the threat of explicit content dissemination, may succumb to the demands of the blackmailer, engaging in further sexual acts unwillingly, under duress, or out of fear for personal safety, the safety of their family, the potential harm to friends, and the jeopardy of their

reputation (Brown & Hegarty, 2018). The accused party in revenge pornography cases can assume various roles, including an ex or present boyfriend, a colleague, a boss, a friend, a former or current live-in partner, a hacker, a cyber stalker, a pimp, a neighbor, a family relative, or an individual associated with the porn industry. Additionally, perpetrators may hold dominant positions in schools, colleges, workplaces, or other spheres of influence. This highlights the diverse range of relationships and contexts within which revenge pornography can manifest, emphasizing the urgent need for comprehensive legal measures to address this pervasive issue.

- e. **Entertainment purpose-** As unsettling as it may be, the reality is that a considerable number of individuals globally actively search for, download, and consume content depicting sexual harassment, rape, molestation, and other forms of non-consensual explicit material. This includes illicit videos where victims are unaware of being recorded or photographed. Social media, despite its positive aspects in disseminating useful information and raising awareness, has a dark side where it can be exploited for revenge through the dissemination of explicit content (Stokes, 2014). The online sphere becomes a platform for revenge pornography, and individuals who consume such content for entertainment often fail to grasp the severe consequences it inflicts on the lives of those involved. Numerous pornographic sites, magazines, and online articles host explicit content, including nude photography, movie scenes, porn films, and clippings, as well as sexually implicit scenes from web series. While some participants in these materials willingly and professionally engage in such content, there exists a vast collection of non-consensual pornographic material circulating on the web. Disturbingly, this material involves individuals who were unwilling participants or had no knowledge of its circulation, creating a perverse universe where people worldwide derive pleasure from the violation and exploitation of unsuspecting

victims. The profound ethical and legal implications of this issue necessitate urgent attention and comprehensive measures to combat the rampant spread of non-consensual explicit content (Ringrose & Renold, 2012).

- f. **Monetary purpose-** Exploiting non-consensual explicit content for monetary gain is another disgraceful dimension of revenge pornography. Perpetrators may resort to capturing intimate images of individuals, especially women, either through clandestine means or by subjecting them to threats, coercion, or fear for their lives. Once these compromising images are obtained, the offenders seek to monetize their actions by selling or trading the content for financial gain. The process typically involves a blatant violation of the victims' privacy and consent, as they may be completely unaware that their intimate moments are being recorded or photographed. The sheer violation of trust and personal boundaries amplifies the harm inflicted on the victims. The commodification of such explicit material for financial purposes not only perpetuates a cycle of exploitation but also underscores the urgent need for stringent legal measures to combat this disturbing trend. Addressing the monetary motivation behind revenge pornography is essential for safeguarding the dignity and rights of individuals who find themselves ensnared in these malicious acts.
- g. **Ease of Targeting Minors:** The distressing case reported in Pune in 2019 highlights the harrowing reality of revenge pornography targeting minors, shedding light on the vulnerability of this segment of society. In this particular incident, a 15-year-old student became the victim of a heinous crime involving child sexual abuse, wherein a 22-year-old man was accused of molesting the minor and threatening to circulate explicit images of the victim ("Man Molests Minor Threatens to Circulate Images, Booked by Pune Police -," 2019). The question of why minors become targets of such crimes underscores the multifaceted nature of these

reprehensible acts. Motivations behind these offenses can range from personal vendettas stemming from long-standing family feuds, animosity between acquaintances, the deviant nature of sexual offenders preying on vulnerable victims, perverse habits, to even pure obsession. Minors, due to their age and dependency, often find themselves at the mercy of perpetrators who exploit their vulnerability for malicious ends. This case underscores the urgent need for comprehensive legal frameworks and protective measures to shield minors from the scourge of revenge pornography. It emphasizes the critical role of law enforcement agencies and society at large in ensuring the safety, well-being, and protection of the most vulnerable members of our community—our children.

2.4.8 Impact of Revenge Pornography on Victims and Society

1. Mental Health Consequences:

Emotional Distress: The impact of revenge pornography on victims is profound, encompassing a spectrum of emotional distress that permeates their lives. Experiencing an invasion of privacy through the unauthorized exposure of intimate images often leads to a complex web of emotions. Shame and humiliation become deeply ingrained as victims internalize societal stigma associated with the public exposure of private moments. The emotional toll extends to guilt and self-blame, particularly when perpetrators attempt to shift responsibility onto the victims, perpetuating victim-blaming dynamics. Anxiety and fear thrive as victims anticipate judgment from peers, family, and the broader community, fostering a climate of social ostracization. The loss of control over personal narratives exacerbates feelings of helplessness and vulnerability. This emotional strain can manifest in various psychological challenges, including depression, anxiety disorders, and post-traumatic stress disorder (PTSD). Coping mechanisms may lead victims to withdraw from social interactions,

fostering isolation to avoid potential judgment and confrontations. Intrusive thoughts and memories related to the incident contribute to flashbacks, intensifying the emotional distress associated with the violation. The detrimental impact extends to self-esteem, as the public exposure of intimate content can erode self-worth and contribute to feelings of inadequacy. The persistent trauma resulting from revenge pornography necessitates comprehensive support mechanisms, including psychological counseling, support groups, and legal avenues for holding perpetrators accountable. Creating awareness about the psychological consequences of these actions is paramount to fostering empathy and understanding within society. Addressing the emotional distress caused by revenge pornography requires a collective effort to provide victims with the support and resources needed for recovery and healing.

Depression and Suicidal Tendencies: The devastating consequences of revenge pornography came to the forefront in a tragic incident that unfolded in Gujarat in 2020, where a 16-year-old girl, unable to withstand the relentless torment inflicted upon her, tragically took her own life after an intimate video was maliciously leaked online. This heart-wrenching episode highlights the profound impact of revenge pornography on the mental health and well-being of victims, especially in the age of pervasive social media. The relentless taunts, harassment, and social ostracization that often follow the malicious dissemination of intimate content can push victims to the brink of despair. The shame and humiliation imposed upon them through online platforms and societal judgment become unbearable, leading to the development of severe mental health issues. In extreme cases, victims succumb to overwhelming pressure and resort to the tragic act of self-harm or suicide. These distressing incidents underscore the urgent need for comprehensive measures to address the multi-faceted challenges posed

by revenge pornography. From legal frameworks that robustly penalize offenders to awareness campaigns aimed at destigmatizing the experiences of victims, there is a collective responsibility to create an environment that protects individuals from the life-shattering consequences of such malicious acts. By delving into the specifics of cases like the one in Gujarat, we confront the stark reality that revenge pornography is not merely a violation of privacy but a perilous threat to the mental health and lives of those targeted. The tragedy serves as a poignant reminder of the imperative to foster a culture of empathy, support, and resilience to shield individuals from the devastating fallout of these reprehensible acts. (Bates, 2016).

2. Social and Personal Relationships:

Damage to Personal Relationships: The release of explicit content through revenge pornography inflicts severe damage on personal relationships, creating a ripple effect that often leads to profound breakdowns in trust and communication. In the context of personal relationships, such as romantic partnerships, marriages, or close friendships, the violation of privacy through the non-consensual sharing of intimate images or videos undermines the fundamental foundation of trust. Trust, a cornerstone of healthy relationships, is shattered when private moments intended for shared intimacy become public against one's will. The betrayed trust creates an emotional chasm between the victim and the person who perpetrated the act, whether it be an ex-partner, acquaintance, or malicious individual. The sense of betrayal is particularly acute because the sharing of intimate content is based on a mutual understanding of confidentiality within the confines of the relationship. Communication, another vital element in personal relationships, often falters in the aftermath of revenge pornography. The emotional distress and trauma experienced by the victim can hinder open and honest communication, as they grapple

with the violation of their privacy and the subsequent repercussions. Victims may struggle to express their feelings or fears, leading to a breakdown in effective communication with their partners, friends, or family members. Moreover, the release of explicit content can lead to misunderstandings, misinterpretations, and misconceptions about the victim's character. The social stigma associated with revenge pornography may result in judgments or assumptions that further strain personal relationships. The victim may find themselves isolated or blamed, exacerbating the challenges of rebuilding connections with those closest to them. Addressing the damage to personal relationships necessitates a multifaceted approach, encompassing legal protection, mental health support, and community awareness initiatives. Rebuilding trust and communication requires acknowledging the emotional toll inflicted by revenge pornography and fostering an environment of empathy, understanding, and respect within personal relationships.

Isolation and Stigmatization: Revenge pornography exacts a heavy toll on victims, compelling many to retreat from social activities due to the pervasive fear of judgment and stigmatization. The unauthorized dissemination of intimate images or videos, exposing individuals to public scrutiny, is a distressing phenomenon that frequently leads to victims facing societal judgment. This invasive act commonly triggers a cascade of psychological and emotional consequences, leaving victims grappling with the aftermath of isolation and distress. The fear of judgment, fueled by societal norms and prejudices, forces victims to anticipate negative perceptions from their peers, colleagues, and community. The stigmatization associated with revenge pornography can be particularly severe, as it implicates the victim in an intimate act that was meant to be private. This societal judgment can lead victims to internalize shame and guilt, further intensifying the emotional

distress they experience. The prospect of being perceived through the lens of explicit content shared without consent often prompts victims to withdraw from social circles. The fear of facing friends, family members, or acquaintances who may have seen the explicit material can be overwhelming. This withdrawal from social activities is a self-protective response to shield oneself from potential humiliation, gossip, or condemnation. Isolation, while offering a temporary shield from external judgment, contributes to the victim's overall sense of alienation. The withdrawal from social interactions deprives individuals of the support systems crucial for coping with the emotional trauma caused by revenge pornography. The lack of understanding and empathy from friends and family members can exacerbate feelings of loneliness and despair. Addressing the isolation and stigmatization faced by victims of revenge pornography necessitates a comprehensive approach. Creating awareness about the impact of revenge pornography on individuals and fostering a culture of empathy and support is crucial in mitigating societal judgment. Legal frameworks that protect victims and hold perpetrators accountable also play a vital role in reducing the stigma associated with being a victim of non-consensual intimate image sharing. Providing mental health resources and support networks can aid victims in navigating the challenges of reintegration into social life, fostering resilience and recovery.

3. Professional and Educational Impact:

Career and Educational Consequences: The repercussions of revenge pornography extend beyond the realm of psychological distress, infiltrating the professional lives of victims and creating a myriad of challenges in the workplace. Individuals who have fallen prey to this malicious act often find themselves grappling with the harsh realities of termination of employment, hindrances in securing new job

opportunities, and impediments to career progression. The fallout from revenge pornography can cast a shadow on an individual's professional trajectory, impacting their chances of receiving promotions, salary hikes, and overall advancement in their chosen career. The contemporary job application process involves rigorous background checks by recruiters, a standard procedure that can become a source of prejudice when compromising materials such as explicit photographs are uncovered. The discovery of such intimate content during a background check can lead to discriminatory attitudes, perpetuating biases that unfairly affect the victim's employability and professional standing. Faced with this potential discrimination, many victims' resort to concealing or altering their identities to sidestep the embarrassment and demotivation associated with the intrusive scrutiny of their private lives. The profound and lasting impact on professional prospects underscores the urgent need for comprehensive legal measures and societal awareness to combat revenge pornography. Addressing this issue is not merely a matter of personal privacy; it is a critical step in preserving the fundamental rights, dignity, and equal opportunities of those who have suffered the ramifications of this deeply invasive violation. As we strive for a more equitable and just society, confronting the multifaceted challenges posed by revenge pornography becomes imperative for safeguarding the well-being and future prospects of the victims (KRISTEN ZALESKI, 2019).

Cyberbullying: The online dissemination of explicit content often goes hand in hand with cyberbullying, inflicting severe harm on victims' overall well-being. Cyberbullying in the context of revenge pornography extends beyond the initial violation of privacy and dives into a realm of persistent harassment and emotional abuse. Once explicit content is shared without consent, victims become vulnerable

to relentless online harassment. Cyberbullies exploit the digital landscape to perpetuate harm, engaging in a range of abusive behaviors such as online shaming, explicit comments, and the creation of derogatory memes or content. This malicious online activity not only intensifies the emotional distress experienced by victims but also amplifies the impact on their mental health. The anonymity provided by the internet often emboldens cyberbullies, allowing them to hide behind screens while targeting and tormenting victims. Social media platforms, forums, and other online spaces become battlegrounds for the spread of explicit content and the ensuing cyberbullying, creating a pervasive and enduring assault on the victim's psyche. The consequences of cyberbullying extend to various aspects of victims' lives. Beyond the emotional toll, it can lead to reputational damage, affecting personal and professional relationships. The continuous exposure to derogatory comments and hurtful content exacerbates feelings of isolation, anxiety, and depression.

4. Impact on Society:

Normalization of Harmful Behavior: The pervasive presence of revenge pornography within society has broader implications, extending beyond individual victims to impact societal norms and behaviors. One notable consequence is the normalization of harmful behavior, fostering a culture where the violation of privacy is trivialized and overlooked. This normalization contributes to the erosion of empathy and ethical boundaries, perpetuating a concerning acceptance of actions that inflict severe emotional and psychological harm. As revenge pornography becomes more prevalent, it shapes societal attitudes toward privacy, relationships, and the digital realm. The ease of sharing explicit content without consent, facilitated by technological advancements and the ubiquity of social media, can lead to desensitization regarding the gravity of such actions. Individuals

may become accustomed to the idea that violating someone's privacy in this manner is a common occurrence, diminishing the perceived severity of the act. The normalization of revenge pornography also influences societal perceptions of consent and respect within relationships. By blurring the lines between consensual and non-consensual sharing of intimate content, the act of seeking revenge through explicit material becomes intertwined with interpersonal dynamics. This normalization contributes to a distorted understanding of healthy relationships, eroding trust and fostering an environment where harmful behaviors are dismissed or excused. Furthermore, the societal acceptance of revenge pornography perpetuates a cycle of harm, as potential perpetrators may perceive such actions as socially tolerable. The normalization of this behavior can create a chilling effect on reporting and seeking legal recourse, as victims may fear that their experiences will be trivialized or met with indifference.

Deterrent to Reporting: The fear of public exposure serves as a significant deterrent to victims reporting incidents of revenge pornography, creating a formidable barrier that hinders the pursuit of justice and accountability. When individuals become victims of non-consensual intimate image sharing, the looming threat of public exposure adds an additional layer of distress and apprehension. This fear emanates from the potential consequences of societal judgment, stigmatization, and the lasting impact on one's personal and professional life. Victims grappling with the emotional turmoil caused by the violation of their privacy, often face the daunting prospect of public scrutiny. The fear of being judged, blamed, or ostracized by society can be paralyzing, prompting many to choose silence over seeking help. This apprehension is exacerbated by the pervasive victim-blaming narratives that may arise, further deterring individuals from coming forward and sharing their traumatic experiences.

Moreover, the interconnected nature of social media and online communities amplifies the fear of public exposure. The rapid and widespread dissemination of explicit content online makes it challenging for victims to control the narrative surrounding their personal lives. The potential for content to go viral intensifies the perceived consequences, as victims may anticipate a loss of control over their image and reputation. This deterrent effect has concerning implications for justice and accountability. Perpetrators may exploit the reluctance of victims to report revenge pornography, allowing them to evade legal consequences and continue engaging in harmful behavior. The chilling effect on reporting perpetuates a cycle of impunity, emboldening offenders and undermining the effectiveness of legal measures designed to address such offenses.

5. Psychological Trauma:

Psychological Effects: Revenge pornography exacts a profound toll on the mental health of its victims, with implications that are both diverse and severe. A study revealed that a staggering 80 to 93 percent of victims experienced significant distress following the unauthorized release of their explicit photographs (Eaton, Dr. Asia A ;Jacobs, Dr. Holly; Ruvalcaba, 2017). Furthermore, nearly half of these victims, totaling 49 percent, reported enduring cyber harassment and cyberstalking perpetrated by online users who had accessed their compromising images. The spectrum of cyber harassment encompasses various forms, including online shaming, coercive demands for sexual favors, explicit communication, and malicious messages. The emotional distress inflicted on victim's manifests in a range of feelings such as annoyance, guilt, paranoia, overwhelming sadness, and, alarmingly, even suicidal tendencies. Beyond the immediate psychological impact, revenge pornography contributes to the deterioration of personal relationships and instills profound

feelings of isolation in its victims. The aftermath leaves victims grappling with an enduring sense of disgrace, hopelessness, and a resilience-testing burden associated with the enduring nature of revenge pornography. The emotional trauma forces victims into a perpetual struggle to reconcile with the incident, leaving an indelible mark on their lives. The long-term negative costs borne by victims parallel those witnessed in individuals who have been subjected to child pornography, underscoring the gravity and lasting consequences of this egregious violation. The need to address and combat revenge pornography is not only a legal imperative but a crucial step in safeguarding the mental well-being and dignity of those who fall prey to this malicious act (KRISTEN ZALESKI, 2019).

6. Gender-Based Violence: Revenge pornography perpetuates and aggravates gender-based violence, with women disproportionately bearing the brunt of this malicious act. The prevalence of revenge pornography as a tool to demean, control, and harm individuals reflects broader issues related to power dynamics, gender inequality, and the objectification of women. In many instances, revenge pornography is strategically used to target women, exploiting societal norms and biases surrounding female sexuality. Perpetrators often seek to degrade and humiliate women by publicly sharing their intimate images without consent. This act of violating a woman's privacy is rooted in the desire to exert control, dominance, and power over her. The unequal power dynamics between genders play a significant role in revenge pornography cases. The act itself reinforces harmful stereotypes and contributes to the normalization of violence against women. The notion that a person's private and intimate moments can be weaponized against them disproportionately affects women, creating an environment where they are vulnerable to exploitation and abuse. Furthermore, revenge pornography contributes to the

perpetuation of harmful narratives about women, reinforcing harmful stereotypes and fostering a culture where women are objectified and dehumanized. The act of sharing explicit content without consent not only violates an individual's autonomy but also perpetuates harmful beliefs about women's worth being tied to their sexuality.

Revenge porn is a form of cyber-harassment or bullying that entails publicly posting an intimate image to which the victim has not consented to have shared as he/she expected a certain level of privacy due to reasonable logic, at the time of capturing or allowing the other person to capture. The victims consent to sharing an image or video with a trusted intimate partner, and then without consent the recipient publicly shares it. Sometimes to fulfill an ulterior motive, the partner hack images from personal storage then post on porn sites, or the share images that were recorded without the victim's permission at all. The victim's personal information is also shared along with these images, leading to continuing harassment besides the public humiliation. Most of the times the victim is unaware of the crime for long term periods until being informed by a friend, or threatened by the perpetrator or discovered on the dark web or a porn site (Mcglynn & Rackley, 2017). Cyber Civil Rights Initiative, Inc. (CCRI) conducted a survey on revenge porn in 2013 and in 2014, CCRI provided direct services to 1,500 victims of revenge porn. In January 2015 alone, its website saw almost 94,000 exceptional visits from 191 countries. CCRI educates and enlightens stakeholders on the drafting of criminal legislation prohibiting nonconsensual pornography (Amanda Glassner, 2021). As of February 2015, sixteen states have passed criminal laws against the offense, 13 in the last year and a half. CCRI is currently functioning on several other state laws as well as a proper federal criminal law to prohibit the practice. The founders, board members, and volunteers of CCRI are comprised of leading academics, advocates, and

practitioners in the field along with prominent victims. Women are mostly victimized than men, along with women of color and LGBTQ communities being the victims mostly (Professor Emma Bond et al., 2018).

Our medical society has concurred that stress plays a significant role in impacting the social dynamics of society. Stress has adverse effects on both mental and physical health and can lead to heart ailments. Besides this, insomnia, depression, and anxiety also affect the mind. The increasing demands of life and the pressures of time have elevated the prevalence of stress to the highest level. Every person living experiences some form of stress, influencing our political, economic, social, and ethical standing. It has been proliferating like a pandemic. Stress predominantly affects the youth on a larger scale than anyone else. The competition and the pressure of performance induce immense anxiety, and thus, the youth succumb to stress. As exams become increasingly demanding and recurrent, students in schools and colleges are under an enormous amount of strain to succeed academically. The emerging comprehensive competition of aptitude and the need to establish a strong economic foundation further contribute to the stress, as responsibilities are placed on young people to accomplish something and compete directly with their peers and the world. Young people have to deal with many physical changes and the issue of having an identity. Digital identity is something that everyone strives for. There is a particular age group in the youth who think that making a strong ground and identity online is as important as living a life properly. The requirement to be known and seen or recognized pushes them into the dark web of lies, harassment and defamation.

As we all know, the internet connects people of likeminded mentality, it also brings together communities that are harmful for the society as a whole. The most widespread type of harassment youth come across is

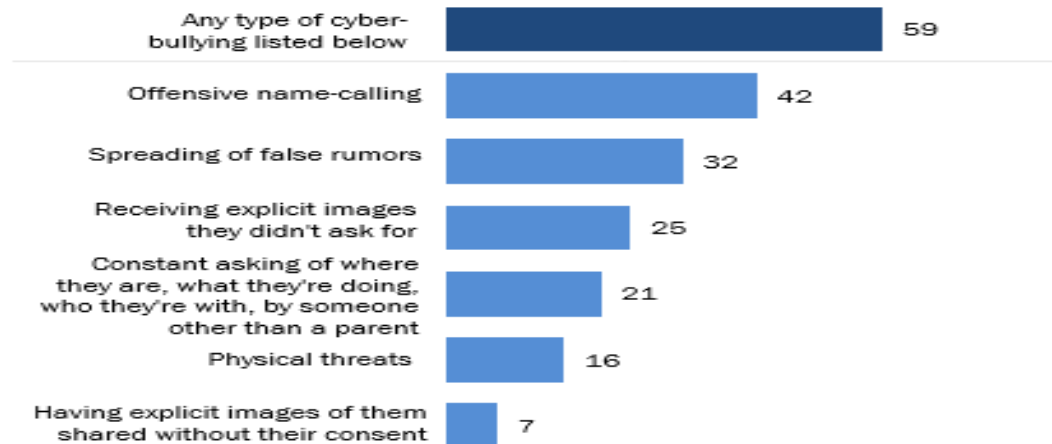
online name-calling. Some 42% of teens say they have been called offensive names online or through their mobile and about a third (32%) of teens admit that someone has spread false rumors about them on the internet, and 16% agreed to have been the target of physical threats online(MONICA ANDERSON, 2018).

Revenge pornography has the probability to sternly hurt victims and society. It is a matter that has severe impact on victims and society and the gravity of revenge pornography has still not received adequate attention from legislators and researchers. Even though responsiveness about the matter and the number of countries taking legal action against the issue are taking the front seat and the laws that exist are evolving yet there are loopholes and fail to understand, define, and penalize the various kinds of non-consensual pornography. An amplification of this perception is essential to be able to understand the harshness of the torture imposed on victims and to develop appropriate and specific laws governing and combating revenge pornography. We can't oversee the truth that there is a requirement for this kind of pornography which causes the production of consensual pornography that is made to look like revenge pornography, which also adds to the height till which revenge pornography is considered ordinary by the spectators of pornography. Revenge porn isn't just something that unpleasant exes upload or distribute to exact revenge. It's something that garners and draws demand from lots of people, people who actually want to watch them for their own requirements (Marthe Goudsmit, 2017)

2.1 Majority of Teens Have Experienced Some Form of Cyberbullying - Image (MONICA ANDERSON, 2018)

A majority of teens have been the target of cyberbullying, with name-calling and rumor-spreading being the most common forms of harassment

% of U.S. teens who say they have experienced ___ online or on their cellphone



Note: Respondents were allowed to select multiple options. Those who did not give an answer or gave other response are not shown.

Source: Survey conducted March 7–April 10, 2018.

"A Majority of Teens Have Experienced Some Form of Cyberbullying"

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2.4.9 The definitional conundrum of 'revenge porn'

The term "revenge pornography" focuses 'solely on the motivation of the offender rather than the harm inflicted upon and experienced by the victim. More importantly, the language used to describe nonconsensual pornography is influential for it impacts how these crimes are dealt with by law enforcement and how they are perceived by the public and media.

Non-Consensual Intimate Image Distribution (NCIID), sometimes known as "revenge pornography" or "image-based sexual assault," is an unforgiving reality that continues to afflict many people's lives in today's digital world. It alludes to the non-consensual distribution of nudity, partial nudity, or sexually explicit activities in images or films. The evidence on the ground points to a rising problem that has been aided by a technological and Cultural Revolution that has

put a cell phone with a camera in everyone's pocket and created an audience for practically every post that makes it into the digital world (Said & McNealey, 2022). Motives for these actions seem to vary, ranging from surreptitious actors seeking to wreak havoc on individuals' lives; ex-partners pursuing vengeance out of jealous rage; a form of entertainment, bonding, showing off, or "fitting in" among peers; a mechanism for profit or entertainment or an incidence of cyberbullying intended to embarrass or control, among others. Some victims are left feeling like their lives have been upended and their reputations irreparably damaged, inflicting considerable anxiety and/or a lasting scar (Jacobs, 2016).

The term was first coined by Coding Rights and Internet Lab. It excessively targets young single women and is a method of control used by people ranging from abusive partners and sex traffickers to hackers, scammers, and voyeurs (Dodge, 2016). NCIID is a threat to various victims having their intimate images leaked and it discourages many people to reduce their online activity. Research indicates that it excessively impacts gender and sexually different people, women of color, low-income groups, native people, and disabled people.

Revenge porn is not limited to just spiteful ex-lovers and voracious peeping toms; it also includes prying into hard drives, electronic devices, under-skirting, morphing images and using a victim's face being overlaid onto images and videos where someone else is engaged in sexual acts. The technological pitfalls are so perfect that it becomes difficult to convince the world and society that the person being portrayed in the imagery is not the victim. The situation is such that truth needs evidence to prove its truthfulness and this takes a heavy toll on the mental and physical health of the victim (Citron & Franks, 2014).

Revenge is the act of harming someone in order to inflict an injury or wrong. It is crucial to understand that the victims of revenge pornography have often done nothing out of the ordinary – they have expressed themselves sexually in private, but they had the misfortune of being confronted with perpetrators who invaded their privacy and exposed them at their most vulnerable. The perpetrator may be

determined to do so out of anger after an intimate relationship have ended. They may be influenced by many reasons but to use the word 'revenge' is to presume that the victims have devoted an original harm to the accused for which the perpetrator is owed retribution. This means the retribution of the accused is being justified.

Individuals obtain physical, psychological, and economic power for the development of non-consensual creation, distribution, and consumption of intimate images. Society always blames the victim because the content they watch looks 'real' and therefore the blame is often placed onto the victim for allegedly allowing oneself to be filmed. Non-consensual distribution of intimate photographs (including films) can occur in a variety of adult and adolescent contexts, including relationship breakup and cyberbullying.(M. Franks, 2016) When a relationship ends, one of the former parties may provide/distribute intimate images to the other partners' family, friends, employers, etc., or may post such images on the Internet to seek revenge on their former partner. Young people are increasingly exchanging intimate photographs in a consensual manner, which may later be used as fodder for humiliating cyberbullying attacks, with these images spreading swiftly and frequently uncontrollably. Often, these photographs are intended for a single person or a small group of individuals, but they are shared far more broadly than the creator planned or expected. The consequence of this dissemination is a breach of the portrayed person's privacy in respect to photos that are likely to be embarrassing, humiliating, harassing, or degrading to that person, or to injure that person in some other way(M. Franks, 2016).

In Australia, a woman stole intimate images of a couple she worked for and shared them online and in Ireland, Facebook users printed photos of teenage girls in bikinis, ejaculated onto them and then re-uploaded the photos tagging the victim. In the U.K., non-consensual naked images were used by an abuser to have power over his victim, while a group of women were targeted by hackers who stole intimate images from their iCloud storage. All these cases will be considered

to be included under the umbrella definition of ‘revenge porn’, yet the conception this term creates in most people’s minds is of just one scenario that a spiteful ex hurt their former girlfriend or partner by revealing her body, controlling her image, and damaging her reputation (Marganski & Melander, 2018).

So, we can say that the term "Revenge Porn" has gained prominence, yet its applicability is contested due to inherent limitations. Several grounds contribute to the rejection of this term:

1. **Misnomer Status:** The classification of explicit content sharing under the term "Revenge Porn" is critiqued due to its misnomer status, as the motivations behind such instances are diverse and extend beyond the realm of revenge. While the term suggests that the primary motivation is retaliation by an aggrieved ex-partner, various cases reveal a broader spectrum of motives driving individuals to share intimate images without consent. In numerous instances, perpetrators exploit explicit content for motives other than seeking revenge. Blackmail, where individuals use compromising images as leverage for financial gain or to manipulate the victim, represents a significant subset of non-consensual image sharing. The term "Revenge Porn" fails to encapsulate this broader range of motivations, creating a conceptual gap in understanding the diverse and often malicious intentions that drive such actions. Moreover, there are cases where sharing explicit content is driven by a desire for entertainment or amusement, reflecting a troubling aspect of the digital age where individuals engage in harmful activities for personal satisfaction or amusement at the expense of the victim’s privacy and well-being. The term "Revenge Porn" does not adequately address these instances, contributing to its inadequacy in encompassing the multifaceted nature of non-consensual image sharing. Economic gain also serves as a motivating factor, where individuals exploit explicit content for financial purposes, either by selling such content or using it to extort money from the victim. The term’s limitation to revenge as the primary motivation neglects the complex interplay of economic motives in perpetuating non-consensual image

sharing. In essence, the misnomer status of "Revenge Porn" highlights the need for a more inclusive and precise terminology that accounts for the varied motivations driving individuals to engage in the harmful act of sharing explicit content without consent. This critique underscores the importance of adopting language that accurately reflects the diverse nature of such offenses, facilitating a more nuanced and comprehensive approach to addressing the issue.

Exclusivity to Ex-Partners: The term "Revenge Porn" faces criticism for its exclusivity to ex-lovers or ex-partners, creating a conceptual gap that fails to encompass violations committed by unrelated or unknown perpetrators. By restricting its focus primarily to individuals who share explicit content as an act of retaliation against former romantic partners, the term inadvertently overlooks a significant portion of non-consensual image sharing cases that involve perpetrators with no prior romantic association with the victim. Instances where explicit content is shared without consent by individuals who may not have any pre-existing romantic ties to the victim. These cases challenge the narrow scope implied by the term "Revenge Porn," as the motivations and dynamics driving non-consensual image sharing extend beyond the realm of past romantic relationships. Perpetrators with no prior emotional connection or intimate history with the victim engage in explicit content sharing for various reasons, such as voyeuristic tendencies, malicious intent, or personal satisfaction.

One glaring omission in the term's coverage is the prevalence of image-based abuse done by unknown entities, often taking advantage of the digital landscape's anonymity. Online platforms provide a breeding ground for such violations, with strangers exploiting explicit content for personal gain, entertainment, or to inflict harm on unsuspecting individuals. The term's narrow focus on ex-partners neglects the reality of these unrelated and unknown perpetrators contributing to the broader landscape of non-consensual image sharing. An inclusive and accurate terminology should extend beyond the confines of past romantic relationships, acknowledging the complex dynamics involved in image-based

abuse by individuals who may be entirely unrelated to the victim. This critique underscores the need for language that reflects the diverse relationships or lack thereof between victims and perpetrators, fostering a more comprehensive understanding of the phenomenon and guiding effective legal and societal responses.

Victim-Blaming Connotations: The term "Revenge Porn" has faced considerable scrutiny due to its implicit victim-blaming connotations. By employing this terminology, there is an insinuation that the individual who has been violated may bear some responsibility for the incident. This victim-blaming aspect arises from the suggestion that the victim's behavior or carelessness played a role in provoking the sharing of explicit content without consent. This victim-blaming connotation is problematic as it diverts attention from the actions of the offender to an analysis of the victim's behavior. It may inadvertently perpetuate harmful stereotypes and contribute to a culture that scrutinizes and questions the choices or actions of those who have fallen victim to non-consensual image sharing. Such an approach can lead to stigmatization, judgment, and the unjust questioning of the violated person's character. The usage of the term "Revenge Porn" implies a certain level of complicity on the part of the victim, insinuating that they were conscious or aware of the production of pornographic content. This implication not only misrepresents the dynamics of non-consensual image sharing but also reinforces harmful stereotypes about victims, potentially dissuading them from reporting such incidents due to fear of judgment or blame. The victim-blaming connotations associated with the term "Revenge Porn" underscore the importance of using language that places responsibility squarely on the offender's actions. Advocates for survivors emphasize the need for terminology that accurately reflects the violation and emphasizes the lack of consent in the distribution of explicit content. By shifting the focus away from the victim's perceived role, a more nuanced and empathetic understanding of non-consensual image sharing can

be fostered, encouraging a supportive environment for survivors to come forward and seek justice without fear of unwarranted judgment.

3. Content-Centric Focus: The term "Revenge Porn" has been subject to criticism for its content-centric focus, which detracts from addressing the fundamental issue of the perpetrator's actions. By placing an emphasis on the content of the explicit images or videos, the terminology falls short in highlighting the gravity of the sexual abuse committed by those sharing such material without consent. The focus on the explicit content, rather than the actions of the offender, contributes to a lack of comprehensive understanding of the issue. Non-consensual image sharing is, at its core, a violation of privacy and consent, involving the unauthorized distribution of intimate content. The term "Revenge Porn" tends to prioritize the salacious nature of the material over the violation of an individual's autonomy and personal boundaries. This content-centric focus can inadvertently perpetuate a culture that sensationalizes explicit material, overshadowing the harm caused to the victims. It may contribute to the desensitization of society towards the serious breach of trust and privacy inherent in non-consensual image sharing. Advocates for survivors argue that a shift in focus is crucial, one that highlights the actions of the perpetrator as a form of sexual abuse rather than merely fixating on the explicit nature of the shared content.

To address these concerns, there is a growing call for terminology that accurately captures the essence of the offense – one that reflects the violation of consent and privacy. A more victim-centered approach involves using language that places emphasis on the breach of trust and autonomy, fostering a nuanced understanding of the issue beyond the explicit material itself. This shift in perspective is seen as essential for raising awareness, combating victim-blaming narratives, and promoting a more empathetic discourse surrounding non-consensual image sharing. Considering these drawbacks, a critical examination of the term is imperative to ensure a comprehensive understanding of the broader issue of non-consensual image sharing.

Need to add Non-consensual distribution of Intimate content and Image Based Sexual Abuse within the term Revenge Pornography

Non-consensual distribution of Intimate content or Image Based Sexual Abuse (IBSA) as an alternative to “revenge porn” terminology.

The term “revenge porn” encompasses a range of different names such as “non-consensual pornography,” “involuntary porn,” “non-consensual sexting,” or “image-based sexual abuse” (IBSA), where the latter proves more comprehensive in encapsulating the diverse behaviors falling under the broader category of “revenge porn.”

IBSA or NCDII comprises three primary behavioral categories (Zahoor, 2021).

Non-consensual Image Capture:

In this category, perpetrators surreptitiously capture nude or sexual images without the victim’s consent. Motivations behind such actions may include the pursuit of sexual pleasure, gender domination, entertainment, or financial gain. Activities like “creepshots,” “up skirting,” and “downblousing” are examples within this behavior type. Perpetrators exploit both public and private settings to capture compromising images without the victim’s awareness, creating a violation of privacy.

Non-consensual Image Distribution:

IBSA extends to the non-consensual dissemination of nude or sexual images through online platforms, offline means, or a combination of both. Offenders in this category are driven by motives such as revenge, sexual gratification, monetary gain, voyeurism, or the desire to build social status. The anonymity provided by the internet and potential economic gains from the online pornographic industry incentivize such actions. Offenders often go further by sharing victims’ identity details, exposing them to the risk of repeated victimization by the same or different perpetrators.

Threats and Sextortion:

The third key IBSA behavior involves issuing threats to victims, commonly known as “sextortion.” This includes acts committed against individuals threatened with the public disclosure of their sexual content unless they provide money or sexual favors. Motivations for such behavior encompass extortion of money, seeking unwanted sexual intimacy, victim humiliation, intimidation through the dissemination of sexually explicit media, compelling victims to endure an abusive relationship, and the offender’s exertion of dominance for power or personal enjoyment. This behavior type may also involve breaching victims’ devices, such as mobile phones or computers, to gain unauthorized access to images and deploy them as tools of intimidation, intensifying the psychological impact on the victims.

2.5 Conclusion-

Texting and digital messaging are the fundamental ways through which teenagers maintain and establish their relationships, this connectivity and digital era may lead to potentially disturbing and nonconsensual exchanges. One-quarter of the teens involved in the study declare they have been sent explicit images they didn’t ask for, while 7% say someone has shared explicit images of them without their consent. Around 57% of the parents of teens say they worry about their child receiving or sending explicit images, according to a separate Center survey of parents(MONICA ANDERSON, 2018). The vast majority of teens believe online harassment is a problem that affects people their age, and more than 50% of them say this is a main problem. When asked, most of the young people think key groups, such as teachers, social media companies and politicians are failing at tackling this issue. “These are some of the key findings and data shared by the Center’s where surveys were done on 743 teens and 1,058 parents living in the U.S., as conducted from March 7 to April 10, 2018. In the report, the word “teens” refers to those ages 13 to 17, and “parents of teens” are those who are the parent or guardian of someone in that age variety”(MONICA ANDERSON,

2018). 90% of people have experienced online abuse at some point. The term 'cyberbullying' though treated as a distinct phenomenon, is an old concept that morphed according to the advancement of technology and internet. Bullying occurs due to the differences in the people and society and often tends to be based on race, religion, sexuality, gender identity and disability the most(MONICA ANDERSON, 2018).

Young people must have the right to freely express and exercise their rights in all situations, in healthy environments be it in cyberspace or the real world. They are the backbone of the nation and world, and their contribution towards a strong democratic and socialist republic leads to the development of the nation and they can act as a source to remove all the complications and hindrances in the development. Their ideas are enlightening if they are shared with the sole intent to nation building and not harassing someone. Therefore, it is everyone's duty including parents, peers, colleagues, educational institutions, political socialites, or the culture as a whole to protect them from cyber abuse, which can result in silencing of voices and deflation self-esteem.

The report by the United Nations Broadband Commission for Digital Development Working Group pointed out that cyber violence against women and girls (Cyber VAWG) is an increasing phenomenon all over the world. The UN Broadband Commission explained that the term cyber violence against women and girls also includes hate speech such as publishing a profane vilification, intercepting private communications, identity theft, online stalking which is basically criminal harassment and threats. It can also include influencing a person to commit suicide. It also stated that "the Internet also facilitates other forms of violence against girls and women including trafficking and sex trade. Not only does commercialized sex on the Internet drive the demand for the sex industry overall, it also allows traffickers to use the legal aspects of commercial sex on the Internet as a cover for illegal activities"(Marthe Goudsmit, 2017).

The expression “revenge pornography” is known to the common man through websites, news, and media. Mostly through the internet and various websites, that has permeated the internet for the solitary reason of posting this type of material. The material is tagged along with personal information, residential address, professional workplace details and other private details.

While many people possess an understanding of the concept of crime, there is often a lack of recognition or an incapability to acknowledge the severe impact of revenge porn on its victims, comparable to the trauma experienced by survivors of sexual harassment or rape. Despite previous discussions on this matter, the far-reaching consequences of revenge porn are numerous and perpetual. These consequences encompass depression, constant anxiety, suicidal ideation, post-traumatic stress disorder, loss of employment, social isolation, and severed relationships with friends and family, with a significant proportion of victims being women. Disturbingly, research has indicated that a substantial 50% of individuals have sent intimate photos or videos, and within that group, 10% have faced threats of image circulation.

To address this serious issue effectively, it is imperative to institute a comprehensive law that does not require proof of intention to harm, but still carries the possibility of substantial jail time. Additionally, this law should mandate offenders to register as sex offenders due to the severe violation of personal boundaries and privacy. Classifying revenge porn as a felony offense would signal society’s commitment to protecting individuals from such heinous acts and would deter potential perpetrators. By implementing such measures, we can strive to create a safer environment and foster empathy and support for the victims, ultimately curbing the prevalence of this distressing crime(Jacobs, 2016).

CHAPTER 3

LEGAL FRAMEWORK ADDRESSING REVENGE PORNOGRAPHY IN UK & USA

3.1 Introduction

Within the confines of this chapter, the researcher endeavors to provide a comprehensive exploration of the intricate legal frameworks that are specifically designed to tackle the multifaceted concerns surrounding pornography, child pornography, and revenge pornography. By delving into the legislative and regulatory measures established in both the United Kingdom and the United States, this chapter seeks to elucidate the mechanisms through which these jurisdictions confront and curtail these disturbing phenomena. Furthermore, an in-depth analysis will be conducted to shed light on the various avenues of redress and support that are made available to the victims affected by these reprehensible acts. Through an examination of legal precedents, legislative provisions, and evolving societal attitudes, the chapter aims to present a thorough understanding of the remedies accessible to individuals who have fallen prey to the insidious ramifications of pornography, child pornography, and revenge pornography in both the UK and the US.

The issue of "revenge porn" has become increasingly intricate and its repercussions more severe with the advancements in twenty-first-century technology. This concern garnered heightened public attention following a significant incident in 2014, where a hacker gained unauthorized access and leaked sexually explicit photos of numerous celebrities. In August 2014, an online image-based bulletin board, 4chan, became the platform for the non-consensual disclosure of nude and sexually explicit photos of approximately 100 female A-list celebrities. Notable names included Jennifer Lawrence, Kim Kardashian,

Rihanna, Scarlett Johansson, Kaley Cuoco-Sweeting, Kirsten Dunst, Meagan Good, McKayla Maroney, Vanessa Hudgens, and Ariana Grande. The incident highlighted the alarming ease with which sexually explicit content, both consensual and non-consensual, could be disseminated using new communication technologies (Hall & Hearn, 2018). While celebrities often bear the brunt of such invasions, they are far from the only victims. A 2016 study revealed that roughly one in twenty-five Americans had either been threatened with or had become victims of nonconsensual image sharing. The profound impact of revenge porn on its victims is compounded by the enduring nature of the shared images or videos, particularly when they circulate online. Even when legal action is taken against the perpetrators, the stain of these materials is challenging to erase. Victims frequently endure workplace discrimination, cyberstalking, and the loss of employment opportunities due to the ready availability of their sexually explicit content online. As the understanding of the negative impacts of revenge porn has deepened, several countries have rushed to pass laws criminalizing the practice. In an international context, forty-six states in the United States, along with Washington, D.C., have enacted statutes prohibiting the disclosure or distribution of sexually explicit images without the subject's consent. However, it's important to note that there is no federal law specifically addressing this offense. In the United Kingdom, the Criminal Justice and Courts Act of 2015, aimed at combating crime and disorder, incorporated revenge porn into its provisions by introducing Sections 33 to 35. This legislative response reflects the growing awareness of the need to combat revenge porn and provide legal recourse for its victims on an international scale.

3.2 Legal Regimes in UK

The act of disseminating intimate photographs or films of someone without their consent, also known as image based sexual abuse, is known as revenge pornography. Since 2015, "it has been a criminal offence in England and Wales,

punishable by up to two years in prison. This is embedded in Section 33 of the act”. Section 33 (CRIMINAL JUSTICE AND COURTS ACT, 2015).

Without their consent, sharing personal, sexual photographs of another person is a heinous breach of their privacy and right to control their own body. The perpetrator is generally a former partner who has chosen to disclose sexual photographs that were initially provided in good faith and consensually during a relationship.

There has also been a rise in internet gangs tricking people into submitting graphic photographs, which they then exploit to blackmail their victims with the threat of wider distribution. Victims have been coerced into sexual behavior in other cases, either through physical or psychological intimidation, and are typically unaware that a camera is recording them. This is also known as ‘sextortion,’ and it has been related to suicide attempts in the past. Because of the proliferation of smart phones and instantaneous internet access, a perpetrator’s rash action might have devastating consequences in seconds. Once an image has been shared, the sender has very little control over who can see and share it.

Previously, any prosecution for revenge pornography hinged on whether the case met the criteria of restrictive pre-existing criminal offences, such as copyright infringement or harassment, but as public awareness of the issue grew, a new criminal offence was created under section 33 of the Criminal Justice Act 2015.

In general, there are three factors that must be established in a criminal offence:

- disclosing a private sexual photograph or video.
- without the individual depicted’ s consent; and
- With the intention of causing that individual pain.

The term "disclosure" has a broad definition that includes private messaging to friends, posting photos on the internet, and even the distribution of printed material. Similarly, "without the consent of the person shown" is a broad definition that encompasses the wider release of photographs that were freely given in a private situation. There are, however, some aspects of this crime that are less obvious.

Although the legislation does not encompass images that are totally computer generated or that might only be regarded sexual due to changes, determining whether a photograph is sexual can be difficult at times. This means that pseudo-photographs, such as those in which a person's head is superimposed on an explicit picture of someone else, will not be prosecuted under the new law.

Furthermore, showing that the criminal intended to cause the victim grief is a crucial feature of the legislation; the law makes it plain that embarrassment or humiliation is not a natural or likely outcome of distributing sexual photos. The intent to cause distress is assessed from the perpetrator's perspective, and it could be claimed that this additional evidence obstacle diverts attention away from the fundamental conduct of deliberately distributing personal, sexual photos without consent, and the clear risk of monumental consequences.

Worryingly, there are several websites dedicated to the distribution of revenge pornography, which can include further information about the individual being depicted, such as their name and address. While criminal charges can now be filed against the person who uploaded the material, website owners are not obligated to take any action because of the criminal offense. Some website providers are said to have disregarded requests for photographs to be removed, which is often the victim's primary or single purpose.

Victims can seek additional restitution in the form of civil compensation in addition to criminal inquiries. The limitations are not always apparent in such a young and evolving area of law, but there is the potential to file a claim based on abuse of personal information, harassment, deliberate injury, and other legally recognized and actionable claims(Cecil, 2014).

Choosing to pursue a civil claim for compensation isn't always a simple decision. As a result, victims should talk with a specialist counsel who can guarantee that they receive legal assistance while remaining in charge(Cecil, 2014).

The creation of a criminal offence for revenge pornography has increased public awareness of the issue and resulted in a considerable rise in successful convictions, making it a huge success. The legislation now offers a mechanism for ensuring that such flagrant breaches of trust are not left unpunished. However, there are some ongoing obstacles that must be overcome for all victims to be able to participate in the judicial system, and there must be a constant drive to ensure that victims feel empowered to seek any and all restitution that is available to them.

Criminal Justice and Courts Act, 2015

The Criminal Justice and Courts act 2015 defines the crime and encompasses the punishment.

Under **Section 32** sending letters with the intent to cause distress or anxiety has been mentioned, where “*a person guilty of an offense under this section is liable—*

- *on conviction on indictment to imprisonment for a term not exceeding two years or a fine (or both);*
- *on summary conviction to imprisonment for a term not exceeding 12 months or a fine (or both).”*Section 32 (CRIMINAL JUSTICE AND COURTS ACT, 2015)

Section 33 makes it an offense in England and Wales to disclose private sexual photographs and films without the consent of the individual depicted and with the intent to cause distress.

“It is an offense for a person to disclose a private sexual photograph or film if the disclosure is made-

- *Without the consent of an individual who appears in the photograph or film and*
- *With the intent to cause that individual distress.”(CRIMINAL JUSTICE AND COURTS ACT, 2015)*

Defense

- *“It is a defense for a person charged with an offense under this section to prove that he or she reasonably believed that the disclosure was necessary for preventing, detecting, or investigating crime.*
- *It is a defense for a person charged with an offense under this section to show that*
 - (a) the disclosure was made in the course of the publication of journalistic material, and he or she reasonably believed that, in the particular circumstances, the publication of the journalistic material was, or would be, in the public interest.*
 - (b) he or she reasonably believed that the photograph or film had previously been disclosed for reward, whether by the individual or another person, and he or she had no reason to believe that the previous disclosure for reward was made without the consent of the individual.”(CRIMINAL JUSTICE AND COURTS ACT, 2015)*

A person is taken to have shown the matters mentioned if—

- sufficient evidence of the matters is adduced to raise an issue concerning it, and
- the contrary is not proved beyond a reasonable doubt.

According to the act-

“*Consent*” to disclosure includes general consent covering the disclosure, as well as consent to the disclosure, and

“*Publication*” of journalistic material means disclosure to the public at large or to a section of the public.

“A person charged with an offense under this section is not to be taken to have disclosed a photograph or film to cause distress merely because that was a natural and probable consequence of the disclosure.”(CRIMINAL JUSTICE AND COURTS ACT, 2015)

Punishment

“A person guilty of an offense under this section is liable—

(a) on conviction on indictment, to imprisonment for a term not exceeding 2 years or a fine (or both), and

(b) on summary conviction, to imprisonment, for a term not exceeding 12 months or a fine (or both).”(CRIMINAL JUSTICE AND COURTS ACT, 2015)

Section 34 explains the meaning of “*disclose*” and “*photograph or film*”

A person “discloses” something to a person if, by any means, he or she gives or shows it to the person or makes it available to the person.

Something that is given, shown, or made available to a person is disclosed—

- *whether or not it is given, shown or made available for reward, and*
- *Whether or not it has previously been given, shown, or made available to the person.*

“Photograph or film” means a still or moving image in any form that—

- *appears to consist of or include one or more photographed or filmed images, and*
- *Consists of or includes one or more photographed or filmed images.*

The photographed or filmed images include photographed or filmed images that have been altered in any way. “Photographed or filmed image” means a still or moving image that—

- *was originally captured by photography or filming, or*

- *Is part of an image originally captured by photography or filming.*

“Filming” means making a recording, on any medium, from which a moving image may be produced by any means.

References to a photograph or film include—

- *a negative version of an image*
- *data stored by any means which is capable of conversion into an image*
(CRIMINAL JUSTICE AND COURTS ACT, 2015).

Section 35 enlighten the connotation of “private” and “sexual”

A photograph or film is “private” if it shows something that is not of a kind ordinarily seen in public.

A photograph or film is “sexual” if—

- *it shows all or part of an individual’s exposed genitals or pubic area,*
- *it shows something that a reasonable person would consider to be sexual because of its nature, or*
- *Its content, taken as a whole, is such that a reasonable person would consider it to be sexual.*

The laws also apply in case of-

- *a photograph or film that consists of or includes a photographed or filmed image that has been altered in any way,*
- *a photograph or film that combines two or more photographed or filmed images.*
- *a photograph or film that combines a photographed or filmed image with something else.*

The photograph or film is not private and sexual if—

- *it does not consist of or includes a photographed or filmed image that is itself private and sexual,*
- *it is only private or sexual under the alteration or combination mentioned above.*

- *it is only by the alteration or combination mentioned is shown as part of, or with, whatever makes the photograph or film private and sexual (CRIMINAL JUSTICE AND COURTS ACT, 2015).*

Loopholes

1. The CJCA framework faces a significant drawback due to its reliance on a narrowly defined intent to cause "distress" (s.33(1)(b)). Consequently, section 33 only applies to a subset of Revenge Porn cases involving harm caused by jilted lovers seeking 'revenge.' This limitation poses a considerable challenge in the digital age, where initially published sexual images are likely to be widely disseminated by third parties unknown to the victim. The mens rea requirement undermines the CJCA's objective of condemning Revenge Porn, as individuals who distribute non-consensual images for motives such as monetary or social gain remain unaccountable under section 33.
2. The CJCA regime is inadequate due to its lack of a precise definition for 'consent' and 'private and sexual' images. Specifically, there is no clear guidance on what constitutes consent, other than it being either 'general' or 'particular' (s.33(7)(a)). By not mandating permission for each distribution, the CJCA denies victims the protection of limited consent rights, providing offenders with a substantial loophole. Additionally, the CJCA falls short in appropriately defining when disclosed images can be considered 'sexual'. The criteria are overly rigid, requiring the presence of 'exposed genitals' or an image being perceived as sexual by a 'reasonable person' (s.35(3)(a)-(c)). Moreover, the exclusion of digitally altered images (s.35(5)(b)-(c)) leads to the CJCA disregarding victims' individual experiences of sexuality, criminalizing violations of their autonomy only when they align with an arbitrary and objective standard.
3. The Revenge Porn legislation is deficient in not providing automatic anonymity to victims. This oversight inaccurately diminishes the severity

of Revenge Porn compared to other sex-related abuses, where victims typically benefit from such protection. Moreover, this absence of automatic anonymity discourages many victims from reporting incidents to the police, with an estimated 68% dissuaded by the fear of potential "named-and-shamed" exposure within their local communities. Consequently, it seems that Section 33 serves more of a symbolic purpose than a practical one in safeguarding sexual integrity and deterring abuse.

4. The penalty stipulated by the law is insufficiently deterrent to effectively prevent the recurrence of the crime in the future.

In addition to this new law aimed specifically at 'revenge porn'/image-based abuse, a number of other criminal offences may be committed by those engaging in the same, or similar, behaviour. These include:-

Criminal Justice and Immigration Act, 2008

Part 5 of the Criminal Justice and Immigration Act, 2008 deals with pornography.

Section 63 talks about possession of extreme pornographic images

"It is an offense to be in possession of an extreme pornographic image.

An extreme pornographic image is an image that is-

- *pornographic*
- *an extreme image*
- *that is grossly offensive, disgusting, or otherwise of an obscene character.*

Concerning possession of an image in Northern Ireland, an image falls within the subsection if it portrays, explicitly and realistically, either of the following—

(a) An act that involves the non-consensual penetration of a person's vagina, anus, or mouth by another with the other person's penis, or

(b) An act that involves the non-consensual sexual penetration of a person's vagina or anus by another with a part of the other person's body or anything else,

and a reasonable person looking at the image would think that the persons were real.

According to the laws 'penetration' is a continuing act from entry to withdrawal and "vagina" includes vulva." (Criminal Justice and Immigration Act , 2008).

Defense

In section 66 "(defense: participation in consensual acts applies where in England and Wales a person ("D") is charged with an offense and it relates to an image that portrays an act or acts within the clauses of that section-

It is a defense for D to prove—

- that D directly participated in the act or any of the acts portrayed, and*
- that the act or acts did not involve the infliction of any non-consensual harm on any person, and*
- if the image portrays an act that what is portrayed as a human corpse was not a corpse, and*
- if the image portrays an act that what is portrayed as non-consensual penetration was in*
- Fact consensual." (Criminal Justice and Immigration Act , 2008).*

Penalties for possession of extreme pornographic images

If the offense relates to an image that portrays any relevant act (with or without other acts) about England and Wales and Northern Ireland, it falls under this.

Schedule 14 has special rules relating to providers of information society services. The act of possessing "extreme pornographic image" has the meaning and in determining whether a domestic service provider is in

"(a) Where the service provider is established in England and Wales, "extreme image" has the meaning given under section 63 (5A).

(b) Where the service provider is established in Northern Ireland, "extreme image" has the meaning given in section 63 (6)"(Criminal Justice and Immigration Act , 2008).

Voyeurism (Offences) Act, 2019

The Voyeurism (Offences) Act 2019 creates 2 new offences criminalising someone who operates equipment or records an image under another person's clothing (without that person's consent or a reasonable belief in their consent) with the intention of viewing, or enabling another person to view, their genitals or buttocks (with or without underwear), where the purpose is to obtain sexual gratification or to cause humiliation, distress or alarm. The offences will be triable either way and will carry a maximum 2 year prison sentence. The provisions come into effect on 12 April 2019 and will not be retrospective. The new offences will apply in England and Wales. (Voyeurism (Offences) Act, 2019)

This provision establishes:

- The offenses are subject to a 2-year highest prison sentence.
- When an offense is committed for obtaining sexual gratification, and when relevant conditions are met, the offender will be made the subject of notification requirements.

Malicious Communication Act, 1988

This act defines the offense of sending letters etc. with intent to cause distress or anxiety.

“(1) Any person who sends to another person a letter, electronic communication, or article of any description which conveys—

(i) a message which is indecent or grossly offensive.

(ii) a threat; or

(iii) Information which is false and known or believed to be false by the sender; or

(iv) any communication which is, in whole or part, of an indecent or grossly offensive nature,

is guilty of an offense if his purpose, or one of his purposes, in sending it is that it should, so far as falling within the purview of the act cause distress or anxiety to the recipient or to any other person to whom he intends that it or its contents or nature should be communicated.

(2) A person is not guilty of an offense by virtue if he shows—

(a) That the threat was used to reinforce a demand made by him on reasonable grounds and

(b) That he believed that he had reasonable grounds for believing that the use of the threat was a proper means of reinforcing the demand.

The term “electronic communication” includes—

- *any oral or other communication using an electronic communication network*
- *any communication (however sent) that is in electronic form*

The references to sending include references to delivering or transmitting and to causing to be sent, delivered, or transmitted, and “sender” shall be construed accordingly.

A person guilty of an offense under this section is liable—

- *On conviction on indictment to imprisonment for a term not exceeding two years or a fine (or both);*
- *On summary conviction to imprisonment for a term not exceeding 12 months or a fine (or both)” Section 1 (Malicious Communications Act, 1988).*

The Criminal Attempts Act 1981

The Criminal Attempts Act 1981 applies to the latest offenses in suitable circumstances. There are cases where a person intends to carry out an up-skirting offense and does an act that is more than simply preliminary to commit one of the offenses. This can mean an attempt to take a picture up a person’s skirt but failing to do so because their phone/camera or any other electronic device is not switched on or operating in a precise manner, despite the technological glitch they can still be charged with attempt to commit that offense.

“Up-skirting” is a conversational term referring to the deed of placing a camera or mobile phone underneath a person’s skirt to take voyeuristic pictures without their consent Section 67 A & 67 B (Voyeurism (Offences) Act , 2019). No specific

offense of up skirting existed before the creation of the new offenses contained in the Voyeurism (Offences) Act 2019. However, many instances of up skirting under existing law such as the common law offense of Outraging Public Decency, or under the Sexual Offences Act 2003 are prosecuted.

Ms. Gina Martin, a victim of up skirting, led a campaign where an evaluation identified some latent gaps in the law, for example, the Outraging Public Decency offense required to take action if the act occurred in a ‘public place’ but the explanation of what amounts to a ‘public place’ require certainty, and that leads to many acts of up skirting go unpunished. Additionally, the ‘Outraging Public Decency’ offense says that two or more people must be present during the act and see it with the capacity to understand it even if they did not visually witness it. This is a bizarre requirement because if the act occurs in a secluded place or an empty public transport, a prosecution applying the Outraging Public Decency offense possibly will fall short (*Meet the Activist Who Made ‘Upskirting’ Illegal in England & Wales*, 2019)

Sexual Offences Act, 2003

“In case of sexual communication with a child by a person aged 18 or over (A) commits an offense if-

- *to obtain sexual gratification, A intentionally communicates with another person (B),*
- *the communication is sexual or is intended to encourage B to make (whether to A or another) communication that is sexual, and*
- *B is under 16 and A does not reasonably believe that B is 16 or over.*

A communication is sexual if—

- *Any part of it relates to sexual activity, or*
- *A reasonable person would, in all the circumstances but regardless of any person’s purpose, consider any part of the communication to be sexual; and “sexual activity” means an activity that a reasonable person would,*

in all the circumstances but regardless of any person's purpose, consider being sexual.

A person guilty of an offense is liable—

- *on summary conviction, to imprisonment for a term not exceeding 12 months or a fine or both;*
- *on conviction on indictment, to imprisonment for a term not exceeding 2 years” Section 15A (Sexual Offences Act, 2003).*

Indecent photographs of persons aged 16 or 17

The capturing, creation, distribution, and possession of offensive or indecent images and pseudo-photographs of people under age of 18 years are unlawful. A pseudo-photograph is a representation made by computer graphics or else that appears to be a photograph/picture. The UK has stringent prevention on the taking, making, circulation and possession with a view to distribution of any of such material mentioned above of a child, and such offenses carry the highest sentence of 10 years' imprisonment (Sexual Offences Act, 2003).

The offenders are usually-

- Any person under the age of 18 who creates, possesses, and/or shares sexual imagery of themselves with another person, under the age of 18 or adult over 18.
- Any person under the age of 18 who possesses and/or shares sexual imagery created by another person under the age of 18 with another person under the age of 18 or an adult over 18.
- Any person over the age of 18 who creates, possesses, and/or shares sexual imagery of a person under the age of 18.

This includes:

- photos
- videos
- modifications to an existing image
- data that can be converted into a photograph.

- negatives of photographs

Definitions:

'*indecent*' is not clear in legislation but can include penetrative and non-penetrative sexual activity.

'*making*' can include opening, admission, downloading, and storing online content

'*sharing*' includes distribution on an email, contribution on a file-sharing platform, uploading to a site that other people have entrance to, and possessing with an outlook to share out.

Defense

The defense given is basically that the defendant had a legitimate reason behind the behavior in question. This is a burden of legitimacy rather than evidence (*R v Collier (Edward John)*, 2005).

In *Atkins v DPP*, it was held that it is a clean question of fact. The judgment continued to say that the courts "are entitled to bring a measure of skepticism to bear upon such an inquiry; they should not too readily accept that the defense is made out". On the other hand, this was also a query that the person in possession of such material was indeed an authentic researcher (*Atkins v DPP*, 2000).

This is a fact that whenever an intimate image is made, published, sent, or stored for clinical reasons following the operational guidance led by NHS England and Improvement, this will in general form a "legitimate reason" in connection to the participant involved in the procedure, and this should be considered and taken in record by the prosecutors (*Indecent and Prohibited Images of Children*, 2020).

Lack of Awareness

The defense is made out if the defendant proves that he had not himself seen the photographs in question and did not know any cause to suspect them to be indecent. This is a legal burden.

The nonexistence of knowledge and a reason to doubt is proved in respect of either the explicit content of the photograph or the main victim of the same is a

child. In this Collier case, the defendant was aware that he had a CD containing such material featuring people above 18 years of age, i.e., adults. However, he was not aware or did not have any reason to doubt that there were trailers at the end of the disk, which had advertisements including indecent images of children. The Court held that his lack of knowledge enabled him to rely on the constitutional defense regardless of the fact he knew it was indecent.

Marriage and Other Relationships

The core requirements are: The defendant has to prove that (a) the photograph was of a child aged 16 or 17 and (b) at the time of the conduct in question he and the child were married or civil partners or lived together in an "enduring family relationship". This is a legal burden.

- The photograph showed the child alone or with the defendant but nobody else.
- If the above applies, then the defense is made out for conduct.

For the other three forms of conduct to which the defense may apply there is an additional requirement that sufficient evidence is adduced to raise an issue (i.e. for the defendant to satisfy an evidential burden) as to:

- Whether the child agreed to the defendant's making, taking, or possession (as the case may be) of taking pictures or whether the defendant rationally believed she consented;
- In addition, whether the defendant possessed the photograph with a view to it being distributed or shown to anyone other than the child.

In these situations, the defendant will not be deemed guilty unless the prosecution establishes, to the criminal standard of proof, the matters on which the defendant has raised an issue. These matters include whether the child did not assent, whether the defendant did not consider that the child assented, and, in the context of a specific provision of the law, whether the intended audience was intended to extend beyond the child themselves.

The defendant may rely on the evidence presented by the prosecution to satisfy the evidential burden. For instance, it could be dismissed by inviting the jury to draw an inference from the child's conduct in the picture itself. The provisions are intricate, primarily due to the involvement of a combination of legal and evidential considerations. Therefore, the jury must be provided with precise instructions in this regard.

In *R v M*, the defendant had a "one-night stand" with a 17-year-old. They got involved in a consensual sexual activity after which he took photographs of her naked body, resulting in two charges against him for making an indecent photograph of a child. (*R v M*, 2011). The defendant said that he reasonably believed she was over 18 and had consented to the capturing photographs. It was argued that it was unreasonable that a girl aged 17 years should be capable of consenting to sexual relations but incompetent to accepting to such acts being photographed unless in marriage, social partnership, or lasting family relationship. This resulted in the breach of Articles 8(2) and 10(2) of the European Convention on Human Rights and the statutory defense should be read to include "one-night stands" (European Convention on Human Rights, 1950).

The Court held that *'the need to protect children from sexual exploitation was a "pressing social need". Whilst the defendant could engage in sexual activity with a 17-year-old girl, he had no right to make her the subject of pornography'* therefore the arguments were rejected.

Specific Defenses to the Provisions

Criminal Proceedings and Investigations

Defense is available where a person "making" an indecent photograph or pseudo-photograph can prove that it was required to do so for the prevention, detection, or investigation of crime, or the purposes of criminal proceedings. This defense will also apply to defense solicitors, counsel, police officers, prosecutors, judges, and others who must deal with indecent images of children in the course of their work, etc.

The Crown Prosecution Service or CPS and the then Association of Chief Police Officers (ACPO), now the NPCC, signed a Memorandum of Understanding which guides those who have a legitimate need to handle indecent images of children by setting out how the defense provided in the legislation may be applied. The Memorandum provides direction to the Police Service, CPS, and others involved in the internet business, to regulate and to create the right equilibrium between defending children and efficient examination and prosecution of offenses.

Protection from Sexual Harassment Act, 1997

The Protection from Harassment Act, 1997 (PHA) offers both criminal and civil remedies for victims facing harassment due to the dissemination of images or videos on online platforms. Regarding criminal remedies, the PHA aims to prevent individuals from engaging in a course of conduct amounting to harassment. In the context of revenge porn, the act of disclosing images without the victim's consent becomes part of this course of conduct, constituting a criminal offense punishable by six months imprisonment or a level 5 fine.

On the civil front, Section 3 of the PHA provides victims with a remedy for the alleged course of conduct that amounts to harassment or stalking. Victims can initiate civil proceedings, seeking damages for anxiety or financial loss caused by harassment. Additionally, victims can claim an injunction to restrain further publication of offensive material and its removal from the public domain. Violating the injunction constitutes a breach, deemed a criminal offense under this section, punishable by up to five years imprisonment.

The term harassment is covered as 'causing alarm or distress' offenses under section 2 of the Protection from Harassment Act 1997 as amended (PHA), and 'putting people in fear of violence' offenses under section 4 of the PHA. The term can also include harassment by two or more perpetrators against an individual or harassment against one or more victims.

Although harassment is not particularly defined in section 7(2) of the PHA, it still includes reiteration of the attempts to compel unnecessary communications and get in touch with a victim in a method that causes distress or fear in any sensible person, in any normal situation.

A prosecution under section 2 or 4 requires evidence of harassment. In accumulation, there must be proof that the conduct was targeted at an individual and initiated to instill fear or cause him/her distress, and was domineering and irrational.

Connected groups with proximity may also be subjected to ‘collective harassment. The main purpose of this type of harassment is not normally directed at a particular person but rather at members of a group. This includes:

- i. Members of the same family
- ii. Entire neighborhood or collective residents of a certain amount of the neighborhood
- iii. Group of people with a specific identity
- iv. Group of people sharing the same ethnicity
- v. Group of people with similar sexuality
- vi. Harassment of a collection of disabled people
- vii. Harassment of a particular group with similar sexual orientation, for e.g. LGBT communities
- viii. People with a specific or similar trade or profession.

Harassment of a person can also happen when the perpetrator is harassing others connected with the individual, knowing that this conduct will affect their victim as well as the other people. This is branded as stalking by proxy. Family members, friends, partners, spouses, colleagues, and employees of the victim may be subjected to this (*Indecent and Prohibited Images of Children*, 2020).

The PHA was brought into force on 16th June 1997 and was amended by the Protection of Freedoms Act 2012 to include two new definite offenses of stalking, through the introduction of sections 2A and 4A into the legislation. A court

dealing with a person convicted of any offense, which includes any offense that falls under sections 2, 2A, 4, or 4A of the PHA, may create a restraining order barring the defendant from any action as explained in the order. This order can be made in long with a custodial sentence or any other sentence. The order can be particularly constructive in making sure that further instances of stalking and harassment by defendants, including those who are given sentences of imprisonment do not occur anymore in the future.

The PHA includes the following provisions:

- Harassment (section 2): a summary conviction carrying a maximum of six months' imprisonment and/or a level 5 fine;
- Stalking (section 2A): a summary conviction carrying a maximum of six months' imprisonment and /or a level 5 fine;
- Fear of violence (section 4): on conviction on indictment a term of imprisonment for a not exceeding ten years or a fine, or both and for a summary conviction, to imprisonment for a term not exceeding six months, or a fine not exceeding the statutory maximum, or both.
- Stalking involving fear of violence or serious alarm or distress (section 4A): This is, either way, is an offense, carrying a maximum of ten years imprisonment and/or a fine on indictment.
- Breach of a civil injunction (section 3(6)): The High Court grants an injunction for 3(a) and if without reasonable excuse the defendant does anything which he is prohibited from doing by the injunction, he is guilty of an offense.
- Breach of a restraining order (section 5(5)); It is either way offense, carrying the same penalty as for the section 4 offense;
- A civil tort of harassment is constituted created by section 3(Protection from Harassment Act , 1997).

Crime and Disorder Act, 1998

There are often reports and cases of stalking and harassment linked with racial or religious hatred.

Section 32 provides for two racially or religiously aggravated harassment offenses, provided the racial or religious aggravation test in section 28 of the CDA 1998 Acts is met (Crime and Disorder Act , 1998).

Under section 32(1) of the CDA 1998, a person is culpable of an offense under this section if he commits:

- a. an offense under section 2 or section 2A of the Protection from Harassment Act 1997 (offenses of harassment and stalking); or
- b. an offense under section 4 or section 4A of that Act (putting people in fear of violence and stalking involving fear of violence or serious alarm or distress), which is racially motivated for this section.

Under section 32(5) of the CDA 1998, if, on the trial on indictment of a person charged with an offense falling within subsection (1)(a), the jury finds him not guilty of the offense charged; they may find him guilty of either basic offense mentioned in that provision.

Under 32(6) CDA 1998 if on the trial on indictment of a person charged with an offense falling within subsection (1)(b), the jury finds him not guilty of the offense charged, they may find him guilty of an offense falling within subsection (1)(a).

Domestic Violence, Crime, and Victims Act, 2004

Section 12 of the Domestic Violence, Crime and Victims Act 2004, as well as extending the availability of restraining orders to all offenses, provides the court with the power to make a restraining order even when a person has been acquitted, where the court considers it necessary to do so to protect a person from ongoing stalking or harassment from the defendant.

“Section 2 offense defines harassment:

- *a way of conduct;*

- *which amounts to harassment of another; and*
- *Which the defendant knows, or ought to know by reason that the action amounts to harassment of another” Section 2 (Domestic Violence, Crime and Victims Act , 2004).*

Serious Organized Crime and Police Act, 2005 (SOCPA):

Section 1(1A), as inserted by section 125(2) of the SOCPA has elements of section 1(1A) offense which are:

- *“a way of behavior;*
- *which involves harassment of two or more persons; and*
- *which the defendant knows or ought to know involves harassment of those persons;*
- *by which he intends to influence any person (whether or not one of those persons fall within the people mentioned above);*
- *not to do something that he is permitted or essential to do; or*
- *To do something that he is not under any requirement to do” (Serious Organised Crime and Police Act, 2005).*

As a summary, only conviction the section 2 offense requires information or a complaint to be filed within 6 months from the time when the offense was committed, or the matter of complaint came into existence. The 6 months’ limitation should run from the last date of the line of behavior suspected. To understand whether the defendant ought to know that the course of conduct amounts to harassment, the question to be considered is whether a real person in ownership of the same information would think the way of behavior amounted to harassment of the other (*Serious Organised Crime and Police Act, 2005*).

Three defenses are available to the section 2 offense:

- *that the course of behavior was pursued the reason of averting or detecting crime;*

- that it was pursued under any performance or rule of law or to meet the terms with any clause or requirement imposed by any person under any enactment; or
- That in the exacting circumstances the quest of the course of manner was reasonable (*Serious Organised Crime and Police Act, 2005*).

The Protection of Freedoms Act, 2012

Section 2A and 4A (PHA 1997) define stalking offenses that are also racially and religiously aggravated and are therefore covered under Part 11 of Schedule 9 of the Protection of Freedoms Act 2012. Section 112 of the Protection of Freedoms Act 2012 grants the police supplementary power that is the power of entry in connection to the new offense of stalking under section 2A of the Protection from Harassment Act 1997 (Protection of Freedoms Act , 2012).

The power of entry is exercisable only through a warrant and will allow the police to enter and search premises if there are reasonable grounds to believe that an offense under new section 2A has been or is being committed. A constable may also seize and hold on to anything, the reason for which the search has been authorized, in harassment cases that involve cyberstalking. Such shreds of evidence must be recovered from the stalker because that will aid the authorities to link the stalking behavior of the offender to the victim. Evidence such as photos of the victim of personal, professional, daily life along with seizing the equipment used to stalk the victims. Police also has the power to search for and seize computers or other electronic equipment that may have been used to commit the offense which would naturally strengthen the prosecution case. (*Memorandum to the Home Affairs Committee Post-Legislative Scrutiny of the Protection of Freedoms Act 2012, 2018*).

The Code for Crown Prosecutors, 2013

The Code for Crown Prosecutors states that charges should be selected which makes the presentation of the case unambiguous. In situations where there is a

choice of charges between harassment and stalking, prosecutors should consider the following principles before selecting an accurate charge:

- *“If the defendant has been previously warned about his behavior*
 - *If the defendant had been convicted of a stalking offense*
 - *The timeline of the stalking conviction?*
 - *If the proof demonstrates a targeted drive or fixated actions which can be best described as stalking*
 - *If the previous conviction shows a pattern of conduct that raises red flags*
 - *If there are any specific reasons why it would be more suitable for the defendant to be charged with only harassment and not stalking offense”*
- (The Code for Crown Prosecutors, 2013).

The Equality Act, 2010

Under this act, section 26(1) established the meaning of harassment by stating that harassment may mean unnecessary behavior related to an applicable protected characteristic, and the conduct has the rationale or effect of violating the victim’s dignity or creating an intimidating, unfriendly, degrading, humiliating, or offensive environment for the victim. The relevant protected characteristics are—

- age;
- disability;
- gender reassignment;
- race;
- religion or belief;
- sex;
- sexual orientation.

Section 27 further defines victimization, according to which-

“(1) a person (A) victimizes another person (B) if A subjects B to a detriment because—

(a) B does a protected act, or

(b) A believes that B has done, or may do, a protected act.

(2) Each of the following is a protected act—

(a) Bringing proceedings under this Act;

(b) Giving evidence or information in connection with proceedings under this Act;

(c) Doing any other thing for or in connection with this Act;

(d) Making an allegation (whether or not express) that A or another person has contravened this Act.

(3) Giving false evidence or information, or making a false allegation, is not a protected act if the evidence or information is given, or the allegation is made, in bad faith.

(4) This section applies only where the person subjected to a detriment is an individual.

(5) The reference to contravening this Act includes a reference to committing a breach of an equality clause or rule” Section 27 (Equality Act, 2010).

Civil remedies

In the United Kingdom, an act of ‘Revenge Porn’ generally give rise to a claim for the exploitation of private information and contravention of confidence depending on the circumstances of the case. The victims can initiate a private action, invoking breach of confidence, breach of copyright, misuse of private information, and harassment claims. The victim is empowered to secure an injunction, halting further dissemination, and prompting the removal of offensive material from websites, while simultaneously pursuing damages for the emotional distress endured.

Breach of Confidence: The breach of confidence remedy hinges on the violation of a duty between intimate partners not to share private images. The Human Rights Act, 1998, modified the requirements, eliminating the need for a prior confidential relationship. Victims seeking redress must demonstrate the confidential nature of shared images, the communication in circumstances of confidence, and the unauthorized use causing significant distress. While

successful in some instances, this remedy has limitations, including minimal compensation for victims and the challenge of deterring potential perpetrators.

Breach of Copyright: Victims can explore legal recourse under copyright law if they can establish authorship of the material. As many revenge porn images are ‘selfies,’ victims often qualify as both creators and owners. Initiating a civil action against websites publishing or distributing the material, victims can demand removal and seek damages for the harm suffered. However, the remedy’s effectiveness is constrained by the requirement to prove legal ownership, potential ineffectiveness of takedown notices, and the anonymity of perpetrators hindering identification.

Privacy Invasion: Privacy becomes a paramount concern, triggering claims for misuse of private information. The UK’s privacy laws, grounded in the European Convention on Human Rights and the Human Rights Act, underscore the duty not to disclose confidential information without consent. Victims facing the invasion of sexually explicit images on public platforms can pursue injunctions, material removal, and damages for the harm suffered. However, the Data Protection Act, 2018, defines such images as "sensitive personal data," restricting recovery for emotional distress under this category.

The Current situation

According to a newspaper report in 2020, a certain revenge porn helpline in the UK has experienced the busiest year on record with the experts’ prediction that the number of imageries they deal with will further increase by 60% (Alexandra Topping, 2020).

The helpline is run by the charity SWGFL, part of the UK Safer Internet Centre, and it reported approximately double cases in April in comparison with the same month last year – from 122 to 242. It is also a fact that the cases have dropped slightly since April, but still, they remain higher than in any preceding year.

David Wright, director of the UK Safer Internet Centre, said he was worried that more victims would have to resort to this option support as the lockdown had

produced an extreme set of circumstances which has come with many troublesome circumstances. (Alexandra Topping, 2020).

“What we are seeing here, however, suggests something more long-term has happened, which could mean we will be busier than ever before. It’s worrying to think this could be the new normal.”

“The organization forecasts that the case reporting could rise to 2,700 by the end of the year, 60% higher than the 2019 figure in the UK. The government-funded helpline has so far received 2,050 reports of revenge porn in 2020. This is equivalent to nine reports every day and a steep 22% rise on the 1,685 reports it received in 2019” (Alexandra Topping, 2020).

The report is an eye-opener and evidence of the fact that online abuse is increasing, especially in the current scenario. According to the report, this is an unsettling behavioral trend prompted by disturbing online use during the lockdown, as well as greater responsiveness of the offense and the support available to victims, said the helpline manager, Sophie Mortimer.

The UK has strict laws yet "victim-blaming" by the authorities exists and traumatizes victims of violence by the very people and authorities who are entrusted to provide security. The traits of cybers talking or online abuse are all based on the intricacies of technology and like all crimes they cannot be physically recovered from a crime scene per se. Therefore, the authorities often face trouble and thus victim-shaming problem impend over both the investigation of acknowledgment of offenses against women in cyberspace and the taking of successful action to prevent such crimes (Halder & Jaishankar, 2011).

The United Kingdom has many acts as mentioned above made to prohibit gender harassment in cyberspace to a certain extent. In UK the accountability of the Internet Service Providers (ISPs) is mostly decided by three major factors following the 1996 Defamation Act:

“(1) Consideration of the fact if the ISP is the author, editor, or publisher of the proclamation.

(2) If the ISP took sensible care concerning the publication that appeared in its domain

(3) Whether it knew the effects and outcomes of such publication where the ISP has an important role to play” (Defamation Act , 1996).

In the case of *Godfrey v. Demon Internet Limited* (1999), this matter was resolutely established where it was held that the ISP had qualified as the “publisher” and because it had failed to remove the publications therefore it was held liable for defamation.

According to a certain study, where the burden of proof lies on the victim to prove that there is an existence of fear, it is often seen that a well-built prosecution, judicial diplomacy, and quick technical change may make the ‘fear’ as an unreasonable and non-existent matter and thus further scar the victim mentally. Common Internet users, who become victims of hacking or identity theft, or child pornography, are often satisfied with the entire legal process because the nation is well equipped with the laws. Regrettably, adult female victims of cyber gender harassment may find themselves moving to the worst situations after being victimized, when they try to seek help from the criminal justice system. The concept of cyber gender harassment especially in adult female victims still needs to be urbanized outside the sphere of cyber-stalking. The laws of the land, the police, and the judiciary are helpless when the “annoying act” remains legally unrecognized.

The common reason for this can be that lawmakers and the police do not consider the grave nature of the offense. It is not just a crime committed in cyberspace but on the physical form of the victim through virtual harassment. This affects the victim more than society; just defamation is not enough to measure its gravity.

3.3 Legal Regime of USA

Pornography Laws in the USA

The Federal law prohibits the ownership with intent to sell or distribute obscenity, to send, ship, or receive obscenity, to import obscenity, and to transport obscenity across state borders for purposes of distribution. Although the law does not criminalize the private possession of obscene matter, the act of receiving such matter could violate the statutes prohibiting the use of U.S. Mails, common carriers, or interactive computer services for transportation (United States Code: Obscenity, 18 U.S.C. §§ 1461-1464, 1946). Convicted offenders face fines and imprisonment. It is also illegal to aid or abet in the commission of these crimes, and individuals who commit such acts are also punishable under federal obscenity laws.

In addition, federal law prohibits both the production of obscene matter with intent to sell or distribute, and engaging in a business of selling or transferring obscene matter using or affecting means or facility of interstate or foreign commerce, including the use of interactive computer services (United States Code: Obscenity, 18 U.S.C. §§ 1461-1464, 1946). For example, it is illegal to sell and distribute obscene material on the Internet. Convicted offenders face fines and up to 5 years in prison (*Citizen's Guide To U.S. Federal Law On Obscenity*, 1946).

The Sections 1464 and 1468 of Title 18, United States Code, particularly forbids the transmission or distribution of obscene matter by radio communication or by cable or subscription television correspondingly. The convicted offenders under these statutes face fines and up to 2 years in prison.

Obscenity Involving Minors

Federal statutes specifically prohibit obscenity involving minors, and convicted offenders face harsher statutory penalties.

Section 1470 of Title 18, United States Code, prohibits any individual from knowingly transferring or attempting to transfer obscene matter using the U.S.

mail or any means or facility of interstate or foreign commerce to a minor under 16 years of age. Convicted offenders face fines and imprisonment for up to 10 years.

In addition, Section 1466A of Title 18, United States Code, makes it illegal for any person to knowingly produce, distribute, receive, or possess with intent to transfer or distribute visual representations, such as drawings, cartoons, or paintings that appear to depict minors engaged in sexually explicit conduct and are deemed obscene. This statute offers an alternative 2-pronged test for obscenity with a lower threshold than the Miller test. The matter involving minors can be deemed obscene if it-

1. depicts an image that is, or appears to be a minor engaged in graphic bestiality, sadistic or masochistic abuse, or sexual intercourse and
2. if the image lacks serious literary, artistic, political, or scientific value. A first-time offender convicted under this statute faces fines and at least 5 years to a maximum of 20 years in prison.

There are also laws to protect children from obscene or harmful material on the Internet. Federal law prohibits the use of misleading domain names, words, or digital images on the Internet with the intent to deceive a minor into viewing harmful or obscene material (United States Code: Obscenity, 18 U.S.C. §§ 1461-1464 , 1946). It is illegal for an individual to knowingly use interactive computer services to display obscenity in a manner that makes it available to a minor less than 18 years of age (COMMUNICATIONS DECENCY ACT, 47 U.S.C. §230, 1996). It is also illegal to knowingly make a commercial communication via the Internet that includes obscenity and is available to any minor less than 17 years of age (Children’s Online Privacy Protection Rule (“COPPA”) | Federal Trade Commission, 1998).

Prohibited Actions

Generally, states characterize the felony of revenge porn as an act done by any person, to hassle or upset another. While each state has dissimilar laws, most have a common definition.

These are people who circulate or distribute electronic or printed photographs, pictures, or films that illustrate the genitals, anus, or female breasts of the other person, or portray that person engaged in a sexual act.

Child Pornography Laws in the USA-

The Federal law makes it illegal to produce, distribute, receive, and possess an image of child pornography using or affecting any means or facility of interstate or foreign commerce. Section 2251 makes it illegitimate to convince, persuade, entice, or coerce a minor to engage in sexually explicit behavior for purposes of producing visual depictions of that demeanor. Any person who attempts or conspires to commit a child pornography crime is also subject to trial under federal law. Federal jurisdiction is drawn in if the child pornography offense occurs in interstate or foreign trade. The following laws are applicable-

- 18 U.S.C. § 2251- Sexual Exploitation of Children (Production of child pornography)
- 18 U.S.C. § 2251A- Selling and Buying of Children
- 18 U.S.C. § 2252- Certain activities relating to material involving the sexual exploitation of minors (Possession, distribution, and receipt of child pornography)
- 18 U.S.C. § 2252A- certain activities relating to material constituting or containing child pornography.
- 18 U.S.C. § 2256- Definitions
- 18 U.S.C. § 2260- Production of sexually explicit depictions of a minor for importation into the United States (*CITIZEN'S GUIDE TO U.S. FEDERAL LAW ON CHILD PORNOGRAPHY*).

Legal Regime of the USA on Revenge Porn

The spreading of sexual or pornographic photos of someone without their consent is known as nonconsensual pornography. This could include photographs shot without consent or images obtained with consent that were later distributed without the approval of the persons photographed. Revenge porn is a term used to describe these photos (Brown & Hegarty, 2018).

As of February 2021, forty-six states and the District of Columbia have specific laws prohibiting and punishing the dissemination of revenge porn. The distributor of revenge porn material distributes pictures and videos of explicit sexual content, such as exposing the victim's private body parts or the victim engaged in a sexual or intimate act, if these necessary acts are met, the person accused of such conduct will be charged under revenge porn laws. The laws on this crime are changing following the needs and society.

Even though certain states have established legislation restricting the creation or distribution of nonconsensual pornography, there is no federal legislation in place. The Communications Decency Act, enacted in 1996 to regulate online pornography, shields websites and service providers from liability for information submitted by users who are not co-creators. Operators of internet services and websites are not considered publishers of content posted by their users, according to Section 230 of the Act. As a result, unless nonconsensual pornography breaches copyright or federal criminal laws, websites and service providers are under no legal responsibility to remove it (COMMUNICATIONS DECENCY ACT, 47 U.S.C. §230, 1996).

Any person who is charged under a revenge porn decree can also be charged with other related crimes which include cybercrimes, computer crimes, distribution of child pornography, and more, because revenge porn cannot be limited to just its specific nature, and over time with advanced technology, the crime has created many faces of its own.

1. Alabama- “Distributing a private image is prohibited. A Class A misdemeanor is punishable by up to 1 year in jail; subsequent offenses, Class C felony, punishable by up to 10 years’ incarceration.” (Alabama Code, § 13A-6-240, 1975).
2. Alaska- Publishing or distribution of electronic or printed photographs, pictures, or films that show the genitals of the other person, or depict that person engaged in a sexual act is considered a Class B misdemeanor; the accused can end up with 90 days jail and a fine of \$2,000 (Alaska Statutes, Title 11. Criminal Law § 11.61.120. , 2011).
3. Arizona- Deliberately releasing the image of a particular person in a state of nakedness or occupied in sexual activity, when the person does not know the same due to the reason to believe that a certain level of privacy exists, and with the intent to damage, stalk, frighten, intimidate, or force the depicted person can amount to Class 4 felony, carrying a punishment of 1.5 years in jail and a fine up to \$150,000, probable registration as a sexual offender. If the person is threatening to disclose, but no disclosure has been made then it is a misdemeanor (Arizona Revised Statutes Title 13. Criminal Code § 13-1425, 2014).
4. Arkansas- The illegal distribution of sexual images or recordings results in a Class A misdemeanor, up to one year in jail, a fine of up to \$2,500, or both (Arkansas Code Title 5. Criminal Offenses § 5-26-314. , 2015).
5. California- If a person distributes the images, where the victim is recognizable with the motive to cause serious emotional distress to the victim; and the said victim suffered such distress in actuality then it will lead to a misdemeanor, up to six months in jail, fines up to \$1,000 (California Code, Penal Code - PEN § 647 , 2011).
6. Colorado- The posting of private images and videos through the use of social media or any website any or displaying the private parts of an identifiable person eighteen years of age or older with the intent to harass

the depicted person and inflict serious emotional distress upon the depicted person amounts to Class 1 misdemeanor, 6-18 months in jail, a mandatory fine of \$10,000 (Colorado Revised Statutes Title 18. Criminal Code § 18-7-107, 2016).

7. Connecticut- Criminal dissemination of an intimate image with intent to cause harm and without the victim's consent amounts to a Class A misdemeanor (Connecticut General Statutes Title 53A. Penal Code § 53a-189c., 2015).
8. Delaware- Posting a nude or sexually explicit photo or video of someone on the internet without their permission will be punishable within Class G Felony if aggravating factors are present (Delaware Code Title 11. Crimes and Criminal Procedure § 1335, 2019).
9. District of Columbia- Intentionally revealing one or multiple sexual images of another identifiable person when:
 - The person depicted did not assent to such disclosure.
 - There was a certain level of trust and understanding between the person showed and the person disclosing that it would not be disclosed; and
 - The person who disclosed the sexual image to harm the person depicted or to receive monetary gain.

The accused will be subjected to offense, a maximum fine of \$1,000 and/or 180 days in jail, or a felony, with the highest fine of \$12,500 and/or three years in prison (District of Columbia Code Division IV. Criminal Law and Procedure and Prisoners. § 22-3051., 2015).

10. Florida- Publishing a sexually explicit image of another person along with private classified information of the showcased person on the internet or a website without his/her consent, for no genuine purpose, and with the target of causing the depicted person extensive mental anguish will be a first-degree misdemeanor, leading to one year in jail, and payment of

\$1,000 in criminal fines (Florida Statutes Title XLVI. Crimes § 784.049., 2022).

11. Georgia- Knowingly being aware and in the knowledge of sexually private content, in the form of post, obtained without the will of the depicted person:

- Electronically broadcasts or posts, in one or more numbers, a photograph or video showcasing nudity or sexually explicit behavior of an adult when the communication or post causes harassment or monetary loss to the depicted person and provides no justifiable purpose to the depicted person; or
- Facilitates or causes the broadcast or posting.

Results in motivated offense, but succeeding charges can be a felony punishable by one-five years prison, and payment of \$100,000 fine (Georgia Code Title 16. Crimes and Offenses § 16-11-90, 2020).

12. Hawaii- Transmission of naked photos of a person on the internet without their consent is a Class C felony, with five years in prison, and a fine (Hawaii Revised Statutes Division 5. Crimes and Criminal Proceedings § 711-1110.9, 2021).

13. Idaho- Knowingly disseminating, publishing, or selling (or conspiring) of any image/images of the private body parts to other person/persons without the permission of the concerned person (Idaho Statutes Title 18. Crimes and Punishments § 18-6609., 2022)

14. Illinois- Deliberately publishing an image of another person is punishable where that person is:

- Of at least 18 years old.
- This person's identity is noticeable from the image itself or knowledge displayed in association with the image, and in that image, the depicted person is engaged in a sexual act, or his/her intimate parts are exposed, in total or in part.

The above-mentioned acts result in a felony, with one to three years in prison, and up to a \$25,000 fine. The Victims also have civil remedies available to themselves and they can recover economic and punitive damages (Illinois Statutes Chapter 720. Criminal Offenses §-23.5., 2020).

15. Indiana- A person who knows or reasonably should know that an individual depicted in an intimate image does not consent to the distribution of the intimate image and distributes that intimate image commits an offense as a Class A misdemeanor. However, the offense is a level 6 felony if the person as a prior unrelated conviction (Indiana Code, Section 35-45-4-8, 2019).
16. Iowa- Disseminates, publishes, distributes, posts, or caused to do the same or posted picture or pictures or film showing another person in a situation of full or partial nudity or engaged in a sexual act, knowing that the other person has not agreed to the distribution, publication, or posting will result in an aggravated misdemeanor; up to 2 years jail time, up to \$6,250 fine (Iowa Code, Section 708.7, 2023).
17. Kansas- When a person uploads sexual or intimate photos or videos of another person without their consent, he/she commits a first offense, and the defendant's sentence shall include probation, county jail time, and a suspended prison sentence instead of being immediately sent to the same. It can also result in a second offense, with up to six years in prison (Kansas Statutes Chapter 21. Crimes and Punishments § 21-6101., 2016).
18. Kentucky- a person is guilty of distribution of sexually explicit images without consent when he/she intentionally distributes to any third party private erotic matter without consent of the person depicted, and does so with the intent to profit, or to harm, harass, intimidate, threaten, or coerce the person depicted and this disclosure would cause a reasonable person to suffer harm (Kentucky Statues, Section 531.120, 2019).

19. Louisiana-The sharing of material which includes posting, distributing, or publishing nude or partially-nude pictures or video of mobile, without victim's consent on a computer device or network, in website, or other electronic device or medium of communication results in two years in jail and fines up to \$10,000 (Louisiana Revised Statutes Tit. 14, § 283.2., 2002).
20. Maine- A person is guilty of unauthorized dissemination of certain private images if the person, with the intent to harass, torment or threaten the depicted person or another person, knowingly disseminates, displays or publishes a photograph, videotape, film or digital recording of another person in a state of nudity or engaged in a sexual act or engaged in sexual contact in a manner in which there is no public or newsworthy purpose when the person knows or should have known that the depicted person:
- (A) Is identifiable from the image itself or information displayed in connection with the image; (B) Has not consented to the dissemination, display or publication of the private image. (Maine Revised Statutes Title 17-A. Maine Criminal Code § 511., 2021)
21. Maryland- A person will be punished under Maryland state laws if he/she deliberately publishes a photograph, film, videotape, recording, or any other reproduction of the image of the other person engaged in sexual contact, on the internet, with the awareness that the other person did not approve to the assignment of the said image because under obvious circumstances the other person has a viable reason to expect that such material should be kept private. Such an act amounts to a misdemeanor, up to two years in jail, fine of \$500 (Maryland Code, Criminal Law § 3-809, 2018).
22. Michigan- If images/video/recordings of private moments and intimate body parts or a sexual act are posted online, without someone's consent, it will result in 93 days imprisonment and a fine of up to \$1,000. There is a

succeeding conviction which would result in jail time of up to one year (Compiled Laws, Chapter 750. Michigan Penal Code § 750.145e, 2002).

23. Minnesota- Minnesota punishes a person who intentionally disseminates a private sexual image of another. This is a gross misdemeanor which results in one year in jail, a \$1,000 fine, a felony occurs if the cause economic loss with the ultimate intention to profit from the situation, or simply harass, or post the material in a porn site and other factors involved (Minnesota Statutes Crimes; Expungement; Victims (Ch. 609-624) § 617.261, 2022).

24. Missouri- When a person threatens another person with private sexual images of that other person, to release the same, the act is punishable. The acts also include intimidation to disseminate the private sexual images to gain or attempt to gain anything of value, coercing or attempting to coerce. The images or material was made or created with the consent of the victim, under the c, reasonable logic that the image was to remain private, against the will of such person:

- Of maximum 18 years of age;
- Exclusive from the image itself or information exhibited in association with the image; and
- The victim is engaged in a sexual act or in that act whose intimate parts are exposed, in whole or in part.

This results in a Class E felony, punishable by a term of up to 4 years (Revised Statutes of

Missouri, Sections 573.110, 573.112, 2018).

25. Montana- a person commits the offense of violating privacy in communications if the person knowingly with the purpose to terrify, intimidate, threaten, harass, publishes or distributes printed or electronic photograph without the consent of the person show his/her private parts

will be fined with an amount not exceeding \$500 or with an imprisonment not exceeding 6 months (Montana Code, Section 45-8-213, 2019).

26. Nebraska- It shall be unlawful for any person to knowingly and intentionally distribute or otherwise make public an image or video of another person's intimate area or of another person engaged in sexually explicit conduct:

- if the other person had a reasonable expectation that the image would remain private,
- knowing the other person did not consent to distributing or making public the image or video, and
- if distributing or making public the image or video serves no legitimate purpose.

Violation of this is a Class I misdemeanor. A second or subsequent violation of this is a Class IV felony (Nebraska Revised Statutes - § 28-311.08, 2006).

27. Nevada- A person will be held accountable if he/she intentionally distributes or sells an intimate image and electronically which depicts the other person and the other person who was at least 18 years of age when the intimate image was created, who did not give earlier consent to the electronic dissemination or the sale of the intimate image due to the reasonable expectation that the intimate image would be kept personal and would not be made evident to the public. The punishment is one to four years in Nevada State Prison, fine of up to \$5,000 (Nevada Revised Statutes Title 15, Crimes and Punishments § 200.780., 2017).

28. New Hampshire- The non-consensual dissemination of private sexual images with the intent to harass intimidates, threaten, or coerce the depicted person results in felony (New Hampshire Revised Statutes, Section 644:9-A, 2016).

29. New Jersey- Making a nonconsensual recording that reveals another person's "intimate parts" or shows that person engaged in a sexual act without consent amounts to a felony with three to five years in prison, a fine not to exceed \$15,000 The New Jersey Code of Criminal Justice 2C § 14-9, 2013).

30. New Mexico- Distribution of sensitive images without permission including:

- Distributing
- Circulating
- Making the material publicly available
- Using electronic communications to transmit

Will result in an offense and the second felony is a crime (New Mexico Statutes Chapter 30. Criminal Offenses § 30-37A-1., 2015).

31. New York- a person is guilty of unlawful dissemination or publication of an intimate image when:

- The intention is to cause harm to the emotional, financial or physical welfare of another person, or publishing a video of such person.
- When the video was taken under such circumstances that the person depicted had a reasonable expectation that the image would remain private.

The unlawful dissemination or publication of an intimate image is a class A misdemeanor (New York Criminal Code, Section 245.15, 2019).

32. North Carolina- Intentionally disclosing sexual image of another person with the intention to:

- Intimidate, harass, disparage or cause pecuniary loss to the depicted person, or
- Cause others to compel, harass, terrorize, demean, humiliate, or cause financial loss to the depicted person, and

- The depicted person is recognizable from the divulged image or the information offered in correlation with it.

All the above acts result in Class H felony (North Carolina General Statutes Chapter 14. Criminal Law § 14-190.5A., 2017).

33. North Dakota- The making is known of nude or sexual images of a person without the person's authority and with the target to make the person being recognized and causes harm is a class A misdemeanor (North Dakota Century Code Title 12.1. Criminal Code, 2023).

34. Ohio- No person shall knowingly disseminate an image of another person if all of the following apply:

- The person in the image is eighteen years of age or older.
- The person in the image can be identified from the image itself or from information displayed in connection with the image and the offender supplied the identifying information.
- The person in the image is in a state of nudity or is engaged in a sexual act.
- The image is disseminated without consent from the person in the image.
- The image is disseminated with intent to harm the person in the image.

Whoever violates this section is guilty of nonconsensual dissemination of private sexual images, a misdemeanor of the third degree (Ohio Code, Section 2917.211, 2019).

35. Oklahoma- Dissemination of private sexual images of a person without that person's approval results in a misdemeanor, up to one year in jail, up to \$1000 fine (Oklahoma Statutes Title 21. Crimes and Punishments §21-1040.13b., 2022).

36. Oregon- The unlawful dissemination of an intimate image is a Class A Misdemeanor, Class C Felony if the offender has repeated his/her offense (Oregon Revised Statutes, Section 166.065, 2022).
37. Pennsylvania- Any sexually explicit image posted to cause the person being victimized in the image to cause distress to them and that too without the consent of the victim will amount to a \$5,000 fine and up to one year in prison (Pennsylvania Statutes Title 18 Pa. C.S.A. Crimes and Offenses § 3131, 2014).
38. Rhode Island- The dissemination of indecent material without permission is a misdemeanor for the first violation, felony for the second or subsequent violation, and felony if the said material is used to commit extortion or Sextortion (Rhode Island General Laws, Section 11-64-3, 2018).
39. South Dakota- The dissemination of a visual recording or photographable device without the consent of the other person to harass, or humiliate the victim is a class 1 misdemeanor unless the victim is 17 years old or younger, then in that situation, it is a Class 6 felony (South Dakota Statutes, Section 22-21-4, 2022).
40. Tennessee- If a person distributes an image of the intimate part or parts of another identifiable person with the intent to cause emotional distress, where the parties had agreed and understood that the image which was photographed or recorded would remain private. The releasing of such material, therefore, causes distress to the victim and the offender will be charged with Class A misdemeanor (Tennessee Code Title 39. Criminal Offenses § 39-13-301, 2021).
41. Texas- When a person deliberately discloses illustrative material depicting another person with the person's intimate body parts exposed or the person being engaged in sexual conduct, without the effective consent of

the depicted person, it constitutes a Class A misdemeanor (Texas Penal Code, Section 21.16, 2021).

42. Utah- Intentionally motivated distribution of sexual images of a person to any third party of another person without that person's approval makes for a Class A misdemeanor (Utah Code Title 76. Utah Criminal Code § 76-5b-203, 2018).
43. Vermont- The non-consensual dissemination of someone's nude or sexually overt pictures or videos results in two years prison and a \$2000 fine (Vermont Statutes Title 13. Crimes and Criminal Procedure, § 2606, 2015).
44. Virginia- Dissemination of sexually explicit photos without the victim's consent and with the hateful intention to bully that person will constitute a Class 1 misdemeanor, up to two years in prison, and a fine (Virginia Code Title 18.2, Crimes and Offenses Generally § 18.2-386.2, 2019).
45. Washington- Purposely and image/images of another person without their consent is considered a gross misdemeanor (Washington Revised Code Title 9. Crimes and Punishments § 9.61.260., 2019).
46. West Virginia- The willful display of sexually explicit or intimate images of someone else without their consent in public, distributing them, or threatening to do so constitute a misdemeanor and fined up to \$1,000 to \$5,000 and a year in jail (West Virginia Code Chapter 61. Crimes and Their Punishment § 61-8-28., 2020).
47. Wisconsin- Nonconsensual spreading of a nude or partially nude image/images of a person engaged in sexually explicit conduct constitutes a misdemeanor, fine, and possible jail (Wisconsin Statutes Crimes (Ch. 938 to 951) § 942.09., 2012).
48. Wyoming- The illegitimate dissemination of intimate images is punishable. It is a misdemeanor, for first/subsequent/aggravated offense, its punishable by not more than one (1) year imprisonment, a fine of not

more than five thousand dollars (\$5,000.00), or both. There are no limits to the protection of victims based on age (Wyoming Statutes Title 6. Crimes and Offenses § 6-4-305., 2022).

Civil Remedies-

In the present scenario, the federal law does not endow with a remedy to victims of nonconsensual pornography which is commonly referred to as "revenge porn". In the deficiency of criminal or civil liability for nonconsensual pornography, 46 states and the District of Columbia have enacted and enforced laws criminalizing or creating civil liability for the perpetrator who distributes a sexually explicit image of someone else without the represented person's person when the same person gave the accused such an image with the hope that it would remain naturally private (Citron & Wittes, 2017).

ENOUGH Act (S.2162) was introduced in the Senate to criminalize revenge porn in November 2017. The current laws do give some protection, to the victims of nonconsensual pornography but cannot limit the further breakdown of their career and educational opportunities, status, relationships, and mental health without the capacity to eliminate their images from the platforms and websites that crowd and catalog them (Citron & Wittes, 2017).

The Current Situation in USA-

Obscenity Laws in the USA

While obscenity plays an important part in the determination of the crime, it is not protected under the First Amendment rights to freedom. The violations of federal laws are considered criminal offenses. The courts of the U.S use a certain three-step process to determine whether the material found in possession of the accused is obscene. Obscenity is distinctive and recognized according to the decisive factor set in the case of Miller and is known as the Miller test. This may include visual depictions, spoken words, or written text. Federal law makes it illegal to distribute, transport, sell, ship, mail, produce with intent to distribute or sell, or

engage in a business of selling or transferring obscene matter. The offenders face fines and punishment naturally (Esmaili, 2017).

However, it is a matter to be noted that the laws do not criminalize the private possession of obscene matter, but if someone receives the same obscene through mails, common carriers, or interactive computer services for transportation, it is punishable under the law.

Obscenity Law and Minors

If someone transfers or attempts to transfer obscene material to a minor under the age of 16, through the internet then the perpetrator is punishable under federal laws. It strictly bars the dissemination of obscene material to minors. It is also illegitimate to use the website to lure a minor into watching or viewing unsafe or obscene material. Usually, these websites are successful in their efforts because they shield their domain names from such harmful websites, therefore misleading the authorities and victims.

In addition, visual representations, such as drawings, cartoons, or paintings that appear to depict minors engaged in sexual activity and are obscene are also illegal under federal law (Esmaili, 2017).

Free speech

It is to note that both the federal and state constitutions defend the freedom of speech; however, the freedom is not unconditional. Communication can be free speech or expression or become criminal conduct at any point in time; the laws determine the legitimate purpose of the communication in that case.

For example, Alabama's harassment law states that the decree does is not relevant to telephone communications conducted for legitimate business purposes. Federal law provides measures to combat cyberstalking. It is a federal crime, punishable by up to five years in prison and a fine of up to \$250,000, to transmit any communication in interstate or foreign commerce containing a threat to injure the person of another (18 U.S.C. § 875, 2018). Section 875(c) applies to any kind of communication transmitted or broadcasted in actuality in interstate or foreign

commerce. This also includes threats broadcasted in interstate/foreign commerce through the telephone, e-mail, beepers, or the Internet.

- The federal statute makes an act punishable for a maximum imprisonment of two years if the offender is found to have used a telephone or telecommunications device to irritate, abuse, harass, or threaten any person at the called number (47 U.S. Code § 223, 2013).
- Another federal statute also requires that the perpetrator keep his identity secret, for his offense to fall under this statute (47 U.S. Code § 223, 2013). Section 223 applies only to straight communications between the wrongdoer and the victim. It would therefore not reach a cyberstalking situation if a person pesters or terrorizes another person by posting messages on a bulletin board, chat room encouraging others to harass or annoy another person. Section 223 is only a misdemeanor, punishable by not more than two years in prison.

The Interstate Stalking Act(18 U.S. Code § 2261A, 2020) finds all those persons guilty under the act that travels across state lines intending to injure or harass another person and, in the course thereof, places that person or a member of that person's family in reasonable fear of death or serious bodily injury. The pitfall of this act is the necessary element for the stalker to physically travel across state lines. Due to this reason, many accused go non-punishable.

Revenge porn laws face a major First Amendment difficulty because their unambiguous and unabashed intention is to punish and suppress indigent speech. They compose content discrimination and its motivated variants, perspective discrimination, and speaker discrimination also simply known as content discrimination. After the City of St. Paul case, the Supreme Court's free speech cases have come to treat content discrimination as the least abided variety of legislative regulation on free expression. The freedom of speech may not be absolute but what has become nearly unconditional is the constitutional exclusion

of governmental efforts to inhibit broken ideas, facts, viewpoints, or speakers (*R.A.V. v. City of St. Paul*, 505 U.S. 377, 1992).

The Supreme Court's particular attention to content discrimination has led to a splitting up of speech restrictions into two major groups, one among which content-neutral restrictions and the other being content-based.

3.4 Conclusion

In conclusion, this chapter has provided a comprehensive examination of the legal frameworks and remedies concerning issues related to revenge pornography in the United Kingdom and the United States. Through a meticulous analysis of legislative measures, case law, and societal responses, it is evident that both jurisdictions are actively engaged in addressing these distressing matters.

The legal mechanisms discussed underscore the commitment of both the UK and the US to combatting the adverse effects of such content on individuals, particularly vulnerable populations. The evolution of laws and regulations reflects a proactive approach to adapting to the ever-changing landscape of technology and its influence on these concerns.

Furthermore, the exploration of available remedies has highlighted the efforts made to provide victims with avenues for justice, support, and healing. From legal recourse to psychological assistance, it is evident that strides have been taken to ensure that victims are not only protected by the law, but also afforded the necessary tools to rebuild their lives.

As society continues to grapple with the challenges posed by revenge pornography, it is imperative that these legal frameworks and remedies remain adaptable and responsive. By fostering ongoing dialogue, collaboration, and awareness, both the United Kingdom and the United States can continue to refine

and enhance their approaches to addressing these issues, ultimately striving towards a safer and more equitable digital landscape for all individuals.

CHAPTER 4

CRITICAL ANALYSIS OF NATIONAL LEGAL REGIME

4.1 Introduction

In this chapter the researcher will discuss the merits and limitations of existing Indian laws for responding to the cases of revenge pornography, Child pornography and cyber-crime laws of India.

The Internet never forgets. And that permanent digital record, a blessing when it summons a moment we want to recall with the click of a mouse, can be a weapon in more sinister hands when it preserves ones we would like to forget. Controlling the distribution of the acts we want back, from mere silly poses for a camera to the most intimate deeds, has become a fact of life in the digital age, taking us into uncharted legal and ethical territory. And few expressions of this exploitative power are as disturbing as what is known as revenge porn, the posting online of sexually explicit photos or videos by a former partner seeking retribution (Penny, 2015).

The exponential growth and omnipresence of the Internet represent a remarkable technological advancement, connecting individual networks globally. The widespread adoption of 3G mobile broadband, the spread of superfast broadband, and the ascent of 4G have collectively transformed online access into a near-instantaneous and universally accessible phenomenon. The Internet serves as a multifaceted tool, facilitating communication, information searches, banking, entertainment, social networking, and more. The portability of devices such as smartphones, laptops, and tablets ensure that Internet access is available virtually anywhere and at any time, reshaping the way we interact with the digital world. In the Indian context, the communication landscape underwent a seismic shift in the 2000s. Affordable communication devices and the introduction of economical

communication schemes by providers like Airtel and BSNL democratized telecommunication accessibility. This, coupled with the widespread presence of internet giants like Yahoo and Google in the Indian market and forward-thinking government policies, led to a pervasive internet presence. Computers, ranging from desktops to laptops, became commonplace in homes, cyber cafes, and workplaces. The introduction of tablets and smartphones, equipped with mobile operating systems like Android, further democratized access to communication tools across economic backgrounds.

The digital revolution left an indelible mark, resulting in India boasting over 933 million telephone connections, including 904.52 million wireless connections, and 60.87 million broadband connections. Governments at the state and union territory levels embraced web portals as a means of disseminating administrative information, criminal justice details, medical facilities, tourism resources, and historical information. At the central level, extensive web portals were introduced, spanning various schemes, educational resources, public transport, grievance cells, citizenship-related information, and more (Halder & Jaishankar, 2017).

The positive outcomes of this digital revolution extended beyond communication to sectors like banking, where Information and Communication Technology (ICT) facilitated internet penetration in urban, semi-urban, and rural areas. The private sector experienced significant growth through e-commerce platforms like Flipkart, illustrating the convenience and accessibility of online marketplaces. Consider the steep growth of popularity of 'online mega store' Flipkart especially during the Deepavali festival in 2014 (Halder & Jaishankar, 2017). While such online mega stores have paved the way for easy shopping for men and women in India, it has shown adverse results as well. OLX.com, another online shopping portal, came up in news in 2013 when someone had put up an advertisement for sale of a particular woman for ₹2000. OLX removed the advertisement within hours of notification, but this is one example of how easy is to target anyone on the internet by predators. This dual narrative highlights the transformative impact

of the digital age on commerce and communication, but also underscores the dark side, like evolution of various cyber-crimes which, emphasizing the urgent need for robust legal frameworks and awareness campaigns to address cyber-crimes like Phishing and Scam, Identity Theft, Ransomware Attack, Hacking/Misusing Computer Networks, Internet Fraud, cyber bullying, revenge porn and so on. In the dynamic landscape of our contemporary world, where a mere click on the internet opens doors to vast realms of information and interaction, the concept of privacy has become both invaluable and precarious. The increasing trend of intruding into individuals' personal spaces is a concerning phenomenon, particularly highlighted in the context of revenge porn and the non-consensual dissemination of intimate content (Halder & Jaishankar, 2017). What makes this unethical practice even more alarming is its indiscriminate impact, transcending gender boundaries and affecting individuals across the spectrum. In today's world, where people seek the display of others' personal space, privacy is becoming increasingly valuable. Revenge pornography, or the non-consensual dissemination of intimate photos, has become a modern tool for threatening, cruelly punishing, and exploiting people for personal gain. It is a harsh reality that we live in a society where many people avidly look for rape and harassment films, and online shaming has become a pastime. Many people, regardless of gender, fall victim to this trap and become prey for evil and vicious persons. Sharing intimate photographs with a lover has become a must for love and acceptance. Revenge pornography has emerged as a modern technique to employ against individuals for egoistic needs and to punish the victim both psychologically and physically in this day of free and limitless internet. In the era dominated by social media platforms such as Facebook, WhatsApp, and Twitter, where personal boundaries often blur, the menace of revenge porn has emerged as a widespread concern. These applications serve as platforms that connect users, allowing them to share everything in their lives not only with each other but also with a global audience. The term 'everything' encompasses a wide array of personal elements,

ranging from images and personal information to emotional feelings and the narrative of one's love life.

Information and Communication Technology (ICT) and Digital Communication Technology (DCT) play a pivotal role in the dynamics of modern dating. Partners engaged in relationships often share intimate pictures or videos, including nude selfies, through live sex chats or other mediums to foster confidence and appreciation. Platforms like Yahoo Messenger or Skype facilitate these live interactions, where partners engage in explicit conversations and share activities that may involve recording both penetrative and non-penetrative sexual acts using mobile phones or laptops. Unfortunately, these recorded contents can transform into weapons in the hands of a dating partner, subsequently used to humiliate, blackmail, torture, degrade, and defame the individual who becomes the victim during intimate encounters. This exploitative behavior contributes significantly to the rising trend of revenge pornography.

The ex-Minister of Law and IT, Ravi Shankar Prasad informed about his apprehensions at an Internet and Mobile Association of India (IAMAI) event regarding the mistreatment of popular platforms like YouTube, WhatsApp and Google to propagate content of sexual temperament. He also drew awareness about the experience of victims of 'revenge porn' saying it was "creeping in India" in one of the minority of situations where the matter has been brought up publicly ("YouTube, Google, WhatsApp Misused for Porn, Fake News and Incite Violence," 2020). As explained before in the research "revenge porn" remains mucky. Prasad talked about the rise in the matters of revenge Pornography in India which is done to dishonor, intimidate or manipulate an individual. Due to the absence of revenge porn laws the statistics around this are not available in India.

In 2020, a tragic incident unfolded in Gujarat when a 16-year-old girl took her own life after her intimate video was maliciously leaked online ("Girl, 16, Commits Suicide after Boyfriend Allegedly Leaks Intimate Video," 2020). Two

years later in Vishakhapatnam (*Cyber Crime: Man Arrested in Visakhapatnam for Posting Woman's Nude Photos*, 2022), the police arrested a man for posting nude pictures of woman on social media platform, revealing a distressing pattern of non-consensual intimate image sharing (NCII) known as revenge pornography. What ties these cases together is that the images were originally shared within the context of a private relationship, taken with the women's consent during those relationships, and subsequently exposed with the vengeful intent of causing harm. The term "revenge pornography" encapsulates this phenomenon, defining it as the public disclosure of intimate images or videos initially shared in private relationships without the individual's consent, often on the internet.

The pervasiveness of 'victim-shaming' by the criminal justice system as well as friends, family, society and public discourage the victim and they are tremendously reluctant to visit a police station and file a First Incident Report (FIR). In several cases, victims of revenge porn have even expressed their fears in filing the FIR because they couldn't bear to show their sexually explicit content in a room full of male police officers. Even female police officers show no empathy towards the victims and judges them based on old-school outdated thought process.

Despite these technological advancements and legal responses, a notable gap persists in research and legislation concerning the online victimization of women and female children. This void is particularly relevant in the context of revenge porn, where the digital landscape poses new challenges that necessitate nuanced legal responses. As India continues to navigate the intricate terrain of digital communication, the legal framework must evolve to protect the rights and dignity of individuals, especially considering the alarming rise of revenge porn and online victimization. The need for comprehensive legislation and targeted research in this realm is imperative to address the evolving threats and vulnerabilities in the digital era.

4.2 Indian Legal Regime

4.2.1 Cyber Laws in India

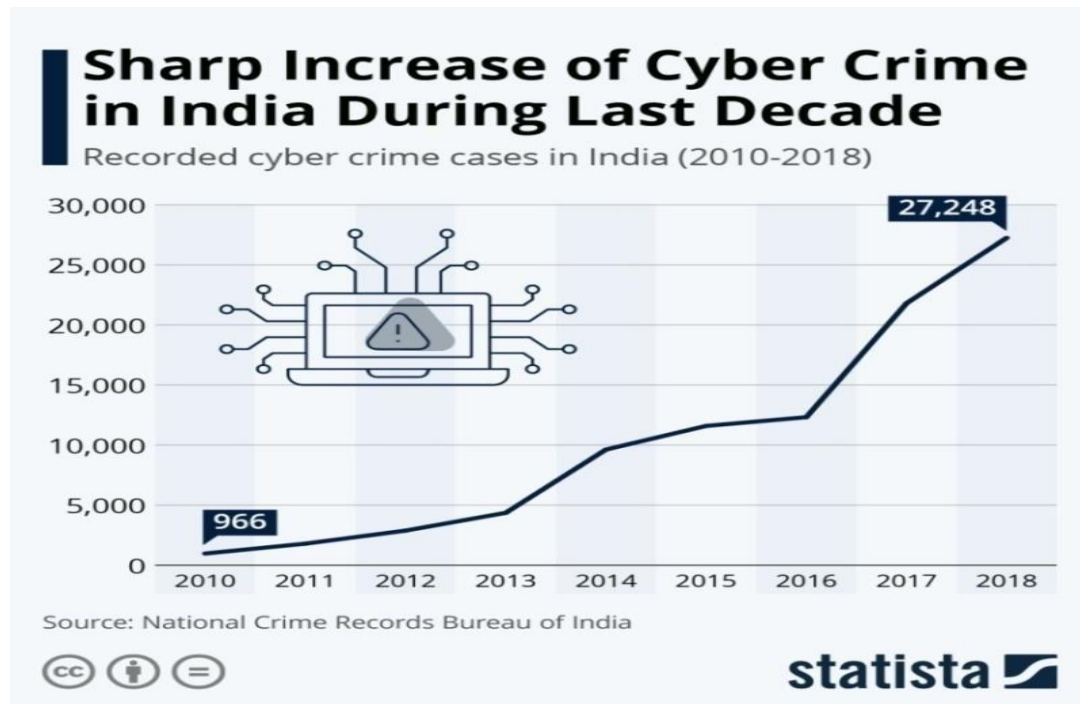
The Internet has definitely made our lives easy, but it comes with curses too. Luckily, to regulate criminal activities that people can fall prey to or be victimized, laws have been made such as, the Information Technology Act, 2000. It is necessary for every internet user to be aware of crime that takes place through the internet. Here are some of its sections that give power to Internet users and protect the cyberspace:

- Section 65 – Tampering with computer Source Documents: If a person deceitfully uses the password, digital signature or other unique identification of another person, he/she can face imprisonment up to 3 years or/and a fine of 1 Lakh INR (Information Technology Act, 2000).
- Section 66 - Using password of another person: If a person cheats someone using a computer resource or a communication device, he/she could face imprisonment up to 3 years or/and fine up to 1 Lakh INR. (Information Technology Act, 2000).
- Section 66D - Cheating Using computer resource: If a person cheats someone using a computer resource or a communication device, he/she could face imprisonment up to 3 years or/and fine up to 1 Lakh INR (Information Technology Act, 2000).
- Section 66E - Publishing private Images of Others: If a person captures, transmits or publishes images of a person's private parts without his/her consent or knowledge, the person is entitled to imprisonment up to 3 years of fine up to 2 Lakhs INR or both (Information Technology Act, 2000).
- Section 66F - Acts of cyber Terrorism: A person can face life imprisonment if he/she denies an authorized person the access to the computer resource or attempts to penetrate/access a computer resource without authorization, with an aim to threaten the unity, integrity, security

or sovereignty of the nation. This is a non-bailable offence (Information Technology Act, 2000).

- Section 67 - Publishing Child Porn or predated children online: If a person captures, publishes or transmits images of a child in a sexually explicit act or induces anyone under the age of 18 into a sexual act, then the person can face imprisonment up to 7 years or fine up to 10 lakhs INR or both (Information Technology Act, 2000).
- Section 69 - Govt.'s Power to block websites: If the government feels it necessary in the interest of sovereignty and integrity of India, it can intercept, monitor or decrypt any information generated, transmitted, received or stored in any computer resource. The power is subject to compliance of procedure (Information Technology Act, 2000).
- Under section 69A, the central government can also block any information from public access (Information Technology Act, 2000).
- Section 43A - Data protection at corporate level: If a body corporate is negligent in implementing reasonable security practices which causes wrongful loss or gain to any person, such body corporate shall be liable to pay damages to the affected person (Information Technology Act, 2000).

Image 4.1 (*Sharp Increase of Cyber Crime in India During Last Decade, 2020*)



4.2.2 Child Pornography Laws in India:

The Protection of Children from Sexual Offences Act, 2012

POCSO(Protection of Children from Sexual Offences Act, 2012) was enacted with the sole aim to provide protection to children from sexual assault, harassment, pornography and many other offences related to the same. This act was enacted to make available a strong legal framework to safeguard the child's interest at every stage during the court process. The act was framed by keeping in mind the age, vulnerability, susceptibility and the mental stress faced by the child when the offense was committed. The act tried to make the legal process easy in terms of complaining, reporting, recording evidence, investigating, and fast criminal trials. The delay in deliverance of justice can create serious implications on the trial and the victim (Maity & Chakraborty, 2023).

The act criminalises all of the following behaviours:

- Penetrative sexual assault
- Aggravated Penetrative Sexual assault
- Sexual Assault
- Sexual Harassment
- Child pornography

Section 14 punishes any person who uses children for pornographic purposes in any form of medium, including the representation of child's sexual organs, the involvement of a child in actual or virtual sexual activities and the inappropriate portrayal of a child in any other form available (Protection of Children from Sexual Offences Act, 2012).

Section 15 Act also makes it punishable by the law if any person store or possess child pornographic material for commercial purposes, "*for transmitting or propagating or displaying or distributing*" it in any manner (Protection of Children from Sexual Offences Act, 2012). The exception to this law is storing or possessing pornographic material for reporting it to the authorities or for using it as evidence in court. It is punishable with imprisonment of a term which may extend to three years or fine or both.

Information Technology Act, 2000 (IT Act)

Section 67B of the IT Act criminalizes the pornographic representation of a child. The approval of a child is immaterial under as a child is deemed unable to give consent. It is punishable with imprisonment for a term which may extend up to five years and fine up to Rs.10.00 Lacs.

Indian Penal Code, 1860-

Section 293 of the Indian Penal Code, 1860 exclusively criminalizes the sale, distribution, exhibition, circulation, etc. of any obscene material to any person below the age of twenty years. It is a cognizable offence (Indian Penal Code, 1860).

The offender, on first conviction will be punished with imprisonment of either description for a term which may extend to three years, and with fine which may extend to two thousand rupees, and, in the event of a subsequent conviction, with imprisonment of either description for a term which may extend to seven years, and also with fine which may extend to five thousand rupees (Indian Penal Code, 1860).

Amendment to POCSO Act, 2012

The Parliament of India passed an amendment to the Protection of Children from Sexual Offences Act, 2012, in August 2019. The Amendment changed the 2012 act with the sole aim to provide protection to children and establish deterrence.

The important modifications:-

1. Penetrative Sexual Assault: Imprisonment of not less than 10 years, which may extend to life imprisonment, and fine to cover the medical and rehabilitation expenses of the victim and if the victim is below 16 years of age, detention of not less than 20 years would be applicable

2. Aggravated Penetrative Sexual Assault:

The definition of ‘aggravated penetrative sexual assault’ has been modified and includes sexual assault which causes death of a child and an enhanced punishment of not less than 20 years, will be applicable which may extend to life imprisonment, with fine to cover medical expenses or death penalty.

3. If a person is found guilty of using a child for pornographic purposes, the person will be punishable with imprisonment of not less than 5 years, and fine.

4. Storage of pornographic material is punishable with imprisonment between three to five years, or a fine, or both. Besides storage of child pornographic material, failure to remove or destroy or report child pornographic materials, or broadcasting or distributing the same material is punishable, except when done for use as evidence (Hotchandani, 2018).

Child Pornography in India and COVID 19

There has been an increase in requirement and viewership of child pornography with the advent of Covid-19. According to a report titled ‘Child Sexual Abuse Material in India,’ the demand for child pornography was an average of 5 million per month in 100 cities on the open web during December 2019, which has now spiked (“Demand for Child Pornography Surged during COVID-19 Lockdown: India Child Protection Fund,” 2020).

4.3 Revenge Porn Laws in India

In India, the issue of revenge porn is currently not addressed by specific legislation. Consequently, this offense falls under the purview of various provisions outlined in different statutes. The absence of dedicated laws targeting revenge porn leaves its legal treatment dependent on existing frameworks that touch upon related aspects of privacy, consent, and digital offenses. The scattered legal coverage for revenge porn involves the interpretation and application of provisions within statutes like the Information Technology Act, 2000, which addresses cybercrimes, and the Indian Penal Code, particularly sections related to defamation, harassment, and offenses against women. Additionally, legal remedies may be sought through the Constitution like the right to privacy as recognized by the Supreme Court in landmark judgments.

4.3.1 Constitution of India 1950

The Constitution of India was crafted to ensure diverse rights and freedoms for all citizens, with a particular emphasis on the forefront protection of women. Through various provisions, the Indian Constitution guarantees several protections for women. The Preamble of the Constitution provides objectives, encompassing ideals, aspirations, and a commitment to equality in status and opportunity for the people of India. Brotherhood and dignity are also emphasized in the preamble.

Article 14 of the Indian Constitution explicitly guarantees equality for both men and women. However, the persistence of a patriarchal societal structure has relegated women to a secondary status, denying them the full realization of their rights. In contemporary times, cyber activities have become integral to daily life, streamlining processes but also giving rise to cyber crimes, commonly referred to as cyber offenses. Cyber perpetrators exploit the internet to carry out their malicious intentions, misusing information gathered from victims' online profiles. This misuse results in activities that detrimentally impact the future life of the victim, encompassing both professional and personal aspects. Unfortunately, this form of abuse is pervasive among women across all societal levels.

While the Constitution of India lays down various rights and guarantees specific freedoms for citizens, there is a stark reality—cyber offenses against women, despite their prevalence, lack explicit legal provisions within existing statutes. Addressing this gap is crucial to ensure comprehensive protection for women in the digital age.

Article 19 - Freedom of Speech & Expression

The right to freedom of speech and expression stands as a celebrated and globally recognized cornerstone in all democratic legal systems. Its foundation was established by the United Nations, with Article 19 of the Universal Declaration of Human Rights (UDHR), Article 19(2) of the International Covenant on Civil and Political Rights (ICCPR), and Article 9 of the European Convention on Human Rights (ECHR) explicitly guaranteeing this right. International courts and juristic bodies consistently underline the fundamental importance of freedom of expression as a human right. For instance, the UN Human Rights Committee has emphasized its paramount value in any democratic society. In India, citizens are bestowed with this right through Article 19(1)(a) of the Constitution. This freedom entails the liberty to express one's ideas and opinions freely through various mediums, including words of mouth, printing, writing, pictures, illustrations, or any other communicable means. The term "any communicable

medium" is expansive, encompassing written and verbal communication, gestures, signs, and more. This freedom serves as the bedrock of any democratic society, acting as a platform from which other rights emanate. It facilitates the formation of public opinion on socio-economic matters, fosters free debates and discussions among diverse stakeholders, and is characterized as a negative liberty, allowing individuals to express opinions without interference from others. However, it is essential to acknowledge that this freedom is not absolute or unrestrained; it is subject to certain restrictions.

Justice Patanjali Shastri observed, "Man, as a rational being, desires to do many things, but in a civil society, his desires have to be controlled, regulated, and reconciled with the exercise of similar desires by other individuals." Restrictions under Article 19(2) are varied, with "public decency and morality" being a frequently cited ground for limiting the right under Article 19(1)(a). This ground, however, remains contentious due to the subjective nature of decency and morality, which varies across cases, places, and times (*A.K. Gopalan v. State of Madras*, 1950).

The challenge lies in striking a balance between freedom and its curtailment, considering societal perspectives on what constitutes decent, indecent, moral, or immoral expression. In the digital age, where users wield vast expressive power through cyberspace, the regulation of freedom of expression poses a challenge. While Article 19(1)(a) is not an absolute right, the rationale behind restrictions is rooted in preventing misuse that could lead to conditions of tyranny and anarchy. Balancing freedom with societal norms is crucial to foster a healthy democratic discourse. speech and expression emerge over time. While traditional media like the press have been overshadowed by television and the internet, the latter, with its global reach, provides a broader platform for sharing opinions and thoughts. However, the freedom of speech and expression in cyberspace has led to hazardous consequences, as seen in instances of offensive speech, cyberbullying, and harassment. The vast reach of the internet allows unacceptable comments to

reach a large audience, causing irreparable harm. Cyberbullying cases, such as that of Kalki Subramaniam, highlight the misuse of freedom in the digital space, where individuals are harassed and subjected to offensive behavior (Halder & Jaishankar, 2017).

In the case of Mrs. Ritu Kohli (*Manish Kathuria Vs Ritu Kohli C.C. No. 14616/2014*, 2014), the first cyber stalking case in India, the victim faced identity theft and harassment as her digital identity was used without authorization. Similarly, prominent figures like Sagarika Ghosh and Bharkha Dutt have been victims of cyber trolling, facing hate messages, death threats, and rape threats for expressing their views on political, feminist, and social issues. The prevalence of online harassment is not limited to public figures; even successful women achievers, including film celebrities, writers, and journalists, have faced similar situations. The case of Ravi Raj, a student at IIT Kharagpur, who posted a lewd MMS on a popular auction website, led to legal action under relevant sections of the IPC and the IT Act, 2000 (Halder & Jaishankar, 2017).

Online harassment is a widespread issue, with surveys showing that a significant percentage of women across various countries have experienced abuse or harassment online. These instances emphasize the need for a balanced approach to freedom of expression, considering the impact on public decency and morality in the evolving landscape of digital communication. The advancement of ICT has transformed traditional crimes such as blackmail, molestation, and rape, giving rise to new forms of offenses in the digital realm. Instances include revenge porn, where ex-spurned lovers blackmail victims by threatening to publish sexually explicit images and personal information. The proliferation of smartphones has led to the storage of rape videos and images, grooming of individuals for online porn markets, and the sexual exploitation of schoolgirls and university students by teachers. These cybercrimes affect various segments of society, including mature teen girls, college students, housewives, celebrities, activists, journalists, writers, transgender women, and even tribal women like the Jarawas of Andaman &

Nicobar Islands, who are unfamiliar with modern digital technology (Halder & Jaishankar, 2014).

These offenses, characterized by offensive speech, victimize millions of women and girls in India on a daily basis. Incidents involving the unauthorized capture of women in workplaces, picnics, hotels, trial rooms, and public washrooms through spy cameras result in voyeuristic pictures and videos being circulated on the internet for the sexual gratification of millions. Many of these acts are intentional, serving as various forms of revenge porn. Women are frequently subjected to abusive, defamatory, and hate speeches by trolls, ex-lovers, ex-partners, and colleagues over the internet, leading them to abstain from using telecommunication services and denying them access to information through digital communication services. The improper exercise of freedom of speech and expression on the internet encroaches upon the rights of victims, violating the rights guaranteed under Articles 14 and 21 of the Constitution of India. The Supreme Court, in deciding the fate of Section 66A of the IT Act, emphasized the right to information through free speech and expression. However, it left a significant gap concerning the victimization of women on the internet due to the viral nature of online content.

The right under Article 19(1)(a) has evolved over time in Indian courts within the constraints outlined in clause 2 of Article 19. In the case of *Shreya Singhal v. Union of India*, the Supreme Court declared Section 66A of the IT Act, 2000 (as amended in 2008), unconstitutional. The court highlighted the distinctive characteristics of the internet compared to print and other media, citing factors such as its wide reach, accessibility to both literate and illiterate individuals, and the ability to upload objectionable content with minimal resources (*Shreya Singhal v. Union of India*, 2015). The court also noted the challenges of pre-censorship on the internet, emphasizing the potential for the rapid spread of rumors and the difficulty of regulating content uploaded from any part of the world by anyone. The unique features of the internet, including the use of

morphed images, violation of privacy, and the element of anonymity, make it a medium that requires careful consideration and regulation to prevent the misuse of freedom of expression and protect the rights and dignity of individuals. Revealing the identity of an anonymous perpetrator is a challenging task that requires thorough investigation. Unlike traditional mediums such as newspapers, television, and films, which adhere to industry-specific ethical norms, the internet operates on an individualistic approach. This lack of standardized ethical standards for the internet exacerbates the situation, as conduct is determined by an individual's own sense of right and wrong. Moreover, the internet poses unique challenges, including the absence of infrastructural and logical constraints, making abuse of freedom under Article 19 (1) (a) more likely.

When discussing revenge pornography as a serious crime against women and girls on the internet, it is crucial to recognize its severe impact on the victims' right to peaceful living and freedom of speech and expression. Revenge porn, often communicated through images or videos, possesses a wide reach and significant impact due to the potency of visual communication. The term "cyber rape" is used to describe revenge porn, emphasizing its violation of the victim's dignity and reputation. For content to be considered revenge porn, certain characteristics must be present, including its sexual nature, public dissemination by an ex-partner without the victim's consent, intent to harm the victim's reputation, and potential inclusion of the victim's contact information for sexual demands. The content may have been initially created with the victim's consent, only to be misused later, highlighting the breach of trust. Revenge porn's truthful content, though original, was never intended for public view. Perpetrators exploit freedom of expression to circulate explicit images, objectifying the victims. The internet's permanence and vast reach contribute to the long-lasting existence of such content, making its removal challenging (Henry & Powell, 2014). Victims often resort to isolating themselves and deleting their online presence to mitigate

personal, professional, and mental harm, severely impacting their freedom under Article 19 (1) (a).

The right to speech and expression, encompassing the right to opine and share information, must be exercised with sensitivity and responsibility, particularly on the internet. While Article 19 of the ICCPR outlines special duties and responsibilities, including not infringing on others' rights or reputations, the negative impact of revenge pornography highlights the need for careful consideration and regulation.

As the dimensions of the right under Article 19 (1) (a) evolve, the judiciary in India has interpreted it through landmark judgments. The right on the internet includes expressing views through messages, mail, blogs, or sharing and receiving information. However, revenge pornography emerges as a negative consequence, where perpetrators exploit freedom of expression to tarnish the victim's reputation by sharing explicit content online, jeopardizing privacy and freedom. Certain categories of speech, such as obscene and defamatory speech, remain unprotected under Article 19 of the Indian Constitution, and elements of revenge pornography may fall into these categories.

Article 21- Right to Life

Right to privacy

The right to privacy is a fundamental right that safeguards individuals from arbitrary interference in their life, reputation, honor, home, and family. Initially absent from the Indian Constitution as a separate fundamental right, the judiciary, particularly the Supreme Court of India, played a pivotal role in recognizing and establishing the right to privacy through various judgments. This right, now integral to Article 21, emerged as a result of the Court's proactive approach in protecting the citizens' rights. Article 21, often considered the heart of Part III, has undergone significant evolution over the years, with the judiciary attributing extensive meaning to the terms 'life' and 'personal liberty.' The right to privacy is

viewed as an essential component of a dignified life and is encompassed within the rights vital for human survival mentioned in Article 21.

The landmark case of *Kharak Singh v. State of U.P.* marked the Court's first exploration into the inclusion of privacy in Article 21. The Court, recognizing that 'life' in Article 21 extends beyond bodily freedom, struck down a regulation allowing police surveillance through domiciliary visits. This decision established the right to privacy as an integral facet of Article 21 (*Kharak Singh v. State of Uttar Pradesh*, 1963).

In *Govind v. State of M.P.*, the Supreme Court acknowledged that the right to privacy emanates from the broader rights to personal liberty, freedom of speech, and freedom. However, the court emphasized that this right is not absolute and can be subject to reasonable restrictions based on compelling public interest (*Govind v. State of M.P.*, 1975).

Maneka Gandhi v. Union of India further clarified the scope of personal liberty in Article 21, defining it as a broad term encompassing various rights, some of which are detailed in Article 19. The court outlined a test to determine the validity of any law affecting personal liberty, emphasizing the necessity of a valid law, a prescribed procedure, reasonableness, and compliance with Arts 14 and 19 (*Maneka Gandhi v. Union of India*, 1978).

In *State of Maharashtra v. Madhulkar Narain*, the Court affirmed that every individual, including a woman working as a prostitute, has a right to privacy, and this right must be respected by all. Additionally, the court held that subjecting a woman to a medical examination to ascertain virginity infringes upon her right to privacy as guaranteed by Article 21. The evolution of the right to privacy within Article 21 reflects the judiciary's commitment to protecting individuals from unwarranted intrusions and upholding their right to live with dignity and autonomy (*State of Maharashtra v. Madhulkar Narain*, 1991).

The debate surrounding the inclusion of the right to privacy within Article 21 saw a decisive conclusion on August 24, 2017. In the landmark judgment of Justice K.S. Puttaswamy v. Union of India, a nine-judge bench unanimously declared privacy as an integral part of Article 21 and an essential component of the freedoms guaranteed by the Constitution. This ruling overturned previous decisions that had held privacy was not a fundamental right (*Justice K.S. Puttaswamy (Retd) vs Union Of India*, 2018).

With the rapid advancement of computer technology and telecommunications, the concept of privacy has extended to digital spaces. Initially focused on protecting digital property, the scope of digital privacy infringement has widened to include sharing private information publicly, online surveillance, stalking, digital harassment, and revenge porn. Revenge pornography, a severe invasion of privacy, involves perpetrators intentionally disclosing a victim's private information on public platforms. The sharing of sexually explicit content within the context of an intimate relationship establishes a trust that perpetrators exploit when engaging in revenge porn. Perpetrators often argue that the victim's initial consent extended not only to keeping the content private but also to sharing it with others. However, this justification overlooks the breach of trust and the vulnerability created by intimacy.

Revenge porn goes beyond the initial act of disclosure, exposing victims to a range of threats, including physical harm, sexual coercion, stalking, and unwanted communication. The legal and constitutional protection of victims' privacy becomes crucial in addressing these multifaceted harms. Consent given in a romantic relationship should be contextual and not imply consent for sharing intimate content with others. Non-consensual disclosure of consensually created content constitutes a breach of reasonable expectations of privacy, necessitating robust legal safeguards.

In conclusion, the right to privacy, firmly established as a fundamental right, must evolve to encompass and safeguard instances of privacy in the digital space, given its critical role under Article 21 of the Indian Constitution.

Human dignity

Human Dignity a principle deeply embedded in the Constitution of India and echoed in various international instruments, holds a paramount position. It extends beyond mere survival, emphasizing the right to a dignified life—a life treated with respect and not reduced to mere existence akin to animals. The judiciary has construed the right to life under Article 21 as encompassing all essential elements for a meaningful and dignified life. V.R. Krishna Iyer, J., in *Jolly George Varghese v. The Bank of Cochin*, underscored the value of human dignity in the interpretation of the right to life (*Jolly George Varghese v. The Bank of Cochin*, 1980).

Decency, implicitly linked to dignity, signifies that an indecent way of living or representation contradicts the right to lead a dignified life. In *Chandra Raja Kumari v. Police Commissioner of Hyderabad*, the court established the equivalence of dignified life with a decent life, deeming activities conflicting with decency or dignity as violative of Article 21. The framers of the Constitution aimed at achieving gender equality, a goal upheld by the judiciary. Ensuring a dignified life and interpreting equality for both genders, along with penalizing those misusing laws against women, has been a focal point in judicial proceedings (*Chandra Raja Kumari v. Police Commissioner of Hyderabad*, 1998).

Crimes against women, such as domestic violence, sexual harassment at the workplace, eve-teasing, sexual assault, and rape, have a profound impact on women's dignity and societal status. The patriarchal nature of Indian society has historically contributed to such crimes, affecting the revered concept of womanhood. Although societal attitudes have evolved, there remains a need for substantial change in perceptions and treatment of women's rights.

Instances of indecent or obscene acts are often wrongly attributed to women, exemplifying societal biases. The offence of revenge pornography tarnishes the victim's image, reducing her to a mere sexual object, with repercussions extending to both her professional and personal life. Revenge porn, therefore, stands as a direct assault on the victim's rights to bodily autonomy, privacy, and a dignified life.

4.3.2 Indian Penal Code, 1860

The absence of specific provisions addressing revenge pornography in Indian law necessitates its handling through various sections of the Indian Penal Code. The nuanced nature of this offense requires an amalgamation of legal provisions to address its multifaceted aspects. The principles embedded in existing laws become crucial tools in combating revenge pornography. Revenge pornography, a modern challenge exacerbated by the digital age, lacks dedicated legislation, demanding a strategic utilization of available legal frameworks. The intricacies of this offense often involve a combination of offenses under the Indian Penal Code, wherein sections pertaining to defamation, obscenity, harassment, and privacy violations come into play. Given the absence of a specific legal stance on revenge pornography, legal practitioners and authorities often resort to sections like outraging the modesty of women (354), sexual harassment (354 A), Voyeurism (354 C), stalking (354d), defamation (Section 499), obscenity (Section 292, 293, 294), harassment (Section 509), and relevant provisions addressing privacy concerns. These sections collectively contribute to constructing a legal response against revenge pornography, emphasizing the need for a comprehensive approach to address the multifaceted dimensions of this offense. In essence, the legal response to revenge pornography hinges on the judicious application of existing provisions, demonstrating the adaptability of the legal system in addressing emerging challenges that may not have been explicitly contemplated by earlier legislation.

Section 292 of the Indian Penal Code prohibits the sale, distribution, exhibition, or possession of any obscene object or materials that are lascivious or likely to corrupt and deprave people, with punishment of imprisonment up to two years and a fine for the first conviction, and imprisonment up to five years and a higher fine for subsequent convictions.

Section 293 of the Indian Penal Code states that anyone who sells, distributes, exhibits, or circulates obscene objects to anyone under twenty years of age can be punished with imprisonment up to three years and a fine, and in case of repeat convictions, imprisonment up to seven years and a higher fine.

Section 294 of Indian Penal Code states that anyone who does any obscene act in any public place, or sings, recites or utters any obscene song, ballad or words, in or near any public place, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine, or with both.

Section 354 Outraging the modesty of a woman: Assaulting and using criminal force against any woman knowingly to outrage her modesty is punishable. According to the Supreme Court, 'The essence of woman's modesty is her sex'. The court's definition of the same shows that with changing times how the term 'modesty' has also morphed drastically.

Section 354 A Sexual Harassment: Any form of sexual behavior that is unwanted and intimidating to the other person is sexual harassment.

Section 354 C Voyeurism: Deriving pleasure from watching or observing unsuspecting people involved in undressing, sexual acts, or private moments. This kind of behavior is commonly present among men.

Section 354 D Stalking: When a person is being repeatedly followed and subjected to threatening conduct, whether by a known person, stranger, relative, or anyone else, it is against the law and should be reported to the authorities immediately.

Section 406 defines punishment for criminal breach of trust which is imprisonment up to 3 years or fine or both.

Section 499 defines the act of Defamation by a person intending to harm or having a reason to believe the same would harm an individual's reputation or character. Shall be punished with simple imprisonment up to 2 years or fine or both.

Section 506 states punishment for criminal intimidation which is imprisonment up to 2 years or fine or both. If the accused threatens victim with death, grievous hurt or impute unchastity to a woman, shall be punished with imprisonment up to 7 years or fine or both.

Section 509 provides that whoever, intending to insult the modesty of any woman, utter any words, makes any sounds or gesture, or exhibit any object, intending that such word or sound shall be heard, or such gesture or object shall be seen, by such woman, or intrudes upon the privacy of such woman shall be punished with imprisonment up to 1 year or fine or both.

4.3.3 Information Technology Act, 2000

As technology advanced, exposing new forms of cybercrimes, the effectiveness of the IT Act came into question. Faced with the challenge of addressing emerging cyber threats, lawmakers had to choose between inaction and amending the law to tackle the evolving landscape effectively. Consequently, the IT Act underwent a crucial amendment in 2008, known as the Information Technology Amendment Act, 2008. This amendment expanded the Act's scope to include offenses such as cyber terrorism, child pornography, obscenity in the cyber realm, a broader concept of electronic signatures, enhanced control over internet intermediaries, and the restructuring of the Cyber Appellate Tribunal. Revenge Pornography, a growing menace in the cyber world, has yet to receive due consideration in Indian legislation, including the IT Act and the Indian Penal Code (IPC). Despite the escalating cases of revenge porn in India, there are currently no specific legal

provisions directly addressing this issue. Victims of revenge porn often resort to various sections of the IT Act as a remedy.

Section 66E of the IT Act deals with the violation of privacy, imposing penalties for such breaches. Revenge porn, involving the unauthorized disclosure of private images and videos, constitutes a breach of privacy, subjecting the perpetrator to punishment.

Section 67, amended by the ITAA, addresses the electronic publication or transmission of obscene material, providing legal recourse for revenge porn victims.

Section 67A criminalizes the electronic publication or transmission of material depicting sexual activity or conduct. In cases involving child victims,

Section 67B can be invoked, penalizing the publication and transmission of explicit material involving children.

Section 66C of the ITAA becomes relevant in cases where perpetrators engage in identity theft by hacking the victim's mobile phone to steal intimate content.

Section 75 extends the reach of the IT Act to offenses committed outside India if they have a connection with computer activity in India.

Despite these provisions, the IT Act falls short in assisting victims in taking down sexually explicit content from the internet due to the limited liability of intermediaries under the Act in India. The anonymous nature of internet profiles adds an additional layer of complexity, allowing perpetrators of revenge porn to evade accountability. Victims of revenge porn in India have invoked these provisions of the IT Act, emphasizing the need for comprehensive legal measures to address this emerging threat effectively.

4.3.4 The Indecent Representation of Women (Prohibition) Act, 1986

This act was constituted to prohibit indecent representation of women through advertisements or in publications, writings, paintings, and figures or in any other manner and for matters connected therewith or incidental thereto.

Under this act the victim can file a complaint under Section 4 which prohibits the act of production or cause to be produced, sale, hire, distribute, circulate or send by post any book, pamphlet, paper, slide, film, writing, drawing, painting, photograph, representation or figure which contains indecent representation of women in any form. This is however not applicable to-

- any book, pamphlet, paper, slide, film, writing, drawing, painting, photograph, representation or figure, the publication of which is proved to be justified for the public good on the ground that such book, pamphlet, paper, slide, film, writing, drawing, painting, photography, representation or figure is in the interest of science, literature, art, or learning, art, or learning or other objects of general concern; or
- which is kept or used bonafide for religious purpose;
- any representation sculptured, engraved, painted, or otherwise represented on or in any ancient monument within the meaning of the Ancient Monument and Archaeological Sites and Remains Act, 1958; or
- any temple, or on any car used or the conveyance of idols, or kept or used for any religious purpose;
- any film in respect of which the provisions of Part II of the Cinematograph Act, 1952, will be applicable.

Section 6 provides that for contravening Sec 3 or Sec 4 the offender shall be punishable on first conviction with imprisonment of either description for a term which may extend to two years, and with fine which may extend to two thousand rupees, and in the event of a second or subsequent conviction with imprisonment for term of not less than six months but which may extend to five years and also

with a fine not less than ten thousand rupees but which may extend to one lakh rupees (The Indecent Representation of Women (Prohibition) Act, 1986).

4.3.5 Protection of Children from Sexual Offences (POCSO) Act, 2012: When the victim is a minor

Enacted to safeguard children from sexual offenses, the Protection of Children from Sexual Offences (POCSO) Act addresses various forms of online sexual harassment, including child pornography. While the Act does not explicitly focus on revenge porn or sexting involving children, Section 11 criminalizes sexual harassment involving the display of body parts with the intent of being seen by a child. This provision encompasses actions such as making a child display body parts, showing explicit content to a child for pornographic purposes, stalking a child digitally or through other means, grooming a child for sexual purposes, and threatening to use a child's depiction in any form of media.

Section 12 of the Act penalizes such sexual harassment, and Section 13 clarifies that using a child for sexual gratification through advertisements or the internet is considered using the child for pornographic purposes. Section 14 prescribes punishment for such offenses, with imprisonment up to five years and a fine for the first instance, and imprisonment up to seven years and a fine for subsequent offenses.

Under Section 15, storing lewd depictions of children for commercial purposes is punishable by imprisonment up to three years and a fine. The 2019 Amendment Act, through Section 8, substituted this section and introduced a new provision punishing the transmission or distribution of stored pornographic material depicting children. Although this provision only briefly touches on the issue of revenge pornography, it adds another layer of accountability.

Section 20 places an obligation on media, studios, and photographic facilities to report instances of child pornography to the authorities, while Section 23 outlines procedures for media handling such cases and prescribes penalties for

contravention. Notably, when it comes to revenge porn involving children, where the perpetrators are often children themselves, the existing legal framework falls short in holding offending teens accountable. In contrast to the United States, where teens engaging in such offenses face serious consequences, India is grappling with recognizing offending teens as culprits. This gap in the legal system leaves victims of revenge porn without adequate remedies. The current scenario underscores the need for stringent punitive measures against offending children to better safeguard victims' digital privacy and reputation.

4.3.6 Young Persons Harmful Publications Act 1956

In its provision it attempts to present scope for punishment of any material of a abhorrent or horrible nature; in such a way that the publication or material in its entirety would be likely to corrupt a young person into whose hands it might fall or who would find access to it, whether by inciting or encouraging him to commit offences or acts of aggression or malice or in any other manner whatsoever.

These provisions can also be construed to include pornographic materials within its capacity. However, the conditions appear to be mechanical in the guidelines in relation to written porn as it is quite evident by very little convictions and legal cases virtually which published sex stories based on violent 'masculine' behavior. There still exists laws in India placing magnificent regulations on pornography but no law is obviously ample to include the various facets of a inclusive and fast altering subject matter like pornography and its distribution over internet (THE YOUNG PERSONS (HARMFUL PUBLICATIONS) ACT, 1956).

4.3.7 Criminal Procedure Code, 1973

The Code of Criminal Procedure (Cr.P.C), specifically under Section 94, empowers authorities such as the District Magistrate, Sub-divisional Magistrate, or Magistrate of the first class to issue warrants to police officers above the rank of constable. These warrants allow officers to enter and search locations where objectionable articles, including forged documents, obscene objects as per Section

292 of the IPC, and instruments or materials used for their production, are produced and sold. The code also, under Section 95, allows for the forfeiture of copies of books, newspapers, or documents containing punishable content, as defined under various sections of the IPC (124A, 153A, 153B, 292, 295A). The state government can declare such copies forfeited, and any police officer is then authorized to seize them wherever found.

Additionally, Section 108 of the Code enables an executive magistrate to take action upon receiving information that an individual within their jurisdiction is selling, distributing, publicly exhibiting, or circulating obscene material under Section 292 of the IPC. In such cases, the magistrate may require the person involved to show cause as to why they should not be ordered to execute a bond, with or without sureties. Furthermore, the court, under the provisions of the code, can order the destruction of all copies of objectionable content in the possession, custody, or power of a person convicted under Sections 292, 293, or 294 of the IPC.

4.3.8 Liability of the Internet Service Providers

A highly debated issue in the continually expanding online industry revolves around the liability of internet service providers (ISPs) concerning the transmission of content created by users. The internet serves as a digital platform for communication, enabling people to express thoughts and interact globally. While the primary responsibility rests with the creator of the content, the channels or platforms facilitating the transmission also bear certain liabilities. These intermediaries, the platforms through which individuals interact and share thoughts, messages, or speech, are legally termed as ‘intermediaries’ under Section 2(1)(w) of the Information Technology Amendment Act (ITAA) in India. The concept of ‘intermediary’ in India is significantly influenced by the United States concepts of ‘interactive computer services’ and ‘information content provider.’ A majority of intermediaries, including internet giants like Facebook, Yahoo, Twitter, Google, as well as e-commerce, adult dating, and adult

entertainment sites dedicated to porn content, are hosted in the US and guided by US laws and regulations regarding intermediary liability.

According to Debarati Halder, the intermediaries can be classified in the following groups (Halder & Jaishankar, 2017):

Communication Conduits: These specific intermediaries are characterized by their role in physically transporting data over the internet, enabling subscribers to access and utilize that data. According to Ardia, examples of such intermediaries encompass entities like telephone companies and cable companies. In the Indian context, this category may encompass network and telecom service providers. Given that the primary function of these intermediaries is the transportation of data, their liability towards subscribers is perceived to be limited in scope.

Content hosts: Intermediaries falling into this category bear the responsibility of storing, caching, or providing space to host third-party content. Examples of such intermediaries include GoDaddy.com, Wordpress.com (offering platforms for website or blog development), and e-commerce sites like OLX.in and Craigslist. Internet giants like Facebook and Google, serving as content hosts while also facilitating interactive communications, are part of this category. Compared to communication conduits, content hosts have greater liability toward both subscribers and non-subscribers. Their liabilities stem from the U.S. First Amendment safeguarding free speech, Section 512(c) of the Digital Millennium Copyright Act, 1998 (DMCA) embodying safe harbor policies, and the U.S. Fourth Amendment ensuring privacy.

Content hosts act as repositories for various types of information used by private users for blogs, communication, image sharing, or social networking. In the realm of cybercrime against women, content hosts play a crucial role. Negatively, users can misuse content hosts to engage in harmful activities such as posting defamatory content, sexually explicit or obscene images, hate speech, and cyberbullying targeting women. On the positive side, when used responsibly,

content hosts empower users to spread positive messages and control the audience for their content.

In the context of revenge porn, content hosts bear significant responsibility. Collaborative efforts between the U.S. government and activists aim to make revenge porn a punishable offense. Perpetrators often use social media platforms like Facebook, Twitter, and Google for creating and circulating revenge porn materials. Consequently, these platforms, with the assistance of content moderators engaged on an outsourcing basis, have taken commendable steps in monitoring revenge porn.

Search Engines- A search engine is an online tool that allows internet users to locate content on the internet by searching, discovering, organizing, sorting, and indexing information to provide relevant results. Unlike communication conduits and content hosts, search engines operate based on crawling, indexing, and generating results in response to user queries. They rely on factors such as popularity and ranking to determine the relevance of websites, with content hosts playing a role in improving their rankings through advertisements.

The liability of search engines is a complex area, often shifting towards content providers, users, and third parties affected by search results. Similar to content hosts, their liabilities are influenced by the First Amendment of the U.S. Constitution and Section 512(c) of the Digital Millennium Copyright Act (DMCA). Unlike communication conduits and content hosts, search engines do not extensively monitor content inflow and outflow on the internet. While they may indicate objectionable content, they typically do not proactively check for or address defamatory material unless reported by affected third parties.

Intermediaries Liability –

Intermediary liability and immunity clauses fall under the purview of the IT Act, 2000, amended in 2008. It's important to note that the main Act does not have specific chapters dedicated to this issue. Section 79 of the Act and the Information

Technology (Intermediary Guidelines) Rules, 2011 serve as the primary resources for addressing intermediary liability and immunities. However, the guiding principles in these provisions are influenced by U.S. laws concerning due diligence and safe harbor policies, as mentioned earlier. The liabilities of intermediaries, as outlined in the IT Act and Rules, can be discussed in two segments, elaborated below (Seth, 2018).

Section 79 of the Information Technology Act, 2000, focuses on the liability of intermediaries. It establishes that intermediaries are not liable for third-party information, data, or communication links made available or hosted by them, with exceptions outlined in Sections 79(2) and (3) of the IT Act, 2000. ‘Third-party information’ is explained in explanation 2 to Section 79 as any information handled by an intermediary in its role as an intermediary. For instance, a social media portal serves as an intermediary where users post third-party information through user-generated content like pictures or comments.

According to Section 79(2) of the IT Act, 2000, an intermediary is not liable if its sole function is to provide access to a communication system over which third-party information is posted, ‘transmitted or temporarily stored or hosted.’ The section also specifies that an intermediary is not liable if it neither initiates transmissions nor selects recipients or changes the information transmitted. An intermediary is not liable for third-party information if it adheres to due diligence requirements set by the Central Government.

Section 79(3) outlines the conditions under which an intermediary becomes liable for third-party information. Liability arises if the intermediary conspires, abets, aids, induces, or commits an unlawful act. The intermediary is also liable if, upon receiving actual knowledge or notice from the Government or its Agency that information on a computer resource managed by them is used for an illegal act, they fail to remove the material without tampering or destroying evidence.

Before the 2008 amendment to Section 79, intermediaries had to prove lack of knowledge and demonstrate due diligence to escape liability. The amendment clarified that knowledge could be either constructive or actual. In the case of *Sanjay Kumar Kedia v. Narcotics Control Bureau*, the court rejected the petitioner's plea to escape liability as the company had actual knowledge of the malafide actions through their website. Vicarious liability of a Director was established under Section 85 of the IT Act, 2000, for acts committed by the company, and lack of mensrea did not automatically absolve the Director (*Sanjay Kumar Kedia v. Narcotics Control Bureau*, 2010). However, this decision was later overruled in *Anita Handa v. God Father Travels and Tours (P) Ltd.*, where the Supreme Court held that a Director is not liable if the company is not accused (*Anita Handa v. God Father Travels and Tours (P)*, 2012).

Section 85 of the IT Act, 2000, fails to specify whether knowledge should be constructive or actual. The section holds every person responsible for the conduct of the company's business liable unless the Director proves lack of knowledge and compliance with due diligence.

However, it is evident that if a contravention occurs with the consent or connivance of a Director, such a person may be held liable. Consequently, the FIR was not quashed, as despite receiving actual notice, the illegal material (MMS clip) was not removed for two days, and the filtering mechanism failed to block the publication of such content. However, this decision was overruled in *Anita Handa v. God Father Travels and Tours (P) Ltd.*, wherein the Supreme Court considered the *Bazee.com* case, along with other Criminal Appeals, to address the question of liability (*Avnish Bajaj vs State (N.C.T.) Of Delhi*, 2004). The Court deliberated on whether a director should be held liable if the company is not arraigned as an accused in the complaint. It was held that in Section 85 of the IT Act, which provides for deemed liability of Directors when an offence is committed by a company, a Director shall not be liable if the complainant has not included the company as an accused. Based on this reasoning, the court quashed

the proceedings against the Director as the company was not arraigned as an accused in the complaint. Following the amendment of Section 79 of the IT Act, 2000, the liability of an intermediary has been clarified to some extent. The current law stipulates that an intermediary is not liable unless there is actual knowledge with intermediaries, or the intermediaries modify/select third-party content and publish it (provided they observe due diligence requirements and other conditions mentioned in Section 79 of the IT Act, 2000), or are proven to have conspired/abetted in the commission of an unlawful act through threats or promises. In a case involving defamatory material on an intermediary's website, *Nirmaljeet Singh Narula v. Yashwant Sinha*, the court granted a conditional injunction restraining the defendants from publishing defamatory material against the plaintiff through their website or other media. In defamation cases, a party may seek compensation and/or prosecute the accused under Section 500 of the Indian Penal Code, 1860 (*Nirmaljeet Singh Narula v. Yashwant Sinha*, 2012). Another case, *Vyakti Vikas Kendra v. Jitender Bagga*, saw the Delhi High Court granting an interim injunction against the defendant, restraining them from publishing defamatory materials about the founder of Art Living Foundation on www.blogger.com. The court emphasized that Defendant No.2 was an intermediary within the definition of Section 2(1)(w) and Section 79 of the IT Act, 2000. Upon receiving actual notice, Defendant No.2 was required to remove such defamatory content within 36 hours. Consequently, Defendant No.1 was enjoined from sending any email or posting any materials defamatory to the plaintiff (*Vyakti Vikas Kendra v. Jitender Bagga*, 2012).

In a case involving infringing material in an intermediary account, *Olive e-business Pvt ltd vs Kirti Dhanawat* (CS(OS) 2393/2011), the Delhi High Court directed Google India to freeze the email accounts of defendants who had allegedly stolen data from their ex-employer, and the accounts contained infringing material. Therefore, an intermediary could be directed by courts to suspend/freeze email accounts if the plaintiff seeks an injunction restraining

defendants from using the email account. However, the intermediary would not be held liable, as it functions solely as a carrier or provider of service and has no knowledge of the contents being transmitted through its service nor selects a sender or receiver of emails.

4.4 Analysis of Indian Regime-

The foregoing sections point to one logical conclusion – that the offence of revenge porn, though undefined specifically, can be dealt with under various provisions of the criminal law and statutory civil law as well as common law in India. There are myriad options available for the victim to bring the perpetrator to justice. However, the existence of these varied options doesn't categorically guarantee a satisfactory remedy for the gravity attached to the offence. The examination of the Indian legal regime concerning revenge pornography underscores critical challenges and deficiencies, illuminating the imperative for a comprehensive and nuanced approach to address the complexities of this digital-age offense.

Firstly, the absence of a dependable legal framework tailored explicitly for revenge porn is a conspicuous gap. While the 2008 amendments to the Information Technology Act have incorporated provisions criminalizing the transmission of explicit sexual or pornographic material, they lack specificity concerning revenge porn. This legislative limitation becomes pronounced when victims seeking legal recourse may find themselves susceptible to prosecution due to loopholes within the legislation.

Furthermore, a gender-biased application is discernible in existing laws, including the Indian Penal Code and the Indecent Representation of Women (Prohibition) Act. These laws, by narrowly defining perpetrators as male and victims as female, fail to recognize the non-discriminatory nature of revenge porn, which can affect individuals of any age or gender.

The challenges extend to the practical implementation of taking down abusive material from online platforms. Despite efforts to remove content from one source website, the pervasive and replicative nature of the internet allows the material to be copied and reposted across various platforms. The challenges in combatting revenge porn persist even after court-ordered content removal due to the intricate nature of the internet. Despite legal interventions, the widespread accessibility of explicit content on digital platforms allows for the creation of redundant copies, anonymous uploads, and evasion of legal consequences by perpetrators. The global reach of the internet and the lack of effective cross-platform coordination further complicate the enforcement of removal orders across jurisdictions. Additionally, limited technological solutions and the dynamic nature of online content contribute to the ongoing proliferation of revenge porn. Moreover, the evolving landscape of revenge porn on social media platforms and explicit websites accentuates the urgent need for a specific legal mechanism. The current legal framework proves insufficient in equipping authorities to deal with the intricate dynamics of online abuse and shaming. This inadequacy leaves victims vulnerable to persistent victimization, emphasizing the critical need for legal amendments.

In the realm of child pornography, the challenges further compound. The absence of precise definitions, coupled with issues related to privacy, content regulation, and societal norms, hampers the establishment of a robust international framework to safeguard the interests of children on the internet. Efforts to harmonize laws and improve judicial intervention are crucial to addressing this growing international concern.

A comprehensive analysis reveals that the existing Indian legal regime is inadequately equipped to tackle the multifaceted challenges posed by revenge pornography. The Judiciary is taking active steps to deal with issue, but legislature is reluctant even after witnessing escalating number of cases. Legislative amendments are urgently required to provide a specific legal

framework for revenge porn, acknowledging its distinct nature and the nuances presented by the digital era. The legal system must evolve to offer robust protection for victims and establish a clear, coherent, and comprehensive framework for preventing and prosecuting revenge porn offenses in the digital age.

The drawbacks of existing legal measures compel victims to refrain from reporting revenge porn crimes, fearing further victimization and public shaming. Additionally, the risk of secondary victimization by law enforcement agencies poses a significant barrier to the seamless delivery of justice. It is imperative for the law to recognize the wrongful nature of sharing such explicit images, especially within close and intimate relationships. Ensuring unbiased and comprehensive resolution of these issues is crucial for delivering justice in a timely and effective manner, providing enduring relief to the victims. Laws addressing revenge porn should transcend age and gender constraints, acknowledging the boundless nature of the cyberspace and necessitating an evolution of the current legal system to adapt to these changes (Stroud, 2014).

4.5 Conclusion

Revenge porn has emerged as a widespread issue globally, prompting many countries to contemplate the implementation of effective anti-revenge porn laws. In India, however, the problem is underrated and obscured by various existing laws that may not offer a comprehensive and focused solution to the issue. The severity and impact of revenge porn intensify due to the absence of a specific law addressing this violation of the victim's privacy by the perpetrator. The consequences of this offense are exacerbated by the lack of a dedicated law, leaving victims in a state of confusion regarding the available remedies against the perpetrator. Despite this, various provisions under different Indian laws suggest a logical conclusion: revenge porn, although not explicitly defined, can be addressed through various provisions of criminal law, statutory civil law, and common law in India. Despite multiple available options for victims to seek

justice against perpetrators, the effectiveness of these measures does not guarantee a satisfactory remedy for the gravity of the offense, as argued by Dr. Halder (Kumar, 2018). However, contrary to this perspective, there is efficacy in each of the existing measures, but challenges arise when incompatible provisions are bundled together to substantiate the charge. Ideally, an amendment to the Indian Penal Code (IPC) is required to criminalize revenge porn, defining the elements of the offense along with its variations and corresponding penalties. Additionally, this amendment should be accompanied by corresponding changes to the Information Technology (IT) Act, addressing the current loophole that may place blame on the victim for the initial transmission of allegedly obscene material. The IT Act provisions should consider revenge as a motive and include circumstances involving morphed images. In the absence of explicit legislative provisions, victims are encouraged to pursue civil action for exemplary damages, claiming breach of confidence and a right of publicity breach, especially in cases of commercial misappropriation of shared images/videos. Since revenge porn incidents via social networking portals have surged, initiatives like Facebook's face mapping app and Google's implementation of the "right to be forgotten" policy offer potential solutions. Facebook's project aims to detect and prevent revenge porn by hashing media files, while Google's "right to be forgotten" allows individuals to request the removal of inaccurate, misleading, or distressing links from search engine results (Kumar, 2018). If effectively implemented, these measures could provide quick relief to revenge porn victims, addressing concerns related to free speech.

CHAPTER 5

JUDICIAL RESPONSE ON REVENGE PORNOGRAPHY

5.1 Introduction:

Within this chapter, the author will delve into a series of significant legal cases, aiming to unravel the tangible complexities confronted by the Indian, UK & USA Judiciary and investigative bodies while tackling the issue of revenge pornography. This examination will encompass a critical assessment of the existing legal framework.

The act of capturing, disseminating, and distributing private moments and intimate acts of individuals without their consent in the digital realm flagrantly infringes upon personal privacy. Escaping the far-reaching implications of such actions proves to be a formidable challenge. The question remains the same as to why the name ‘revenge pornography’ fails to communicate the scope and severity of this harm. It is victim culpability that misguides the government policy and does not provide adequate information to the public. Therefore, emerged new terms, were formulated by activists, and the term ‘revenge porn’, were defined through ‘Non-consensual pornography’ ‘image-based sexual abuse, and ‘digital rape (Maddocks, 2018). So far, the study has established revenge porn is a form of violence and abuse. It can be considered as another form of gender-based violence and abuse that spreads across femicide, rape, stalking, and non-contact harassment (Blumenstein, 2015). It can also be a part of different kinds of violence and mistreatment that aren’t directly about physically hurting someone. This can include things like hurting someone with words or actions, even if there’s no physical contact. They are still liable to have explicit negative physical effects, along with psychosomatic and emotional consequences inflicted on the victims of abuse and harassment.

Therefore, there is scope for the variety of corrective and analytical approaches to gender-based violence and abuse to be applied in analyzing revenge porn and this has been studied by many experts (Hall & Hearn, 2017).

Judiciary plays a vital role in safeguarding the rights, dignity, and well-being of those affected by revenge pornography, contributing to a safer and more just society. Judiciary stands as a pillar of support for individuals who fall victim to revenge pornography. Its role encompasses not only ensuring that the perpetrators face legal consequences but also in shaping a legal landscape that is responsive to the challenges presented by technology and digital communication.

5.2 USA

In the United States, the issue of revenge pornography has garnered significant attention, prompting the acknowledgment of its detrimental impact on individuals. Recognizing the severity of the problem, the U.S. legal system has responded by implementing specific laws tailored to address revenge pornography. These laws are designed to tackle the malicious distribution of intimate images or videos with the intent to harm individuals depicted in such content. The legal provisions aim to offer protection to victims and hold perpetrators accountable for their actions. Landmark cases and legal decisions have contributed to shaping the jurisprudence surrounding revenge pornography, reflecting the commitment of the U.S. legal system to confront and combat this form of online abuse. This proactive approach signifies a crucial step in mitigating the far-reaching consequences of revenge pornography and underscores the nation's commitment to safeguarding individual privacy and dignity in the digital age. Below are a few notable cases that exemplify the United States' proactive stance in addressing the issue of revenge pornography:

***JANE DOE v DAVID K. ELAM II*, 2014**

Jane Doe (Plaintiff) and Elam (Defendant) first connected through an online dating platform in 2012 and subsequently entered into a relationship. Throughout

their long-distance relationship, Jane Doe shared personal photos and videos with Elam. In 2013, their relationship came to an end, Elam, II ("Elam") initiated a trouble campaign against the Plaintiff, involving a calculated pattern of tactics aimed at terrifying her and causing her severe emotional distress. Elam created fake online dating profiles using the Plaintiff's name and explicit photographs, encouraging unknown men to send her explicit messages and visit her home expecting sexual acts. He also impersonated people in Plaintiff's network, sending explicit material to her mother and classmates. This distressing campaign resulted in Jane Doe receiving various unsolicited messages, including explicit content, from unknown individuals via her phone and email. This conduct caused the Plaintiff significant emotional distress. Elam's actions subjected Jane Doe to profound fear and anxiety about her personal safety. Consequently, she filed a lawsuit in 2014, seeking redress for Elam's actions. In her lawsuit, Jane Doe not only raised allegations of copyright infringement but also accused Elam of online impersonation with the intent to cause harm and intentional infliction of emotional distress. She secured a court-issued restraining order that mandated Elam to remove the offensive content from the relevant websites and cease impersonating her. Additionally, she sent takedown notices to the offending websites to have the disparaging content taken down.

The central issue before the court was whether it had federal subject matter jurisdiction over the plaintiff's copyright claim. The court ultimately established that it had jurisdiction, as the copyright claim involved a federal legal matter. In the judgment, Judge Philip S. Gutierrez determined that Elam's revenge porn campaign had caused substantial harm to the plaintiff, rendering him liable for damages. On April 4, 2018, the judge issued a default judgment against the defendant, awarding the plaintiff a total of \$6.45 million. This sum included \$450,000 for copyright infringement, \$3 million in punitive damages, and \$3 million in compensatory damages. Furthermore, the court ordered Elam to remove the content he possessed and permanently restrained him from revealing the

plaintiff's identity or publishing the content in future disparaging content he possessed and permanently restrained him from revealing the plaintiff's identity or publishing the contested content in the future (*JANE DOE v. DAVID K. ELAM II Case No. 2:14-CV-9788 PSG-SS*, 2014).

State v. VanBuren, 2018

This incident occurred in Vermont, where a woman's privacy rights were tested. Dana, the woman, took nude photographs of herself and sent those photos to her ex-boyfriend, Anthony Coon, via Facebook Messenger who was seeing another woman, Rebekah VanBuren. VanBuren accessed Coon's account, posted the photos on Facebook, and tagged Dana. When Dana asked Coon to delete the photos, VanBuren threatened to harm her reputation, including her employment at a childcare facility.

The State charged VanBuren under Vermont's revenge porn statute, alleging that she knowingly disclosed intimate images without consent, with the intent to harm, harass, or intimidate, and that the disclosure caused harm. The statute contained exemptions, including cases where individuals had no reasonable expectation of privacy regarding the images. The state initially asserted that the protected expression (nonconsensual porn) was absolutely exempt from constitutional protection because it may be classified as obscenity the Vermont Superior Court dismissed the charge, citing First Amendment concerns. The State appealed to the Vermont Supreme Court, which upheld the statute's constitutionality. Justice Robinson, in the majority opinion, reasoned that the state had a compelling interest in protecting privacy and that the statute was narrowly tailored. However, Justice Skoglund dissented, arguing that the statute didn't withstand strict scrutiny as the State lacked a compelling interest. In June 2019, the court ruled that Dana had no reasonable expectation of privacy, ultimately dismissing the case. The court's decision focused on defining privacy based on relationships, which creates interpretive difficulties for courts and excludes some legitimate victims. This

approach narrows the concept of privacy and doesn't adequately consider individual interests in privacy and self-expression. It's clear that the court aimed to protect privacy rights, but its chosen method strained the statutory text and limited the scope of protection, leaving many victims without recourse (*State v. VanBuren*, 2019).

Illinois v. Austin, 2019

In this case defendant Bethany Austin discovered a text exchange between her then-fiancé and a neighbor with whom he was having an affair. Their texts, which included nude photographs, automatically appeared on Austin's iPad as a result of its connection to the couple's shared iCloud account. In response, Austin sent a letter to her fiancé's family and friends detailing the events. She attached copies of the messages, including four nude photographs of the neighbor.

The Supreme Court of the State of Illinois decided that prohibiting the nonconsensual dissemination of private sexual images does not unconstitutionally restrict freedom of speech, upholding Illinois' "revenge porn" statute. They refused to create a new categorical exception to the First Amendment, awaiting a U.S. Supreme Court decision. The court considered the statute to be content-neutral, targeting the distribution of non-consensually obtained sexual images, rather than their nudity. They argued that this speech was not a matter of public concern, just private sexual activity, and thus didn't require strict scrutiny. The court found that the statute served the substantial government interest of protecting privacy rights and didn't burden speech more than necessary. Austin argued that this statute failed strict scrutiny, since penal regulation was not the least restrictive means to accomplish the government interest. While the court held that strict scrutiny was not applicable in this case, it emphasized that neither copyright law nor privacy tort law could successfully remove or deter revenge-porn images. Justice Garman, in dissent, believed that strict scrutiny should apply since the statute criminalized the distribution of images based on their content.

She argued the statute was not narrowly tailored and didn't provide the least restrictive means of addressing revenge porn. Revenge porn has severe impacts, especially on women, akin to the effects of sexual assault. Some criticize courts for not properly considering these harms when applying First Amendment law. However, the court upheld the Illinois statute, emphasizing that the wrongful purpose was inherent in disseminating someone's personal image without consent(*People v. Austin* , 2019).

State v. Casillas, 2019

In 2016, the appellant, Michael Anthony Casillas, was in a romantic relationship with A.M. During this relationship, Casillas acquired A.M.'s login credentials for her wireless and television provider accounts. After their relationship ended, Casillas continued to use A.M.'s login information to gain unauthorized access to her various online accounts. Among the content he accessed were a photograph and a video showing A.M. engaging in sexual activity with another adult male. Despite A.M. warning Casillas that sharing these explicit materials without her consent would constitute a crime, he proceeded to send the video to 44 individuals and posted it online. On report of complainant, State of Minnesota charged Michael Anthony Casillas with felony of nonconsensual dissemination of private sexual images.

As per the Minnesota statute it is illegal to intentionally disseminate an image of another person depicted in a sexual act or whose intimate parts are exposed when the person is identifiable from the image itself or from the information displayed in connection with the image; the person disseminating the image knows or reasonably should know the person depicted in the image did not consent to its dissemination; and the image was obtained or created under circumstances in which the person depicted in the image did not consent to its dissemination., this was challenged by defendant that this statute is unconstitutional. The highest court of Minnesota determined that the Act was constitutional after using strict scrutiny.

The Minnesota court determined that the dissemination of nonconsensual pornography posed a "broad and direct harm" to the "health and safety" of Minnesota residents, and so the state had a compelling interest in this problem. In addition, the Minnesota court determined that the statute was narrowly tailored because it had multiple statutory definitions and barred only purposefully disseminated private communication without consent (*State v. Casillas*, 2020).

***State v. Katz*, 2021**

In this case defendant recorded a video in which her girlfriend was involved in sexual activity with him and shared that video with his friend. Defendant was charged under section, which criminalizes the non-consensual distribution of an "intimate image. He filed a motion to dismiss, arguing that the statute was unconstitutional on free speech grounds. The lower court dismissed the charges because the statute violates the United States and Indiana constitutions. The lower court found the Indiana statute to be "almost identical" to the original Texas and Minnesota revenge porn laws, which were both thrown down by lower courts. In Texas, however, the Texas Court of Criminal Appeals ultimately maintained the law. And in Minnesota, the legislature changed the statute, which was then deemed constitutional by the state's highest court (*State v. Katz*, 2022).

***Jane Doe (D.L.) v M. Jackson*, 2022**

In the most recent case addressing revenge porn laws, A Texas woman was awarded a \$1.2 billion settlement after a Houston-area jury ruled she was the victim of revenge porn. In this case Jackson and D.L. began dating in 2016, and during their relationship, D.L. trusted Jackson by sharing intimate images. However, after they broke up in October 2021, Jackson allegedly shared intimate pictures along with her personal information on the internet via a publicly accessible Dropbox folder, a page on a prominent pornography site and multiple social media platforms. He also tagged D.L.'s employer and gym, evidently intending to harm her reputation. One of Jackson's final messages to D.L.

threatened her with a lifetime of online exposure. In addition to these actions, Jackson was accused of accessing D.L.'s bank account to cover his rent and other expenses.

The billion-dollar settlement offers a symbolic win for victims of "imaged-based sexual abuse," known as "revenge porn," which is used to inflict "a combination of psychological abuse, domestic violence and sexual abuse. The legal landscape surrounding revenge pornography in the United States is often criticized for being underdeveloped and lacking clarity on the definition and scope of offenses related to non-consensual explicit content distribution. The absence of a comprehensive federal law specifically addressing revenge pornography has led to a fragmented legal approach, with individual states adopting varying statutes. This lack of uniformity results in confusion and inconsistency in understanding what constitutes revenge pornography, hindering effective prosecution and legal recourse for victims. Additionally, the conflict between privacy rights and revenge porn laws further complicates the legal framework. While privacy rights are highly valued in the U.S., revenge porn laws face challenges in striking a balance between protecting individual privacy and penalizing those responsible for maliciously disseminating explicit content. This conflict can, at times, result in perpetrators escaping significant legal consequences, emphasizing the need for a more cohesive and stringent legal framework to address the complexities surrounding revenge pornography.

5.3 UK

Revenge porn emerged as a significant problem in the United Kingdom, prompting legislative action in 2015 to address the gravity of the issue. The enactment of a specific law aimed at combating revenge pornography reflected a proactive response to the challenges posed by this form of online abuse. Below are a few notable cases that underscored the urgency of legal intervention:-

J.P.H v X.Y.Z, 2015

“The Applicant, J.P.H, was a highly accomplished professional actor who had been in a relationship with the Defendant, XYZ. Over the course of their relationship, a significant number of explicit images and videos depicting nudity and sexual activity were captured. XYZ subsequently made threats to publicly share these photographs on various social media platforms. It appeared that XYZ’s motivation for this action was driven by a desire for retaliation following JPH’s decision to terminate their relationship. XYZ also sent an email to one of JPH’s former partners, describing explicit details of JPH’s alleged sexual conduct, and transmitted two obscene recordings. Furthermore, XYZ conveyed that locked folders containing copies of these photos had been entrusted to two unnamed individuals, authorized to distribute them in the event of police involvement. Shortly before the hearing, a limited number of these still images surfaced on a website, leading to the reasonable assumption that they were posted by or at the direction of XYZ. Consequently, JPH sought an urgent out-of-hours application, requesting (1) an interim injunction to prevent the dissemination of this material without prior notice; (2) an order compelling XYZ to disclose the identity of the two individuals in possession of the material and anyone else who had received it; and (3) permission to serve the injunction via email (*JPH v XYZ (No 1), 2015*).

XYZ was legally obligated to furnish JPH’s legal representatives with information regarding any third parties who had already received the material and disclose any websites where it had been posted. This included the identification of the two alleged holders of the files and any additional recipients designated by XYZ. The court mandated that XYZ provide this information within one hour of receiving the order. This directive aimed to minimize the possibility of third-party publications and maximize JPH’s ability to control the extent and impact of any such dissemination (*JPH v XYZ (No 1), 2015*).

Recognizing the urgency of the situation, the court decided against the traditional method of personal service for the order and directed it to be sent to XYZ’s email

address. This approach was chosen based on a strong belief that it would promptly bring the order to XYZ's attention, thereby reducing the risk of non-compliance and the potential need for contempt of court proceedings.

MM v BC , RS, Facebook Ireland Limited, 2016

In this particular case, the Claimant alleged that she had shared one or more highly explicit photographs of herself with one of the Defendants while they were in a relationship. Subsequently, after the relationship ended, one of these photographs was published by the Defendants. The Claimant argued that this act undermined her personal independence, dignity, and right to privacy. The primary challenge revolved around preserving the Facebook accounts of the first and second Defendants, which were crucial for preserving evidence.

The information contained in these accounts was deemed vital for assessing the Defendants' explanations regarding the publication of the photograph. Facebook Ireland Limited, the third Defendant, offered a solution: suspending the accounts of the first and second Defendants, but this would erase all records of account activity. As an alternative, Facebook suggested downloading the account information before suspension, but this method proved insufficient for creating a comprehensive record, especially for linking images to messages. All parties, including the Claimant and the first and second Defendants, sought to set aside the previous order that had required Facebook to suspend the accounts. Interestingly, the first and second Defendants argued that their Article 8 rights under the European Convention on Human Rights (ECHR) were at stake, as such an order would interfere with their right to communicate with friends and access information on their Facebook accounts. The second Defendant, in particular, faced difficulties as he relied on Facebook's messaging service for communication due to not having a mobile phone.

The court explored the possibility of opening new Facebook accounts, but this raised issues concerning Facebook's policy and the need for new email addresses.

It was also noted that Facebook might take action against the Defendants if they discovered new accounts were being opened by individuals with existing accounts. Consequently, the court concluded that the most appropriate approach, while preserving the existing Facebook accounts, was to direct Facebook to allow the Defendants to open additional accounts. The court expressed concerns about the approach taken by certain social media platforms, such as Facebook, to record and preserve information, emphasizing their role in assisting courts to prevent the platform from being used as a tool for harassment or the dissemination of intimate images.

In summary, while the granting of an injunction in cases involving breaches of confidence is crucial for preserving evidence and preventing further disclosure of intimate images, there are situations where such an injunction may offer limited practical utility or involve a delicate balance between competing rights and interests (*MM v BC , RS, Facebook Ireland Limited*, 2016).

Georgina Harrison vs Stephen Bear, 2022

In August 2020, Georgia Harrison, a reality television star, agreed to meet with Stephen Bear, another reality TV personality, who lived nearby. They had previously engaged in a casual relationship and decided to meet for a cup of tea. What began as a casual encounter escalated into an explicit, drunken sexual encounter in Bear's garden. Harrison became concerned when Bear mentioned the possibility of their sexual encounter being recorded by his CCTV system, to which she objected. He assured her that he had deleted the video. However, three months later, Bear posted the explicit video on his verified OnlyFans account and, subsequently, on several websites, including Pornhub. Harrison discovered this when a fan sent her a screenshot. She reported the incident to the police, leading to Bear's arrest, charge, and eventual conviction in March 2023. He was sentenced to 21 months in prison for voyeurism and sharing private sexual images with the intent to cause distress.

The case against Stephen Bear had significant ramifications for the issue of intimate image abuse. It was a highly publicized case, raising awareness about the serious consequences of such actions. Georgia Harrison's decision to report the incident and Bear's subsequent conviction sent a message of hope to victims of similar abuse and served as a warning to potential perpetrators. As a result, he was sentenced to 21 months in prison for voyeurism and sharing private sexual images with the intent to cause distress and was ordered to sign the Sex Offenders' Register and will be subject to notification requirements for 10 years. He was also made subject to a restraining order not to contact Georgia Harrison for five years(Carr, 2023).

On the 26th of July 2023, the High Court made a significant ruling, ordering Stephen Bear to pay £207,900 in damages to Georgia Harrison. This amount stands as the highest sum ever awarded in an image abuse case and is one of the largest awards in the history of privacy claims arising from a single act. This case highlights the impact of intimate image abuse, both on the victim and in driving legal change to better protect individuals from such incidents(Moore, 2023).

While the United Kingdom has taken commendable steps in developing a comprehensive legal framework to combat revenge pornography, concerns linger about the effectiveness of the punitive measures in deterring such offenses. The enactment of a law in 2015, carrying a substantial penalty of up to two years of imprisonment for revenge pornography, underscored the seriousness with which the UK viewed this issue. However, the stark reality remains that despite having specific laws in place, instances of revenge pornography continue to rise. This phenomenon raises questions about the adequacy of the punishment as a deterrent. Some cases have shown that convictions result in less severe penalties than anticipated, potentially contributing to a perceived lack of deterrence. The disconnect between the legal consequences and the increasing occurrence of revenge porn incidents suggests a need for a critical review of the existing legal measures to ensure they effectively discourage and penalize offenders. Balancing

the severity of punishment with the need for prevention is essential to address the evolving challenges posed by revenge pornography in the digital age.

5.4 INDIA

The legal landscape concerning revenge porn in India faces distinct challenges and deficiencies. The prevailing legal framework is considered underdeveloped, lacking specialized and all-encompassing laws tailored to address the intricate aspects of revenge pornography. The absence of a unified legislative approach forces victims to navigate a convoluted system of multiple legal acts to seek justice. Furthermore, a noticeable lack of awareness among authorities about the severity and intricacies of revenge porn contributes to difficulties in effectively addressing and preventing such offenses. Despite these challenges, the Indian judiciary has emerged as a crucial player in interpreting existing laws to safeguard the dignity of women in revenge porn cases. Landmark legal decisions have established significant precedents, highlighting the necessity for a more nuanced and victim-centric approach. Noteworthy cases underscore the judiciary's pivotal role in punishing the accused and acknowledging the gravity of this offense, all while operating within the constraints of the current legal framework, which lacks specific provisions for revenge porn. These instances exemplify the judiciary's commitment to addressing the evolving challenges posed by digital abuse and violations of privacy in the absence of dedicated legislation.

Air Force Bal Bharti School case, 2001

In the Indian context, the year 2001 marked a significant milestone with the emergence of the inaugural reported instance of cyber revenge. This incident involved the arrest of a 16-year-old male student from Air Force Bal Bharati School, who created a pornographic website featuring explicit images of his female classmates and teachers. Subsequently, he was released on bail. The notoriety surrounding this case stemmed from its distinction as the new

occurrence of revenge enacted through a cyber platform in India, bringing attention to the evolving landscape of cyber-related offenses and the imperative for legal frameworks to address such issues.

In the first case of this kind, the Delhi Police Cyber Crime Cell registered a case under section 67 of the IT act, 2000.

Facts - A student of the Air Force Balbharati School, New Delhi, was teased by all his classmates for having a pockmarked face.

He decided to get back at his tormentors. He created a website at the URL <http://www.amazing-gents.8m.net>. The website was hosted by him on free web space. It was dedicated to Air Force Bal Bharti School and contained text material. On this site, lucid, explicit, sexual details were given about various “sexy” girls and teachers of the school. Girls and teachers were also classified on the basis of their physical attributes and perceived sexual preferences. The website also became an adult boys’ joke amongst students.

This continued for sometime till one day, one of the boys told a girl, “featured” on the site, about it. The police arrested the concerned student and kept him at Timarpur (Delhi) juvenile home. It was almost after one week that the juvenile board granted bail citing Section 12 of the Juvenile Justice Act 2000. Justice Sanjay Agarwal opined that the present case is an example of ‘tech graffiti’ and should not be taken seriously (Peer, 2001).

DPS MMS Scandal Case, 2004

It was 2004, the nation was first introduced to the phrase ‘mms scandal. New teen sexual behaviour has gained a highlight due to the infamous Delhi public school. Concept of revenge porn came under public peril through this case in our country. After 2004, digital technology was transformed into something that simultaneously opened twin doors. First, to new atrocities and second, to new scandalous pleasures.

Facts - The case revolves around Ravi Raj, an IIT Kharagpur student, who posted an obscene MMS video clip for sale on the website baazee.com. Despite the website having a filter for objectionable content, the listing appeared with the description "Item 27877408 – DPS Girls having fun!!! full video + Baazee points." The online listing occurred from November 27th, 2004, around 8:30 pm, to November 29th, 2004, around 10 am. The Crime Branch of the Delhi police took cognizance of the matter and registered an FIR. The charges were filed against Ravi Raj, Avnish Bajaj (the owner of the website), and Sharat Digumarti (responsible for handling the content). In response to the charges, Avnish Bajaj filed a petition seeking the quashing of the criminal proceedings. The petitioner argued that the website could, at most, be responsible for the listing placed on the website, which, by itself, was not obscene and did not attract the offense under Section 292/294 IPC or Section 67 of the Information Technology (IT) Act. The petitioner also claimed that due diligence was taken by the website to immediately remove the objectionable video clip once it was brought to its knowledge. On the other hand, the state contended that the offense under Section 292 of the Indian Penal Code (IPC) includes not only overt acts but illegal omissions within the meaning of Sections 32, 35, and 36 IPC. The state argued that the failure to have an adequate filter in an entirely automated system entails serious consequences, and a website cannot escape legal consequences. The court, in its judgment, observed that a prima facie case for the offense under Section 292 (2) (a) and 292 (2) (d) IPC is made out against the website for both the listing and the video clip, respectively. The court noted that by not having appropriate filters to detect the words in the listing or the pornographic content, the website ran the risk of having imputed to it the knowledge that such an object was, in fact, obscene. The court held that, as per the strict liability imposed by Section 292, knowledge of the listing could be imputed to the company. However, as far as Avnish Bajaj is concerned, the court held that since the Indian Penal Code does not recognize the concept of automatic criminal liability attaching to the director when the company

is an accused, the petitioner can be discharged under Sections 292 and 294 of IPC but not the other accused.

Regarding Section 67, read with Section 85 of the IT Act, the court observed that a prima facie case was made out against Avnish Bajaj, as the law recognizes deemed criminal liability of directors even when the company is not arraigned as an accused. The judgment, however, did not declare Avnish Bajaj guilty (*Avnish Bajaj vs State (N.C.T.) Of Delhi*, 2004).

The State of West Bengal vs. Animesh Boxi, 2018

The Animesh Baxi case stands as a landmark judgment in the realm of revenge porn, representing the first conviction of its kind. Notably, the court delivered its verdict within six months, setting a precedent for the expeditious handling of such cases and marking a significant milestone in the fight against cybercrime targeting women. This progressive step reflects the Indian judiciary's commitment to addressing emerging challenges and ensuring the swift resolution of cases involving technology-driven offenses.

Revenge porn poses a unique challenge due to its potential global reach once posted online. Even if content is removed from one platform, its dissemination remains uncontained as individuals who have downloaded it can perpetuate its existence by reposting it elsewhere on the internet. The court, in its judgment in this case, recognized this aspect as a form of virtual rape, acknowledging the enduring impact on the victim's life. This acknowledgment highlights the court's understanding of the far-reaching consequences of revenge porn and the need to take strict and fast legal measures to combat its proliferation.

Facts - Prior to the July 2017 event, the accused, Animesh Boxi, had been in a three-year relationship with the victim (whose name has been withheld to protect her identity). During their relationship, Boxi allegedly coerced the woman into sharing intimate images and videos with him by gaining unauthorized access to her phone. Subsequently, he began to blackmail her, threatening to publish these

explicit materials online if she did not comply with his demands, including spending time with him or going on trips. Several days later, the victim's brother discovered these compromising photos and videos on a pornographic website (PornHub), along with a video that identified the victim and her father.

Boxi was charged with violating various sections of the Indian Penal Code, 1860 (IPC) and the Information Technology Act, including 354A (Sexual Harassment), 354C (Voyeurism), 354D (Stalking), 509 (Criminal Intimidation), 66C (Identity theft), 66E (Violation of privacy), and 67/67A (Transmitting obscene material online).

The primary issue before the court was whether the prosecution could establish beyond a reasonable doubt that Boxi had uploaded personal photos and videos of the victim without her consent. The prosecution relied on technological evidence and witness testimonies, which encompassed Boxi's mobile number listed on the PornHub account registration, the IP address linking the video upload to a SIM card registered in Boxi's name, and email and website user accounts associated with Boxi, used to upload the video. The defense raised several procedural objections, such as delays in submitting lists of seized items and legal charges framed under incorrect provisions, as well as inadequacies in the examination of witnesses.

Regarding the charges related to sexual harassment, voyeurism, stalking, and criminal intimidation under sections 354 and 509 of the IPC, the Court concluded that Boxi had indeed demanded sexual favors from the victim, captured images of her in circumstances where her expectation of privacy was violated, and engaged in extensive online stalking. The court rejected Boxi's argument that these actions did not result in physical harm to the victim, asserting that the harm to her reputation was sufficient and aligned with the definition of "injury" in Section 44 of the IPC. Boxi was also found guilty of disseminating private images online, violating Section 66E, Section 67, and Section 67A of the IT Act, and identity

theft under Section 66C due to his unauthorized access to the victim's phone to obtain the photos. Consequently, the court convicted Boxi on all charges and sentenced him to five years in prison, in addition to a 9,000 rupee fine. Furthermore, the court ordered compensation for the victim under the state's Victim Compensation Scheme. This case carries historical significance as it represents the sole instance of a successful conviction in India related to revenge pornography (*The State Of West Bengal vs Animesh Boxi @ Ani Boxi @ Ani Bakshi*, 2018).

Subhranshu Rout v. The State of Odisha, 2020

The Orissa High Court recently underscored the significance of the 'right to be forgotten' (RTBF) in the case of Subhranshu Rout @ Gugul v. State of Odisha, highlighting a concept recognized by international courts and increasingly acknowledged within the Indian legal framework. The RTBF, in essence, grants individuals the right to have their personal information expunged from publicly accessible platforms such as the internet, search engines, databases, and websites when the said information becomes obsolete or irrelevant. This judicial pronouncement marks the first instance, to the best of our knowledge, where the provisions of the Personal Data Protection Bill, 2019 (PDP Bill) have been deliberated upon by a court in India. This development underscores the evolving nature of privacy rights in the digital era and the growing acknowledgment of individuals' control over their personal data.

Facts - On May 3, 2020, a young man named Subhranshu Rout visited his classmate, Rupali Amanta, and sexually assaulted her. In the aftermath of this horrific incident, Rout threatened Amanta, coercing her into silence by menacingly warning her against reporting the assault to her family or authorities. He cruelly threatened to inflict harm on her and expose explicit videos of their encounter on various social media platforms. To further compound this distressing situation, Rout deceptively created a false Facebook profile in

Amanta's name and uploaded videos of the assault. Eventually, following police intervention, Rout removed the incriminating content from Facebook.

Rout faced multiple charges under the Indian Penal Code, 1860, including rape (section 376), distribution of explicit content (section 292), forgery (section 465), forgery with the intent to tarnish one's reputation (section 489), and the offense of outraging a woman's modesty (section 509). Additionally, Rout faced charges under the Information Technology Act, 2000, relating to computer-related offenses (section 66), identity theft (section 66C), publication of obscenity (section 67), and dissemination of sexually explicit content (section 67A).

This case, adjudicated by the High Court of Orissa, India, underscores the imperative legislative recognition of the "right to be forgotten" while concurrently denying bail to the petitioner in a grave rape case.

The prosecution vehemently opposed the bail application primarily due to the gravity of the offense and the ongoing investigation. Their central argument revolved around the actions of the accused, Subhranshu Rout, who not only allegedly committed sexual assault but also recorded the incident, later exploiting this recording to threaten and blackmail the victim, Rupali Amanta.

A pivotal aspect of this case was the Court's meticulous examination of the "right to be forgotten" within the Indian legal landscape. In doing so, the Court referred to international and domestic cases, including the European Union's General Data Protection Regulation and pertinent English and European Court of Justice rulings. The Court also highlighted the divergence in opinions within Indian jurisprudence, where some High Courts acknowledge the "right to be forgotten," while others take a contrary stance. The Court underscored that, despite recognizing the right to privacy as an intrinsic component of the right to life under the Indian Constitution, the formal legislative recognition of the "right to be forgotten" in India remained pending. This case's findings underscored the pressing need for legislative acknowledgment of the "right to be forgotten" as an

integral facet of the right to privacy. Furthermore, the Court stressed the profound suffering and loss experienced by the victim, emphasizing the urgent necessity to protect the "right to be forgotten" in cases involving the unauthorized dissemination of objectionable content on social media platforms. The case's insights highlighted the intricate nature of the ongoing debate while underscoring the significance of addressing technological advancements and the attendant challenges to privacy rights. The Court delved into the issue of consent in data processing while examining the case's specifics. Ultimately, it concluded that the concept of consent did not apply in this context. The Court acknowledged the heinous nature of the alleged crime, the devastating consequences of sharing explicit content online, and the infringement of the victim's right to privacy. As a result, the Court ruled against granting bail to Rout, underscoring the importance of protecting victims' fundamental rights by seeking appropriate legal measures to remove objectionable content from the internet, irrespective of ongoing criminal proceedings.

This case offers invaluable insights for those interested in privacy rights, technology's intersection with the law, and the evolving legal landscape. It underscores the pressing need for the formal recognition of the "right to be forgotten" in India and sheds light on the challenges faced by victims in preserving their privacy in the digital age (*Subhranshu Rout v. The State of Odisha*, 2020).

Guruvinder Singh vs. State of UP and Ors, 2021

In a significant legal development, the Allahabad High Court, in its decision on October 4, 2021, rejected a bail application while placing notable emphasis on the misuse of explicit images or videos generated with the consent of a partner in an intimate relationship. The court's ruling highlighted the grave issue of revenge porn and harassment, stressing that such actions constitute an affront to the dignity of the individuals involved. The court's stance reflects a growing

recognition of the serious implications of revenge porn and the need to safeguard the privacy and dignity of individuals in intimate relationships. While acknowledging that the creation of explicit content with mutual consent may be a consensual act between partners, the court underscored that the malicious use of such material for revenge or harassment purposes is entirely unacceptable. This judicial perspective aligns with an evolving global understanding of the broader concept known as the 'right to be forgotten' or the right to control one's personal data. The court's decision implies a responsibility to prevent the weaponization of intimate images, affirming the principle that individuals have the right to be protected from the malicious use of their private and consensual activities.

By dismissing the bail application with this particular focus, the Allahabad High Court sends a clear message that the legal system recognizes and condemns the reprehensible practice of exploiting explicit content for revenge or harassment. This decision contributes to the ongoing discourse around the need for legal frameworks that address the challenges posed by evolving technologies and protect individuals from the misuse of their personal and intimate information.

Facts - Guruvinder Singh faced a complaint alleging that he had raped the survivor in 2012 and had created explicit video clips. The accusation further stated that Singh continued to commit crimes against the survivor using these materials. The charges against him included sexual harassment (354A), voyeurism (354C), stalking (354D), and outraging the modesty of a woman (509) under the Indian Penal Code, 1860. The case reached the High Court through Singh's bail application.

The survivor argued that Singh had taken explicit photos and videos, using them to blackmail and circulate them. Singh, in defense, claimed that the survivor, being a major, had never objected to their relationship. He argued that their affair began in 2012 during a coaching institute, where a consensual physical relationship developed. The defense emphasized that they lived together, were

emotionally close, and Singh financially supported the survivor. The central argument of the defense was based on the premise of consensual relations.

The prosecution countered that the survivor's apparent consent was more a result of mental pressure and the threat to her reputation, making it a case of submission rather than genuine consent. The FIR also mentioned Singh sending explicit photographs to the survivor's sister and mother.

The High Court, while rejecting Singh's bail application, highlighted the potential misuse of intimate images and videos. It underscored that consent in an intimate relationship does not provide a license for exploitation or harassment later on. The court acknowledged the survivor's argument that her submission was coerced under mental pressure.

Before coming to a conclusion, the Court observed that it would be appropriate to take note of the expression(s) "Dignity" and "Privacy".

Regarding "Dignity", the Court referred to the judgment passed by the Supreme Court in the case of *M. Nagraj v. Union of India*, (2006), wherein the Apex Court expressed that it is the duty of the State not only to protect human dignity but to facilitate it by taking positive steps in that direction. While no exact definition of human dignity exists, it may be construed to refer to the intrinsic value of every human being, which is to be respected.

The concept of a human being's "Privacy" was also elaborated. The Court referred to the decision of the Hon'ble Apex Court in the case of *K.S. Puttaswamy and another v. Union of India and others* reported in (2017), whereby the Apex Court held that the integrity of the body and the sanctity of the mind can exist on the foundation that each individual possesses an inalienable ability and right to preserve a private space in which the human personality can develop. Without the ability to make choices, the inviolability of the personality would be in doubt. In reference to the aforementioned judgments, the Court opined that sexually explicit images or videos made by a partner in an intimate relationship with the

knowledge and consent of the subject cannot be used as a form of revenge or harassment, as it would definitely distort/damage the dignity of the concerned.

The Court asserted that, in such cases, it cannot close its eyes and, by virtue of being protector of fundamental rights, will come forward to protect the right of the subject and stringently deal with the person concerned. It also stated that any act outraging the modesty of a woman and misusing the same in cyberspace is contrary to the larger interest of protecting women against exploitation and blackmailing. The Court also considered that the Applicant had not yet filed a reply to the allegation of sharing and circulating the victim's photographs. Therefore, in view of the above, the Court deemed it appropriate to reject the bail application (*Guruvinder Singh vs. State of U.P. and Ors.*, 2021).

X vs. Union of India and Ors., 2021

In a recent groundbreaking judgment, the High Court of Delhi issued directives to law enforcement agencies, instructing the removal of unlawfully published content from a pornographic website and ordering search engines to de-index such content from their search results. The court further mandated that all involved parties take necessary actions to prevent any future publication of similar or identical content. The legal intervention was prompted by a woman who discovered that her photographs, sourced from her social media accounts without her knowledge or consent, were published on a pornographic website. Subsequently, she filed a complaint with the police and the National Cyber-Crime Reporting Portal before seeking relief from the High Court. In its judgment, the Court emphasized the imperative for "immediate and efficacious" remedies for victims of such cases. It also underscored the necessity to strike a balance between the obligations of internet intermediaries and the rights of users. The Court laid out specific directions that can be issued by a court in similar cases, setting a precedent for addressing online privacy violations and the responsible handling of user data. This legal intervention highlights the evolving nature of

jurisprudence in the digital age, aiming to protect individuals from the unauthorized dissemination of their private content while defining the roles and responsibilities of various stakeholders in the online ecosystem.

Facts - The petitioner's claim involved the creation of a YouTube channel in her name, utilized as a platform for daily uploads of explicit videos and photographs. Despite approaching various platforms and filing complaints, relief proved elusive as the explicit content continued to resurface. Citing the K.S. Puttaswamy case, the court emphasized that the uploading of Revenge Porn not only violated IT Act provisions but also gravely infringed upon the victim's right to privacy. In response to contentions that search engines have no control over third-party content, the court asserted that they possess the ability and legal obligation to disable access to offending content. The court criticized the lackadaisical attitude of intermediaries and the state in providing relief to victims. Following a detailed analysis, the court issued several directions to the respondents to ensure prompt and efficient remedying of victims' distress:

- Petitioners seeking content takedowns related to Revenge Porn must submit a sealed affidavit identifying specific problematic audio, visual content, keywords, and URLs with their petitions.
- The definition of Revenge Porn should be interpreted liberally to include any sexual content acquired without consent, and Grievance Officers should be sensitized to handle such complaints.
- The 'Online Cybercrime Reporting Portal' should feature a status tracker for complainants and display redressal mechanisms accessible in multiple languages.
- Delhi Police must promptly register a formal complaint and initiate an investigation upon receiving information about Revenge Porn content punishable under Section 66E of the IT Act.
- Each district cyber police station must designate an officer to liaise with intermediaries for grievance resolution within specified timeframes.

- Establish a 24/7 helpline for reporting Revenge Porn content, with trained operators and access to counselors for victim support.
- Search engines must use hash-matching technology to identify and remove Revenge Porn content promptly.
- Intermediaries should prominently display the reporting mechanism under Rule 3(2)(c) of the IT Rules on their websites.
- The specified timeframes under Rule 3 of the IT Rules should be followed rigorously, with deviations risking the loss of liability protection.
- Search engines should adopt a token or digital identifier-based system for victims obtaining takedown orders.
- Consider developing a secure third-party encrypted platform in collaboration with search engines under Rule 3(2)(c) for registering and automatically removing offending NCII content, reducing the burden on victims (*X vs. Union of India and Ors.*, 2023).

Fatima Riswana v. Chennai & Ors, 2005

The case revolves around the fundamental premise that embarrassment is an individual state of mind, independent of gender. It emphasizes that any person, irrespective of being a lady officer, may experience discomfort when dealing with explicit evidence. The Supreme Court stresses the professional duty of judicial officers to overcome personal biases and prejudices in the pursuit of justice. The argument challenges the presumption of embarrassment solely based on gender stereotypes, advocating for a more comprehensive and unbiased approach in legal decisions, especially in cases involving sensitive content.

Facts- Appellant in this case is a prosecution witness in S.C. No. 9 of 2004, in which Dr. L. Prakash was accused of creating pornographic photos and videos in various acts of sexual intercourse and thereafter selling them to foreign websites. The trial was assigned to the V Fast Track Court in Chennai, presided over by a lady Judge, also functioning as a "Mahila Court" exclusively dealing with

offenses against women. During the trial, the accused filed criminal revision petitions seeking copies of 74 CDs containing pornographic material used by the prosecution. The Madras High Court rejected the petitions, expressing concerns about the potential illegal copying and circulation of the material. Notably, the High Court acknowledged potential embarrassment for the lady Judge in viewing the CDs in the presence of male persons and offered the option of transferring the case to a court presided over by a male Judge.

Subsequently, the High Court, responding to a criminal revision petition (Criminal O.P. No. 5989 of 2004) by the accused, ordered the transfer of S.C. No. 9 of 2004 from the V Fast Track Court to the IV Fast Track Court, citing potential embarrassment for the lady Judge due to the explicit nature of the trial involving the exploitation of women. The transfer was based on the consent of the public prosecutor. The witnesses, including the appellant, were not heard during this transfer decision, and the court did not consider the Mahila Courts' objective.

Upon learning of the transfer, the appellant filed a criminal revision petition (O.P. No. 9528 of 2004), contending that the transfer from a court presided over by a lady Judge to one presided over by a male Judge would cause her embarrassment as a woman. The High Court rejected her petition, prompting this appeal.

The appellant's senior counsel argued that the High Court's approach was contrary to the interests of witnesses, who are essentially victims. It was emphasized that the lady Judge, not expressing embarrassment, led to an unjustified presumption by the High Court. The appellant's counsel argued that embarrassment is a subjective state of mind not confined to gender, and the transfer solely based on the lady Judge's gender was unjustified. The High Court's failure to consider the witnesses' perspective and the deviation from the Mahila Courts' objective were highlighted.

The respondents countered, asserting that the law officers expressed embarrassment in conducting the trial before the lady Judge, and the court should

not interfere. The respondents argued that the appellant, being involved in illegal activities, was akin to an accused, and re-transfer should not be permitted. The respondents also claimed that the High Court erred in not granting copies of the CDs for the prosecution.

The Supreme Court confined the appeal to the correctness of the transfer order and the rejection of the appellant's petition for re-transfer. The Court noted that the High Court presumed embarrassment for the lady Judge without her explicit expression and criticized the High Court's failure to consider the witnesses' potential embarrassment. The Court affirmed that embarrassment is individual-related rather than gender-specific, expecting judicial officers to overcome such challenges. Emphasizing the need to consider the feelings of witnesses who are victims, the Supreme Court allowed the appeal, directing the re-transfer of the case to the V Fast Track Court for expeditious trial.

The judgment reinforces the importance of considering individual perspectives and objectives in transfer decisions, particularly in cases involving potential embarrassment.

5.5 Conclusion

The global surge in revenge porn is evident, as highlighted in various cases from different countries, shedding light on the pervasive nature of this issue worldwide. The judiciary, being the cornerstone of justice, has effectively addressed this issue in various countries, exemplified by the U.S. Texas Case *Jane Doe (D.L.) v M. Jackson*, where substantial damages were awarded to the victim (*JANE DOE v. DAVID K. ELAM II Case No. 2:14-CV-9788 PSG-SS*, 2014). Similarly, the U.K. courts have successfully tackled revenge porn concerns through specific legislation. However, in India, revenge porn remains a legal gray area, and courts often resort to the IPC and IT Act, which may not suffice. Despite cases like *Animesh Baxi* setting a precedent, instances persist where victims' pleas go unheard, leading to tragic outcomes, such as suicide of a girl in Gujarat due to the

malicious distribution of intimate images on social media by her ex-boyfriend (“Girl, 16, Commits Suicide after Boyfriend Allegedly Leaks Intimate Video,” 2020). To curb the growth of revenge porn in India, the judiciary needs a potent weapon in the form of stringent anti-revenge porn legislation to provide victims with appropriate relief and justice. The exploration of landmark cases in this chapter underscores the intricate challenges faced by the Indian Judiciary and investigative authorities when addressing revenge pornography. This analysis emphasizes the imperative for a more specific legal framework capable of safeguarding individual privacy effectively in the digital age.

The cases discussed serve as poignant reminders of the pervasive and damaging nature of revenge pornography, necessitating comprehensive and adaptive legislative measures. The current legal system falls short, requiring a concerted effort to bridge gaps and provide victims with a stronger shield of protection.

As technology evolves, the challenges surrounding revenge pornography remain dynamic and multi-faceted. A proactive and responsive legal framework is crucial to uphold the privacy and dignity of individuals in the face of these evolving challenges. Addressing these shortcomings will better equip the Indian legal system to navigate the intricate nuances of revenge pornography, offering solace and justice to those affected while deterring future transgressions.

CHAPTER 6

DATA ANALYSIS VIS-VIS REVENGE PORNOGRAPHY

6.1 Introduction:

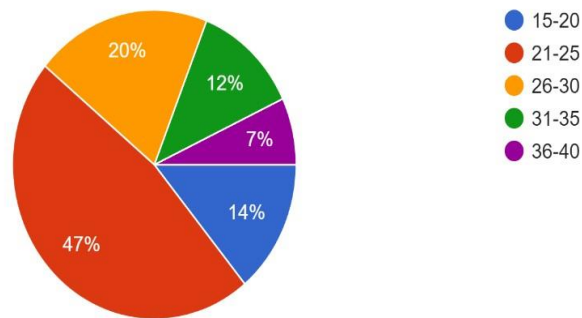
The researcher had framed a questionnaire aged 15-20, 21-25, 26-30, 31-35 and 36-40 age groups to gain information regarding revenge pornography. The total number of women who participated in the survey are 400+ in number. The questionnaire was in Google questionnaire format. The 40% among the 400 women are known to the researcher from professional, family, and social connections. As demanded by most of the women, the researcher had maintained standards of privacy, confidentiality, and freedom of speech of the women. The researcher on self-good judgment went ahead and asked the reasons behind their selected or said opinion, and all of them answered honestly. The analysis and observations have been constructed on the basis of that knowledge. The researcher is fortunate to have found such participants who were helpful and cooperative enough to give a proper insight which aided the research well.

However, their identity remains confidential as the issue is sensitive. The researcher thanks all those who participated in the survey. The data collected through the questionnaire are hereby represented through pie-charts and the researcher's analysis has been given in this regard.

6.2 Data Analysis, Observation and Figure

Data collected through Question No. 1

Question No. 1 – What is your age?



Analysis

The Researcher has conducted an online survey through questionnaire in which she has covered 400+ females engaged in different domains. The age groups covered by researcher in the online survey was 15-20, 21-25, 26-30, 31-35 and 36-40. Each participant possesses a smartphone. Most of the participants belong to the age group of 21-25 and they are all involved in different occupations. This is to note that 14% of the participants belong to the age group of 15-20, 47% of the participants belong to the age group of 21-25, 20% of the participants belong to the age group of 26-30, 12% of the participants belong to the age group of 31-35 and 7% of the participants belong to the age group of 36-40.

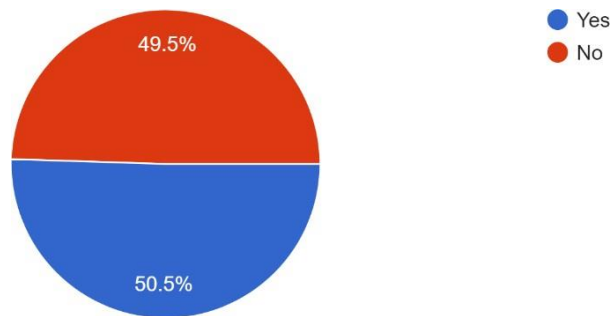
Data collected through Question No. 2

What are your educational qualifications?

The researcher has conducted a survey of 400+ participants and all the participants have variable educational qualifications. Some of them are post graduates, lawyers, students, housewives, medical students etc.

Data collected through Question No. 3

Question No. 3. Are you employed?

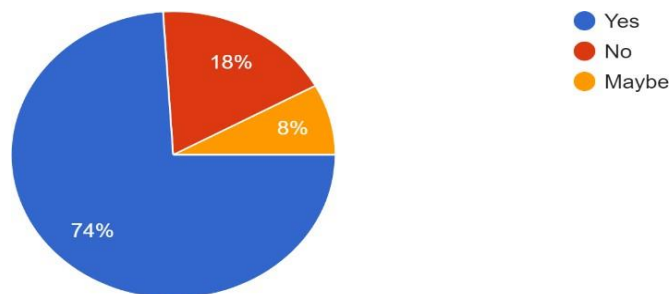


Analysis

The Researcher through this question wants to focus on the number of females employed and unemployed who are a part of this survey. Out of total 400 participants 50.5% of women are employed and 49.5% of females are unemployed.

Data collected through Question No. 4

Question No. 4- Are you aware of the term “Revenge Pornography”?



Analysis

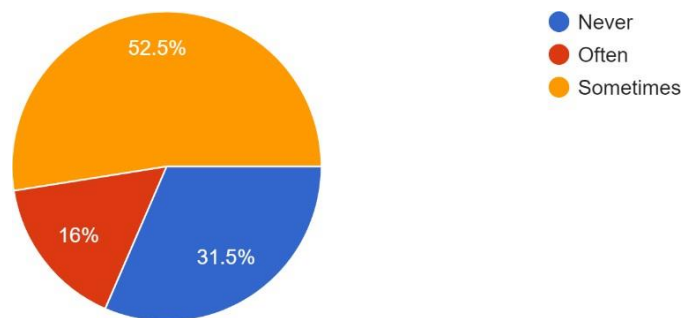
The Researcher through this question wants to know about the number of women who are aware of the term “Revenge Pornography”. Out of 400 + participants

74% are aware of the concept of Revenge Pornography, 18% have no idea regarding this term and 8% are somewhat aware about the concept but they do not know much details of the concept of Revenge Pornography.

The conclusion is good, but we need to do better. The women, who denied knowing anything about the crime, were not aware of the terminology but the act. The women who said partially had very little knowledge and had no idea that revenge pornography is associated with it and has many forms, and it can be done on basis of many reasons. The researcher believes that just spreading awareness on the particular crime is not enough, we need to broaden the horizon and educate the masses on how, when, and what kinds of activities are likely to happen.

Data collected through Question No. 5

Question No. 5- How often do you strike up a conversation with a stranger over social media platform?



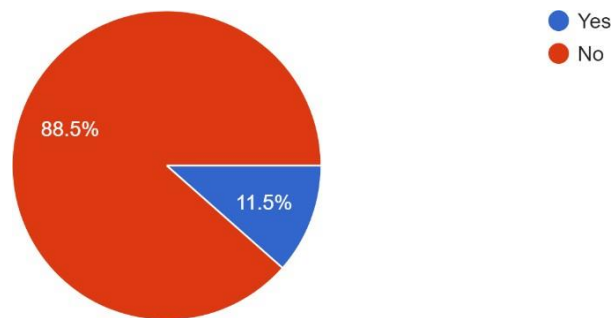
Analysis

In the given survey, out of 400 participants 52.5% of the females agreed that they may strike up a conversation with a stranger over social media platform and to the same question 31.5% of women disagreed and they stated that they may never strike up a conversation with a stranger over social media platforms. 16% of the

total 400 participants agreed that they often strike up a conversation with a stranger through online platforms.

Data collected through Question No. 6

Question No. 6- Has anyone ever shared a naked picture or video of you without your permission?

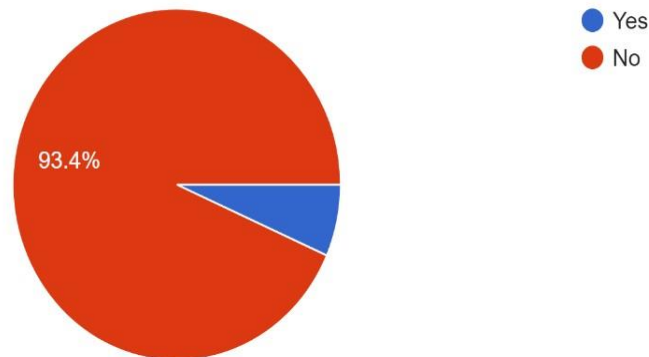


Analysis

The Researcher through this question needs to analysis that out of 400 how much percent of women are a victim of Revenge Pornography. The data collected by the researcher is quire reveling as much amount of female are not a victim of Revenge Pornography. Out of 400 participants 11.5% of females are a victim of Revenge Pornography and 88.5% female have never faced such kind of issue in their life.

Data collected through Question No. 7

Question No. 8- Has someone ever shared your morphed picture?



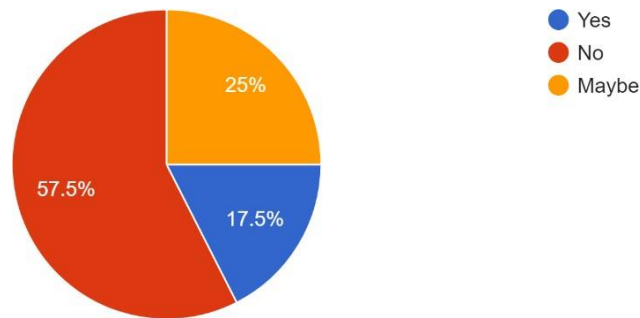
Analysis

The Research through this question wants to know the number of females who have faces the issue of morphed images. Out of 400 participants, 93.4% never faced the issue of morphed images and 3 women wished to remain silent on the issue and 6.6% females accepted that they are a victim of image morphing, and their morphed images were circulated through Social Media.

As we all know, pornography is banned in our country, as a result, there has been a bifurcation in the masses. A part of the population knows how to access the same without being caught and another part has left looking for a way out digitally. Some people get their hands on such videos and an image through messaging apps, shared downloads by peers and friends, or by possessing premium membership in websites.

Data collected through Question No. 8

Question No. 8- Do you think in trusted relationship sharing intimate image is ok?



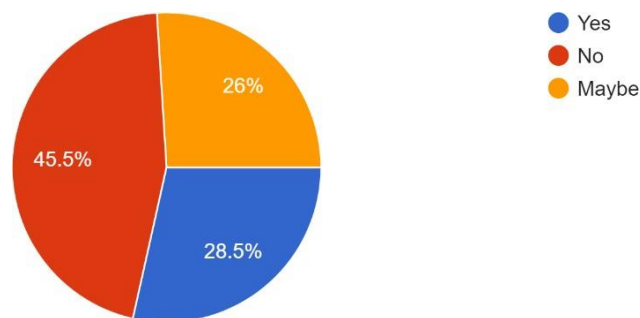
Analysis

Out of 400 participants, 57.5% of females are of the opinion that intimate images shall not be shared in a trusted relationship, 17.5% of the females are completely fine in sharing their intimate images in a trusted relationship. However, 25% of the females may or may not share their intimate images in a trusted relationship.

The women who agreed with a yes believed that it should be done with caution and not be turned into a bad habit. The women, who said no, found it a malicious act which may turn into a bad habit if initiated once, and cannot be controlled through any amount measures. 25% of them said maybe because they were not sure whether it was prohibited and immoral.

Data collected through Question No. 9

Question No. 9- Do you think it is appropriate to share private or intimate image with your husband?



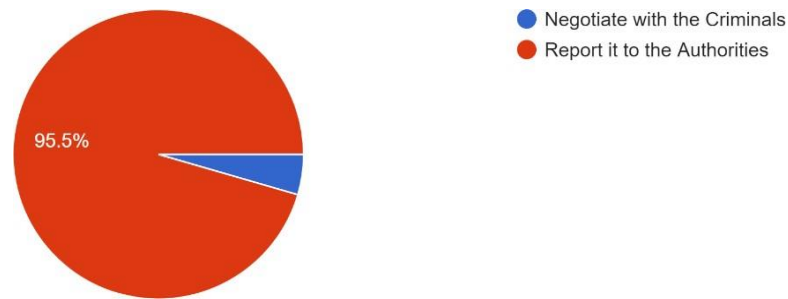
Analysis

The Researcher asked this question to know the mindset of females in sharing their private images with their husband. 45.5% of the females strongly disagreed to share their intimate images with her husband whereas 28.5% of females agreed to share their intimate images with her husband. However, 26% of the females are still doubtful and confused whether to share or not their intimate or private photographs with their husbands.

The young participants in this age group held that among married couples it is normal and not immoral, but they should be careful about their privacy and take all measures to ensure their safety. This is a comforting outcome regarding the responsiveness of the women, while those who said 'may be' apprehended that it is not something they have thought of. The age factor, modernism, exposure to digitalization and its shortcomings, news, and globalization may be responsible for this conclusion.

Data Collected through Question No. 10:

Question No. 10- If any person is threatening you or your known with some sexually intimate images, what would you do?



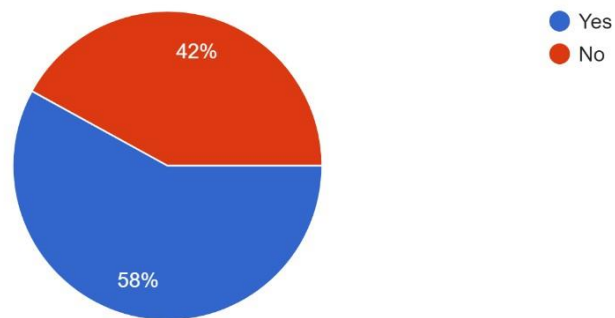
Analysis

The Researcher through this question wishes to know the mindset of the females if ever in future they become a victim of Revenge Pornography. 95.5% of the females are of the opinion that if somebody is threatening them with their sexually intimated images they will report the issue to the authorities whereas 4.5% of the females are of the opinion that they will directly negotiate the issue with the criminal or wrongdoers.

Every woman in this age group strongly agreed that reporting to the authorities would be legible. The outcome of this data shows that the wakefulness of society and the crime is contributed to the increasing instances of abuse against women in the real and virtual world. Electronic media and social media play an important role in strengthening the acquaintance with the act and its consequences.

Data Collected through Question No. 11:

Question No. 11- Do you think porn sites should be totally banned to combat the issue of Revenge Pornography?



Analysis

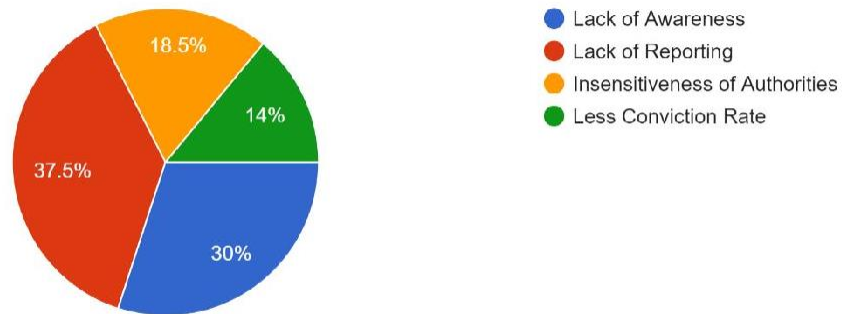
In the survey conducted by the Researcher, 58% of the females consider that porn sites should be totally banned to combat with the issue of Revenge Pornography whereas 42% of the females are of the opinion that porn sites should not be banned and Porn sites play no role in the surge of Revenge Pornography cases.

The response is logical. All of the women who said the partial ban is enough believed that a total ban will not help curb the menace, and instead work in opposite direction. The total ban on pornography will lead to a rise in need and demands and thus access to sensitive material which was taken without consent will also fall into the hands of many people. As the paper had pointed out before, the Covid-19 situation has given rise to searching, viewing, downloading, and accessing pornography. The viewers will try to get their hands on every material of such content in any way possible, without noticing whether they were taken without consent or not.

Women who opted for the option of a total ban believe that it can restrain any other crimes that can happen due to this habit and establish prevention. The researcher trusts that scrutiny is the best way to launch deterrence.

Data Collected through Question No. 12

Question No. 12-According to you what are the major reasons behind Revenge Pornography?



Analysis

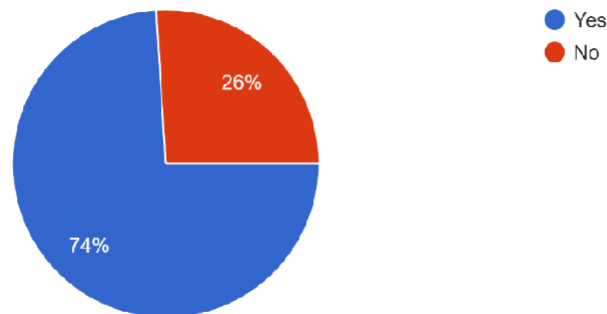
The researcher, through this question is interested in knowing the major reason behind Revenge Pornography. Out of 400 participants, 37.5 of the females consider lack of reporting as the major reason behind Revenge Pornography as most of the female do not wish to report the issue to the authorities. 30% of the females consider lack of awareness as a major factor behind Revenge Pornography, 18.5% of females consider insensitive and casual nature of the authorities as one of the major reasons behind Revenge Pornography and 14% of the females consider less conviction rate as one of the factor behind Revenge Pornography.

There are several other reasons behind Revenge Pornography:

1. Lack of awareness
2. Contradiction of thought process
3. Carelessness

Data collected through Question No. 13

Question No. 13- Do you think Covid-19 pandemic led to an increase in the number of cases of Revenge Pornography?

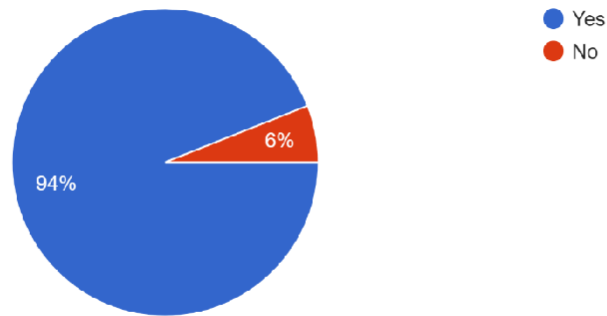


Analysis

The participants through this question wishes to learn about the role played by the Covid-19 pandemic in the context of Revenge Pornography. Out of 400 participants 74% of the females stated that Covid-19 pandemic led to a surge in the number of cases of Revenge Pornography and 26% females are of the view that Covid-19 pandemic played no role in increasing the number of Revenge Pornography cases.

Data Collected through Question No. 14

Question No. 14- Do you think Social-Media plays a major role in non-consensual dissemination of intimate images?

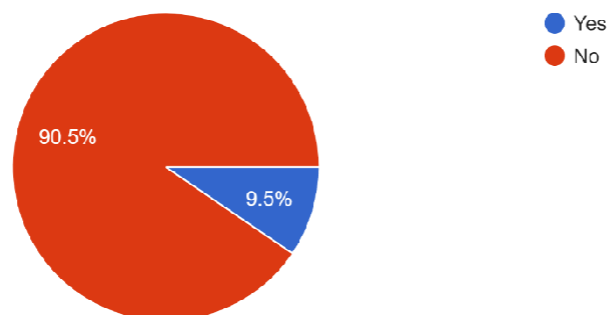


Analysis

The Researcher through this question wants to gather the participants' view behind the non-consensual dissemination of intimate images. 94% of the females agreed that social media and online/digital platforms plays a crucial role behind non-consensual dissemination of intimate images and 6% females stated that social media has no role to play behind the concept.

Data Collected through Question No. 15

Question No. 15- Do you think that distinctive rules/policies or laws should be there to tackle the problem of revenge pornography?

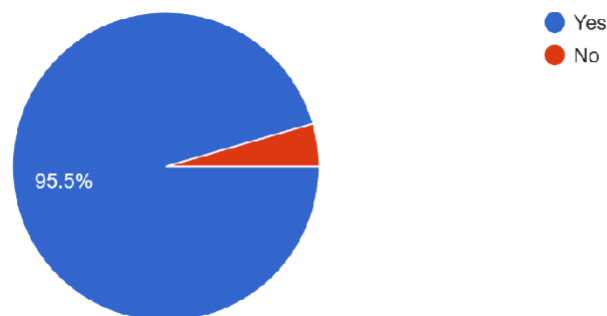


Analysis

The Researcher through this question wants to know the mindset of participants and 90.5% of participants feel that Special law on Revenge Pornography should be established, it is high time to consider making policies & law to curb the problem. Revenge Pornography should be considered as standalone offence and can no longer be dealt under the umbrella of sexual offences. Cases of Revenge pornography are not being registered anywhere due to the lack of defined laws & provision for the same, such cases should be expedited and make sure the victims are not made to wait for justice and relief.

Data Collected through Question No. 16

Question No. 16 Do you think there is a need for harsh national legislation to criminalize wrongdoers of Revenge Pornography?



Analysis

Due to an increase in the number of cases of Revenge Pornography, most of the females are of the view that there should be harsh national legislation to criminalize the wrongdoers to combat the issue of Revenge Pornography. The requirement for a new legislation is need of the hour and situation and something every women wanted to opt. Any more delay will just create more issues and this should be looked into immediately.

Analysis of Statistics

Before delving into the analysis of the statistics, it is crucial to acknowledge the concerning trend revealed by data collected from a state police cyber cell official. The rising number of cybercrime cases related to the publication and transmission of explicit content in electronic form raises significant alarms. This data provides insights into the evolving landscape of cybercrimes, particularly those involving sexually explicit material, highlighting the challenges law enforcement faces in combating these offenses. The subsequent analysis aims to dissect the key findings and implications of these statistics, shedding light on the state of cybercrime.

The data collected from a state police cyber cell official reveals a concerning trend in cybercrime cases related to the publication and transmission of obscene, sexually explicit content in electronic form. In 2016, out of a total of 696 cybercrime cases registered in the state, 114 were specifically related to this form of explicit content (Baruah, 2018).

This increase is further highlighted by a comparison with previous years. In 2015, there were 61 cases of cybercrimes connected to sexual exploitation, a stark contrast to the absence of such cases recorded in 2014. The surge in cybercrimes, particularly those related to explicit content, reflects the growing misuse of the internet as a platform for criminal activities (Baruah, 2018).

Despite the rising numbers, concerns have been raised about the efficacy of the state police's efforts in tackling cybercrimes. In 2016, 699 individuals were arrested for cybercrimes, but charge sheets were filed against only 117, with a mere three resulting in convictions. In approximately 140 cases, the police concluded that the complaints were valid but lacked satisfactory evidence (Baruah, 2018).

Maharashtra emerged as the top state for cybercrime against women and children in 2019, recording around 1,150 cases in 2017. The subsequent state on the list

was Karnataka, with 729 cases, followed by Assam, West Bengal, and Uttar Pradesh with 380, 289, and 268 cases, respectively (Namboodiri, 2019).

Among various categories of cybercrime against women and children, online stalking or bullying prevailed as the most common in Maharashtra, accounting for over 300 cases. Pornography, though ranking second, had only nine cases reported. This marked the first time that the National Crime Records Bureau initiated cases under cybercrime against women and children (Namboodiri, 2019). Experts attribute the high number of cybercrime cases in Maharashtra to two primary factors. First, Maharashtra being the country's richest state and financial capital has a higher intolerance level, leading individuals to use the internet as a medium to vent their anger. Second, Maharashtra boasts the highest penetration of internet and mobile services, making it a hotspot for cybercriminal activities. The state police, equipped with 43 cyber labs since 2016, is considered one of the most sophisticated in the country, with continuous efforts to enhance cybercrime detection capabilities (Namboodiri, 2019).

Due to the lack of special law provisions for such cases, there are no such official statistics of revenge pornography crime in India. Nevertheless, the National Crime Record Bureau recorded a hike of 104% in the matters of online sharing obscenity and nudity content cases during 2012-2014. A 2010 Cyber & Law Foundation an NGO conducted a survey and found that 27% of internet users aged from 13 to 45 in India have been victims of such crimes (Krishna, 2021). Cybercrime report revealed that 18.3% of women who have been victims of revenge pornography are not even aware that they are victims. And only 35% of the aggrieved women have filed a case (Kumar, 2018). The British Broadcasting Corporation (BBC), in its research during the time of the pandemic and the lockdown, noted that one in seven women are facing issues of revenge pornography and are threatened that their intimate photos and videos could be shared online without consent.

The statistics and surveys regarding revenge pornography in India reveal a concerning and prevalent issue, shedding light on the challenges faced by victims and the shortcomings in the legal framework. According to a 2016 survey conducted by the Indian NGO CYBER and LAW FOUNDATION, 27% of internet users in the age group of 13 to 45 in India have experienced instances of revenge porn. This type of non-consensual pornography involves the distribution of intimate information or images captured with the victim's consent during an intimate relationship.

The absence of specific laws addressing revenge porn in India has led to cases being dealt with under the Indian Penal Code and the Information Technology Act (IT Act). Data from the National Crime Records Bureau indicates a significant increase in the volume of electronically shared obscene content, with a 104% spike between 2012 and 2014. However, the lack of official statistics on revenge pornography crimes highlights the challenges in quantifying the extent of the issue.

The societal factors contributing to underreporting are evident in the statistics. A 2010 Cybercrime report indicates that only 35% of women who have experienced victimization reported their cases, while 46.7% chose not to report, and 18.3% were aware of their victimization but did not report due to fear of societal repercussions. The prevalence of victim shaming within the criminal justice system adds another layer of complexity.

Triveni Singh, Additional Superintendent (Cyber Crime) of UP Police, notes that victims often hesitate to approach law enforcement directly and seek help through alternative channels. Despite these challenges, there have been instances of successful convictions, such as a recent case in Bengal's East Midnapore district, where a man was sentenced to five years imprisonment for sharing explicit content of his girlfriend on a pornography website.

The Information Technology Act of 2008 introduced important sections addressing privacy invasion through the transmission of private images, offering

legal recourse against online revenge porn. However, successful convictions remain infrequent due to the lack of a specific legal framework for such cases.

In conclusion, the statistics and data underscore the urgent need for comprehensive legal measures and societal awareness campaigns to address revenge pornography in India. The prevalence of the issue, coupled with underreporting and societal challenges, emphasizes the importance of a robust legal framework and support systems for victims.

6.3 Conclusion

In conclusion, this chapter of the research endeavor focused on gathering valuable insights into the phenomenon of revenge pornography among different age groups of women. Through a well-structured questionnaire, spanning age categories from 15 to 40, a total of 400+ participants were engaged, each contributing their unique perspectives. Respecting the participants' concerns, the researcher ensured the highest standards of privacy, confidentiality, and freedom of expression throughout the survey process. This commitment enabled participants to share their thoughts candidly, paving the way for a comprehensive understanding of their viewpoints. The researcher's prudent decision to inquire about the underlying reasons behind their opinions added depth and nuance to the collected data. The subsequent analysis and observations were grounded in this rich pool of information, offering valuable insights into the complex nature of revenge pornography and its implications across various age groups. The collaboration between the researcher and the willing participants proved to be instrumental in unraveling key patterns and trends, furthering the overall objectives of the research.

In summary, while there is no official data specifically addressing the offense of revenge pornography in India, various statistics and data collected by researchers

suggest that occurrences of revenge porn are notably high. The absence of dedicated legal provisions addressing this issue in India has resulted in challenges in accurately quantifying the extent of the problem. The available data, often derived from related cybercrime and online harassment cases, points to a concerning trend.

The lack of recognition of revenge pornography as a distinct offense may contribute to underreporting, as victims may face obstacles in seeking legal recourse. The available statistics underscore the urgent need for comprehensive legal measures and awareness campaigns to address and prevent revenge pornography in India. Establishing specific laws, promoting digital literacy, and enhancing law enforcement capabilities can collectively contribute to mitigating the impact of this form of online abuse and ensuring a safer online environment for individuals. The acknowledgment and understanding of the prevalence of revenge porn through data analysis should serve as a catalyst for legal reforms and public discourse on the importance of protecting individuals from such malicious activities.

CHAPTER 7

CONCLUSION & SUGGESTIONS

7.1 INTRODUCTION

This chapter serves as a conclusive section, encapsulating specific suggestions and recommendations. Revenge pornography stands as a pervasive concern, inflicting considerable harm upon its targets. Within the Indian milieu, there exist numerous hurdles demanding attention to comprehensively counter this problem. Among these hurdles, enhancing legal safeguards for victims, augmenting awareness and education regarding the matter, and implementing more potent strategies to thwart the dissemination of non-consensual intimate content emerge as pressing imperatives.

In this chapter, author presents range of suggestions and recommendations aimed at addressing these challenges. These suggestions are based on the findings of our research and draw on best practices from other countries that have successfully implemented measures to combat revenge pornography. Our goal is to provide a roadmap for policymakers, law enforcement agencies, and other stakeholders to effectively address this issue in the Indian context.

One of the key challenges in addressing revenge pornography in India is the lack of specific legal provisions to protect victims. Currently, revenge pornography is not recognized as a distinct offense under Indian law, which makes it difficult for victims to seek justice. In this chapter, Author discusses the need for new legislation to specifically criminalize revenge pornography and provide civil and criminal remedies for victims.

Another challenge is the lack of awareness and education about revenge pornography among the general public. Many people are unaware of the harm caused by revenge pornography and may not know how to respond if they or someone they know becomes a victim. In this chapter, author presents suggestions for raising awareness about revenge pornography and educating people about their rights and how to seek help.

Lastly, the author delves into the involvement of technology corporations in curbing the dissemination of non-consensual intimate images. Entities such as Facebook and Google have initiated measures to tackle this predicament; however, further actions are requisite to guarantee the restricted online accessibility of revenge pornography. Within this section, the author puts forth suggestions elucidating how technology companies can enhance their endeavors to counteract revenge pornography.

Overall, this chapter provides a comprehensive set of suggestions and recommendations for addressing revenge pornography in the Indian context. By implementing these measures, it will be possible to better protect victims and prevent the harm caused by revenge pornography.

7.2 ANALYSIS

The issue of pornography in India is more of a contemporary concern rather than a historical one. Research has shown that India's past relationship with sex and pornography has been mostly straightforward and frequently acceptable. Erotica was a well-studied subject in ancient India, as evidenced by the Kamasutra, written by Mallanaga Vatsyayana during the 2nd-5th century. It was considered an essential part of adult education at the time(Math et al., 2014).

However, when the British colonized India, the Indian Penal Code was drafted by Lord Macaulay, and Indian culture was influenced by Victorian ethical and moral

standards. This has resulted in differences of opinion and activism between pornography liberalists, conservatives, and feminists. Those who believe in an absolute ban on pornography have a traditional view, while liberals believe that porn is a healthy expression of sexuality and criticize all forms of state interference in matters relating to individual freedom and expression (Chandra Vallishree ; Ramachandran Gayathri, 2011).

Pornographic materials which exhibit highly violent and eroticized male-dominated abuse of women can lead to the germination of a harmful mindset in the society. A recent study of ‘adolescent porn use’ concluded that the major messages interpreted from porn are male domination, hypermasculinity, and giving male sexual pleasure the top priority. Such visual stimulation normalizes all forms of acts for sexual gratification and reinforces the norms of male domination and abuse in our heterosexist society (Bansal & Agarwal, 2020).

This orthodox frame of mind was showcased in a film titled ‘365 days’, which showcased the idea of women longing for dominion. Today in the digital age people like to imitate what they see, observe, and understand. The broadcast of this film was followed by frequent TikTok short videos, where women exhibited sexual bruises in replication to the hyped violent sex scenes in the film. The broadcast of this film was followed by frequent TikTok short videos, where women exhibited sexual bruises in replication to the hyped violent sex scenes in the film. This kind of content creates a stereotype which is further problematic as it encourages men to use force on women, with the preconceived notion that women secretly want to engage in such acts and derive pleasure from them(ASPINALL, 2020).

Research surveys also reflect that 1 out of 10 purchases by young adults is influenced by what they see, as it is common knowledge that visual stimuli can influence a person’s way of thinking and have long-lasting repercussions on society. An increasing inclination to act out in behaviors viewed in pornography also agrees with the research surveys naturally (Sarmah et al., 2017).

Revenge porn is a type of online violence that can happen along with other harmful behaviors like cyberbullying, cyberstalking, online aggression, ‘happy slapping’, or trolling. The capabilities of digital communication technologies, such as email and social networks, include broader bandwidth, wireless portability, global connectivity, personalization, and the blurring of lines between online and offline interactions. Revenge porn takes advantage of these characteristics and complicates them in many ways with unrestricted and undefined potential and effects (Dhar Debotri, 2022).

In modern era & in the largest democracy of the World, India, every individual has his/her privacy, and no individual can be coerced or forced for anything. In cases of revenge pornography, the biggest platform to distribute the non-consensual content is availability of vast number of pornography accessibly. Indian laws are much stricter than the most of western countries laws on pornography. Recently we have seen active discussion & strict action from authorities due to the arrest of businessman **Raj Kundra** for alleged involvement in pornography media house, the focus on the pornography laws which are in force in India has taken the front seat again. Police reported that Kundra’s company was involved in the production and distribution of pornographic content, which was based in London (Divyesh Singh, 2021).

The case ***Kamlesh Vaswani vs Union of India*** (*Kamlesh Vaswani vs Union Of India And Ors*, 2016) is pending in the Supreme Court, deals with the issue of revenge pornography. The judgment will be important in deciding the extension policy on pornographic materials and their distribution through the internet in India. The case will lead the way to regulate pornography systematically or cause a total ban on the same. Lawyer Kamlesh Vaswani in 2013 filed a petition before the Supreme Court of India challenging Sections 66, 67, 69, 71, 72, 75, 79, 80, and 85 of the Information Technology Act 2000, and seeking a ban on online pornography. It was also prayed that the utilization and dissemination of pornography should be treated as a non-bailable and cognizable offense. The

petition asked to impose an additional obligation on ISPs to proactively recognize and obstruct all pornographic content, or risk being held legally responsible and therefore it presented necessary implications for the intermediary liability regime in India. During the proceedings, the petitioners also had approached the Department of Telecommunications with a list of 800 websites that were supposed to be hosting pornographic content. The websites were blocked without any confirmation. The ban was revoked later after it drew a lot of flak (*Kamlesh Vaswani vs Union Of India And Ors.*, 2016).

Vaswani's petition challenged the usefulness of the Information Technology Act of 2000 in dealing with pornography. Section 67 of the law criminalizes "*publishing or transmitting obscene material in electronic form*" but not accessing it (THE INFORMATION TECHNOLOGY ACT, 2000).

Vaswani's petition said: "*Watching porn itself puts the country's security in danger, encourages violent acts, unacceptable behavior in society, and exploitation of children and lowers the dignity of women*" (*Kamlesh Vaswani vs Union Of India And Ors.*, 2016).

He believes watching online pornography is directly connected to the rising rate of sexual crimes against women and watching porn also promotes sexual violence against women and children.

"My fight has been against obscenity. I feel watching porn fuels violence against women. It propels men to commit sex crimes. I saw no women come forward and speak up against pornography, so I did it," he said. In his petition, Vaswani wrote, "Pornography creates stereotypes representation of women and becomes the basis behind the unequal treatment of women in society" (*Kamlesh Vaswani vs Union Of India And Ors.*, 2016).

He also said watching or banning porn must be decided according to the law of the land and not individual choices. "*Watching porn is like taking narcotic drugs. If you say you like having drugs, can the country's law allow it?*" Vaswani asked Any porn industry should be subjected to control and regulations. The petitioner's demand for the complete ban violates the constitutional provisions. The petition

analyzed the constitutionality of the ban and focused on the need for the formation of a definitive and dedicated legislature and judiciary in dealing with cases and though India is a digitalized country the laws are still stuck in a traditional and old-school mindset.

It cannot be denied that India does not have a specific law that deals with pornography, and there is ignorance towards the inherent abuse of porn which results in aggression. But to establish constraint on pornography it needs to apply under the test of reasonable restrictions of Article 19(2) of the Indian Constitution, it must be proved that it comes within the right of speech and expression. This right has been perceived as any 'meaningful content' in a verbal or a written or any other form and that falls within the scope of Art 19(1)(a). The act of watching pornography according to the liberals falls within the right to freedom of speech and expression. Some even argue that watching or making pornography is just a healthy expression of sexuality or even term it as 'erotica'. The actresses who participated in Raj Kundra's company's porn films and content also said the same.

While the other part of experts and activists say that the merciless treatment that happens usually to women working in the porn industry infringes their basic fundamental rights such as Right to equality and prohibition against discrimination, prohibiting traffic in human beings and forced labor, providing opportunities and facilities for the Women/Children to develop in a healthy manner and conditions of freedom and dignity and that childhood should be protected against exploitation and moral and material abandonment.

The long and meticulous debate of whether watching porn is a fundamental right to privacy has been clouding the real issues. According to a certain section of society and experts, individuals are free to watch porn privately and the government cannot take upon authoritative approach. This will regulate an individual's behavior in his private space. There is an understandable breakdown of the law, as an involved or constitutive force, to control obscenity or harmful

content, either in its attempt to define it in segregation from other social and moral meanings, or in the use of obscenity laws to regulate watching porn, expression of sexuality and sex-related matters. There is an urgent need to separate the encroachment on the freedom of expression and regulating pornography and related violence on women and children. Presently there is a necessity to frame or amend laws based on the practices of people, current situation while respecting their privacy.

Revenge pornography is a pervasive issue that causes significant harm to its victims. In order to address this issue, it is important to change the name from “revenge porn” to “non-consensual dissemination of intimate images” (NCII). The term “revenge porn” implies that the victim has done something to deserve the retaliation, but in most cases, perpetrators post intimate images without a legitimate reason for revenge. NCII is a more accurate and inclusive term that better reflects the nature of this crime. Using the term ‘pornography’ confuses private intimate material with public content meant for mass consumption. This misrepresentation allows non-consensual intimate images to circulate as if they were part of consensual adult entertainment. Additionally, the term ‘revenge porn’ sensationalizes and trivializes a harmful act, turning it into a form of entertainment. It fails to represent the real experiences of victims and distracts from the actual harm being perpetrated. The phenomenon of revenge pornography has a long history, dating back to incidents like the unauthorized publication of Marilyn Monroe’s photos. The term ‘revenge porn’ fails to acknowledge the historical connections and obscures the broader forms of gender-based violence online. Furthermore, the term ‘revenge porn’ oversimplifies a complex range of harms, leading to narrow legislation that focuses on the perpetrator’s motivations rather than the consent of the victim. A more nuanced approach is necessary to address the issue effectively.

There is a certain level of hesitation in reporting and a culture of being shamed by society therefore it is not an easy task for the victims to take action against the culprit at first instance. In the rising cases of image-based sexual abuse, Facebook

takes the help of machine learning and artificial intelligence to flag such content along with Google which has also removed 'revenge porn' sites from their search results. These measures are encouraging but somehow the videos find a way to reach people through other sexually explicit sites. There is no strategy or training available for police officers and law enforcement agencies when handling such cases. Therefore, the victims need to gather the courage to file a complaint against harassment.

To provide justice to victims, It is important to recognize revenge pornography as a distinct offense that should not be covered under the umbrella term of sexual offenses. Instead, specific civil and criminal remedies need to be provided for this offense. This will help victims to file cases and ensure that police have specific provisions to act on it. By treating revenge pornography as a separate offense, it will be easier for victims to seek justice and for law enforcement agencies to take appropriate action.

Providing specific remedies for revenge pornography will also help to raise awareness about the issue and encourage more victims to come forward. It will send a clear message that this type of behavior is not acceptable and will not be tolerated. Furthermore, it will help to ensure that perpetrators are held accountable for their actions and that victim receives the support and protection they need.

Rehabilitation of the Victims-

If it is necessary to monitor the crime, it is also necessary to make sure that the victims are rehabilitated properly-

- The victims need support, love, and care of the family. Everyone who is the victims trust at that critical moment should stand strong by them and protect them from further harming themselves.
- Intensive counseling by family, friends, and professionals is a must in such cases
- Monetary compensation

- Fair treatment at school, college, and workplace.
- Constant watch on the mental stability and daily routine of the victim, without disturbing their personal space and peace
- Follow-ups by the court officers (Hamilton & Ashlee, 2018).

Right to be forgotten

A special mention of another provision is hereby given by the author. The ‘right to be forgotten, is the requirement of erasing data when it is not unnecessary or subsequent withdrawal of consent by the subject has been connoted in GDPR. However Indian laws have not recognized this concept yet.

“No person, much less a woman, would want to display grey shades of her character. In most cases, like the present one, women are the victims. It is their right to enforce the right to be forgotten as a right in rem. Capturing images and videos with the consent of the woman cannot justify the misuse of such content once the relationship between the victim and accused gets strained as it happened in the present case” said Justice S K Panigrahi of Orissa High Court (Mahapatra Dhananjay, 2020).

It was the first time that the Indian Court addressed revenge porn was about a constitutional right. The author is of the view that ‘revenge porn’ cases should always be addressed in this way by the Indian court system and this case should set a strong precedent for the future.

7.3 Conclusion

Revenge pornography/porn is sexual violence in simple words and what makes the crime so heinous is because mostly it’s committed by people whom the victims trust the most and have been in a close relationship with. This breaks the trust of people and gaining that confidence again in life to move forward becomes a challenge. Revenge pornography is a deeply concerning and harmful issue that demands urgent attention from society, policymakers, and digital platforms. This malicious practice has significant and devastating consequences for victims,

leading to emotional distress, reputational damage, and long-lasting trauma. To combat revenge pornography effectively, comprehensive strategies are needed. Strengthening laws with severe penalties, raising awareness about the issue, and establishing dedicated support services are crucial steps in providing protection and assistance to victims (Hamilton & Ashlee, 2018). Encouraging reporting through anonymous and confidential mechanisms and holding digital platforms accountable for promptly removing and preventing the spread of revenge porn content are essential for creating a safer online environment. Moreover, digital literacy, promoting positive online behavior, and ensuring legal support for victims are pivotal in preventing and addressing this cybercrime. By working collectively and responsibly, society can stand united against revenge pornography, fostering a culture of respect, empathy, and digital safety for all individuals (M. Franks, 2016).

The most important stage is of stopping this to further aggravate and not fall weak to the threats and report the crime immediately. As far as the many cases of revenge porn go around the world, the mentality of the perpetrators is common; they will release the intimate picture and videos at any cost, whether or not the demands have adhered. It is therefore self-infliction of harm to bow down to such vicious commands and be subjected to lifelong intimidation, duress, and fear. The crime is just stretched where sexual and monetary favors are asked through threat, and revenge porn is delayed, never stopped. In cases where revenge porn has already been committed without any threat, due to societal pressures, and shame victims either don't report or coil in a shell. This will further aggravate the crime, target many other innocent victims and inflate the perpetrator's courage. It's best to stop the crime initially (Henry & Powell, 2014).

In April 2016, the impact of a new 'revenge porn' law was reported in the UK. This law made it an offense to share private sexual photographs or films without the subject's consent. The reporting was based on data obtained through a Freedom of Information request made by Sandro Sorrentino, a journalism student at Birmingham City University. He worked with the BBC to compile a national

picture on statistics, and the Express & Star reported on the data from the West Midlands. The Guardian subsequently followed up on the BBC story with a section dedicated to the mother of one victim of revenge porn, who criticized the police for letting the perpetrator off with a caution despite evidence that he targeted five women over several months.

The data covered offenses between April 2015, when the new law came into effect, and December 2015.(Gaurdian, 2016).

1. There were 1,160 reported incidents of the crime from April 2015 to December 2015
2. In the 11-year-old age group, there were three victims. Additionally, around 30% of offenses involved young people under the age of 19
3. The average age of a revenge porn victim was 25 years.
4. Approximately 11% of reported offenses resulted in the perpetrator being charged, 7% in vigilance, and 5% in a community resolution.
5. 61% of reported offenses resulted in no action being taken against the supposed perpetrator. Among the main reasons cited by police include a lack of proof or the victim refusing to hold up.
6. In cases where social media was mentioned in reports, Facebook was used by perpetrators in 68% of cases. Instagram was the second most commonly used platform, with 12% of cases, followed by Snapchat with 5%.

Similarly In the USA, roughly 3% of all online Americans have had someone threaten to post nude or nearly nude photos or videos of them online to hurt or embarrass them, and 2% have had someone actually post such a photo without their permission. Taken together, this means that 4% of internet users—one in 25 online Americans—have either had sensitive images posted without their permission or have been threatened with such an action.(Lenhart, Ybarra, &Price-Feeney, 2016).

Young people aged 15-29 is the age group most likely to report being threatened with the potential sharing of nude or nearly nude images. One in 14 (7%) internet

users under the age of 30 have experienced this, compared with 2% of adults aged 30 and older. Young women, in particular, are more likely to be targeted: one in 10 women under the age of 30 have experienced threats of nonconsensual image sharing, a much higher rate than either older women or older and younger men. These threats can be used to coerce or control individuals and can cause significant mental distress, even if the photos themselves are never shared with others or posted publicly.

Countries that have specific laws addressing revenge pornography typically encourage regular reporting of such cases to ensure effective enforcement and protection of victims' rights. In these countries, the legal recognition of revenge pornography as a distinct offense allows law enforcement to take appropriate action against perpetrators. Regular reporting not only helps in tracking the prevalence and patterns of revenge porn incidents but also provides valuable data for policymakers to strengthen existing laws and support services.

However, in countries like India where revenge pornography is not officially recognized as a separate offense and lacks a specific legal definition, the situation can be challenging for victims. The absence of dedicated laws often leads to confusion and ambiguity surrounding how such cases should be handled legally. Victims may be hesitant to report incidents due to the lack of clear legal recourse and protection, leaving them vulnerable and without appropriate support.

To address this issue, it is crucial for lawmakers and policymakers in India to recognize the severity of revenge pornography and enact specific laws to criminalize and combat this harmful behavior. By defining revenge pornography as an offense and providing clear legal mechanisms for reporting and prosecuting perpetrators, India can better protect its citizens from the devastating impact of revenge porn and ensure justice for victims.

This is an accepted fact that digitization in India has led to augmentation in access to technology making women and children, the two most vulnerable sections of

the society more exposed to virtual abuse, especially in the age of proxy servers and fake profiles. Revenge porn is one such cyber-crime that has become so common and easily accessible that it is present in almost every house, nook, and corner (“Revenge Porn How It Destroys Lives -- How to Deal with Menace,” 2020).

Hence, the course of action should be legal recognition of ‘revenge porn’ as a crime and formulation of an express provision which deals with it explicitly. This could be in a similar vein as is the pattern followed by the British legal system, where an express criminal provision has been framed to deal with disclosure of private sexual photographs and films without the consent of the individual depicted and with the intent to cause distress, however, tailoring it in accordance to India’s socio-legal fabric. It is important that the Indian government consider making separate provisions on revenge pornography. (“Revenge Porn How It Destroys Lives -- How to Deal with Menace,” 2020). When it will be consider as a crime, it will be reported more and victims will be victims will be more empowered to take action against it. This can help to prevent the spread of non-consensual sharing of private sexual photographs or films and provide legal recourse for victims. In addition to this, the government should specify the punishment for those found guilty of this crime, which can serve as a deterrent. Furthermore, the government should consider providing damages to the victims of revenge pornography to help them recover from the harm caused by this crime. By recognizing the harm caused by revenge pornography and taking steps to address it, including specifying punishments and providing damages to victims, the Indian government can help to protect the rights and dignity of its citizens.

The National Crime Records Bureau (NCRB) in India should provide data on revenge pornography cases, similar to the separate data on revenge porn cases provided in the UK and USA. This will help to create awareness about the issue and aid in making policies to address it. By providing accurate and up-to-date data on the prevalence of revenge pornography, the NCRB can help to inform the

public and policymakers about the scale of the problem and the need for effective measures to combat it.

In addition to raising awareness, providing data on revenge pornography cases can also help to improve law enforcement efforts. By tracking the number of reported cases and their outcomes, the NCRB can help to identify areas where improvements are needed in terms of investigation, prosecution, and support for victims. This can lead to more effective strategies for addressing revenge pornography and ensuring that perpetrators are held accountable for their actions (Jain, 2017)

Furthermore, providing data on revenge pornography cases can also help to inform research and advocacy efforts. By analyzing trends and patterns in the data, researchers can gain a better understanding of the factors that contribute to revenge pornography and develop evidence-based interventions to prevent it. Advocacy groups can also use the data to raise awareness about the issue and push for stronger legal protections for victims. Data on revenge pornography cases by the NCRB can be an important step towards addressing this harmful phenomenon in India.

In conclusion, revenge pornography is a deeply concerning and harmful phenomenon that poses significant threats to individuals' privacy, dignity, and emotional well-being. It involves the non-consensual distribution of intimate and explicit images or videos of individuals with the intent to cause harm, shame, or exert control over the victims. The impact of revenge pornography on victims is profound, leading to severe emotional distress, damage to personal and professional relationships, and even loss of employment opportunities.

To effectively address revenge pornography, a multi-faceted approach is required. Enforcing legal protections can provide victims with a sense of justice and ensure that those who engage in revenge porn face appropriate consequences. Raising

awareness about revenge pornography is essential in educating the public about the harmful consequences of this practice and promoting a culture of respect and digital responsibility. Public awareness campaigns can help to destigmatize the issue, encourage victims to come forward and seek support, and deter potential offenders by highlighting the legal ramifications. Establishing dedicated support services for victims of revenge porn is of paramount importance. Providing counseling, legal advice, and resources can help victims cope with the emotional and social fallout of revenge porn incidents. These support services should be easily accessible, confidential, and sensitive to the unique needs of each victim. Encouraging victims to come forward and report revenge porn incidents is vital in addressing the issue effectively. Anonymous and confidential reporting mechanisms can empower victims to seek help and justice without fear of retaliation, ensuring that perpetrators are held accountable for their actions.

Digital platforms also bear responsibility in combating revenge pornography. Holding social media platforms and tech companies accountable for promptly removing and preventing the spread of revenge porn content is essential. Implementing better content moderation tools and reporting systems can help prevent the rapid dissemination of such harmful material. Promoting positive online behavior and responsible use of technology is crucial in fostering a safe and respectful digital environment. By emphasizing empathy, respect, and digital citizenship, individuals can contribute to a more inclusive and supportive online community.

Furthermore, ensuring victims have access to legal assistance and resources to pursue civil actions against perpetrators and seek compensation for damages is vital. Legal support can empower victims to seek justice and hold offenders accountable for the harm they have caused. Combating revenge pornography requires a comprehensive and collaborative effort from individuals, communities, policymakers, and digital platforms. By working together to strengthen laws, raise

awareness, provide support services, encourage reporting, promote positive online behavior, and offer legal support, we can create a safer digital space for everyone and stand against the harmful effects of revenge pornography. Only through collective action can we protect the dignity and rights of individuals and foster a more respectful and empathetic online culture.

Further, the authors believe that since the crime of ‘revenge porn’ has priority been a lawless situation and failed a multitude of victims in the dispensation of justice; the law made should have retrospective application. The author believes that with the aforementioned methods and awareness we can create a safe society for everyone.

7.4 Recommendations & Suggestions

There has been an increase in high sex-related cybercrime rates in recent years. For example, in 2020, there were more than 21.7 million reports of suspected child sexual exploitation made to the National Center for Missing and Exploited Children’s CyberTipline, marking a 28% increase over 2019 and a disturbing 97.5% increase in online enticement reports alone (*What Works to Prevent Online and Offline Child Sexual Exploitation and Abuse?*, 2020). Similarly, in India, there was a 63.5% increase in cybercrime cases from 2018 to 2019, with fraud being the motive in 60.4% of cases, followed by sexual exploitation at 5.1% (N. Sharma, 2020). These statistics highlight the growing problem of sex-related cybercrime and the need for effective measures to address it.

As long as technology rules, this menace cannot be eradicated but yes it can be curbed for sure. There are various methods through which we can make sure that this does not affect the victims or better stop the chain-

1. **Self-Awareness-** Firstly, every person has to be very alert while sharing private information on digital platforms.

- While being in a trusted relationship is commendable, yet sharing sexual images or videos with the boyfriend or partner should be avoided. There is no assurance of the relationship therefore it's possible that due to some reason vengeance can turn into offenses.
- Couples and partners should avoid capturing or filming their sexual intimate moments, and if they are doing the same, it should be limited to them only and be prevented from being accessible to other people. It is also seen that mostly ex-partners resort to revenge porn, in such cases while breaking the relationship, such content that had existed in any digital form in personal mobiles, tablets, memory cards, cameras or tablets, should be deleted forever by the partner breaking all ties. This requires the partner to be aware of such instances.
- In case of secretive filming or capturing of an intimate act by the other person just to use for an ulterior motive without knowledge of the partner, and further using it to get sexual or monetary favors, the victims should not bow down to such threats and act immediately by reporting it to the authorities.
- In case any third person has been forwarded such explicit content that person should report it to authorities to make sure the content does not go forward and spread further. This can stop the crime from further spreading its wings. The author coins this as 'Stop the Chain'.
- People should make sure that their digital devices are well protected and inaccessible to others. In case of lost items, immediately report to the police and protect your data.
- Be careful while sharing personal information online.
- Beware while befriending strangers over social media.
- Be it friends, family relatives, or acquaintances, if such sexually explicit verbal demands are presented from their side or capturing or filming of your intimate moments are done without your consent, make sure to

inform your elders at home or trusted people and report it to the authorities to stop the crime at the root.

- While accessing the internet be protected and careful.
- Report the person to the concerned social media complaint section.
- Exercise parental controls over the use of the internet by minors.
- Teach children about the repercussions of misuse, overuse, and offenses committed through technology.
- Don't be ashamed of being victimized and speak up.

2. **Public Awareness-** Raising awareness about revenge porn is a critical step in addressing the prevalence and damaging impact of this harmful practice. Public awareness campaigns play a pivotal role in educating the public about revenge porn's consequences and promoting a culture of respect, empathy, and responsible digital behavior. These campaigns should employ targeted messaging that resonates with different audiences, tailoring the content to address the concerns and interests of young adults, parents, educators, and the general public. Utilizing a multi-platform approach, such as social media, websites, TV, radio, and print media, ensures broader reach and engagement. Sharing real-life stories of revenge porn victims humanizes the issue, shedding light on the emotional and psychological toll it takes on individuals. Additionally, providing legal information that emphasizes potential criminal charges and civil liabilities for perpetrators acts as a deterrent and informs potential offenders of the serious consequences of their actions. Empowering potential victims with resources and information on how to protect themselves and seek support if victimized empowers them to take proactive steps. Collaborating with community leaders, law enforcement, and policymakers ensures a coordinated approach to combatting revenge porn and strengthens support for victims. Involving educational institutions in awareness campaigns helps instill values of respect and empathy from a young age, reducing

future incidents. Furthermore, forming partnerships with NGOs, advocacy groups, and legal organizations leverages expertise and networks for a more impactful campaign. Regularly measuring the campaign's impact through surveys, focus groups, and analytics facilitates necessary improvements, ultimately ensuring the effectiveness of public awareness efforts in combating revenge porn and creating a safer online environment for all.(Henry et al., 2019).

3. **Encourage Reporting:** Encouraging victims of revenge porn to come forward and report incidents is essential in addressing the issue effectively and providing support to those affected. Creating anonymous and confidential reporting mechanisms can play a significant role in empowering victims to seek help and justice without fear of retaliation. Strategies such as establishing anonymous hotlines, online reporting portals, and third-party reporting options can ensure victims' privacy and security. Utilizing secure communication channels and implementing whistleblower protection measures further enhance the safety of reporting (Powell & Henry, 2017). Educating the public about the reporting process, enacting legal protections, and offering multi-lingual support contribute to increased reporting. A streamlined reporting process and follow-up support can reassure victims that their reports are taken seriously and contribute to a comprehensive approach in combating revenge porn. These efforts create an environment that encourages victims to step forward and seek the necessary assistance, ultimately holding perpetrators accountable and providing a path towards healing and justice.
4. **Digital Literacy** - Encouraging positive online behavior is essential to fostering a safe and respectful digital environment for everyone. By promoting empathy, respect, and responsible digital citizenship, individuals can contribute to a more inclusive and supportive online community. Key strategies include incorporating digital citizenship education into curriculums, modeling positive behavior, and emphasizing

empathy. Advocating for respectful communication, implementing anti-cyberbullying initiatives, and offering online safety tips also play a crucial role. Positive reinforcement, establishing an online code of conduct, and developing media literacy programs further support positive interactions. Collaboration with online platforms, parental involvement, and continuous dialogue ensure a comprehensive approach to promoting positive online behavior and creating a better digital world for all. These efforts collectively build a culture of digital respect and responsibility, fostering a healthier and more positive online space for individuals to connect, communicate, and thrive (Halder & Jaishankar, 2012).

5. **Digital Platforms' Responsibility:** Encouraging victims of revenge porn to come forward and report incidents is essential in addressing the issue effectively and providing support to those affected. Creating anonymous and confidential reporting mechanisms can play a significant role in empowering victims to seek help and justice without fear of retaliation. Strategies such as establishing anonymous hotlines, online reporting portals, and third-party reporting options can ensure victims' privacy and security. Utilizing secure communication channels and implementing whistleblower protection measures further enhance the safety of reporting. Educating the public about the reporting process, enacting legal protections, and offering multi-lingual support contribute to increased reporting. A streamlined reporting process and follow-up support can reassure victims that their reports are taken seriously and contribute to a comprehensive approach in combating revenge porn. These efforts create an environment that encourages victims to step forward and seek the necessary assistance, ultimately holding perpetrators accountable and providing a path towards healing and justice.
6. **Governmental Authorities** - The agencies of government should keep a list of sexual offenders demarcated based on area from small to large to monitor their activities and keep strict vigil. Convictions should also be

entered into the system along with details of people who are on bail or parole. All of this should be done with a systematic computer-based system and an app shared with the general population so that awareness, identification, and reporting of such people are made easy. The National Crime Records Bureau (NCRB) in India should provide data on revenge pornography cases. This will help to create awareness about the issue and aid in making policies to address it. By providing this data, the NCRB can help to shed light on the prevalence of revenge pornography and its impact on victims. This information can be used by lawmakers, law enforcement agencies, and advocacy groups to develop effective strategies for preventing and addressing this form of abuse. Additionally, the availability of this data can help to raise public awareness about the issue and encourage victims to come forward and seek support.

7. **Police Authorities- Cyber Cell-** There should be more recruitment done in the cyber cell police department throughout the country. Many hackers get involved in petty monetary crimes and they should be rehabilitated and placed in the cyber cell to make sure that these kinds of crimes don't spread like wildfire and are stopped at the onset. Even recruitment of exceptional IT professionals and computer experts should be encouraged in the police department. Technology has spread wide and far and to make sure it does not get misused and destroy someone's life, we need more manpower. It should be made mandatory for the police to assign a female officer to such cases, train and provide complete orientation to deal with children and women with a soft approach and empathy and not judge their character. The assigned officers should make the investigation process easy for victims and as there is no limit to the location of the crime being internet as the medium, there should be a proper system connecting cybercrime cells of all states with a dedicated database to crimes of revenge porn and other similar ones.

8. **Legal Support:** Providing legal support to victims of revenge porn is crucial in empowering them to seek justice and hold perpetrators accountable for their actions. Access to legal assistance and resources can help victims navigate the complex legal process and seek compensation for the damages they have endured. Key components of legal support include establishing legal aid services and encouraging pro bono legal support for victims. Victim advocates specialized in cybercrime and revenge porn cases can offer guidance and emotional support throughout the legal process. Educating victims about their legal rights and options, setting up legal helplines, and ensuring privacy protections are vital aspects of legal support. Collaboration with law enforcement, pursuing civil remedies, and providing multi-jurisdictional support enhance victims' chances of achieving justice. Ongoing long-term support and legislative advocacy are essential to address the specific needs of victims and strengthen legal protections for those affected by revenge porn. By providing comprehensive legal support, society can better protect victims and work towards combatting revenge porn effectively.
9. **Law & Remedies -** The legal recognition of 'revenge porn' as a crime and formulation of dedicated proper Indian legislation to prevent this crime is necessary which deals with it explicitly. This could be in a similar stratum as is the prototype followed by the British legal system, where an articulate criminal provision has been created to deal with the distribution and publication of private sexual photographs and films without the permission of the individual depicted and to cause distress or intimidate. However, the legislation needs to be created by the societal framework and Indian contemporary thinking that has been embedded in the legal fabric for a long. The legislation will be gender-neutral and also age-neutral. The provisions that are given in the IPC, BNS, IT, and POCSO should be amalgamated into one act. All kinds of offenses that relate to pornography should be defined properly under this definition. A provision

for civil remedy should be available for the victims where they can sue the perpetrator for the act and will have the option to bring claims for harassment and/or copyright infringement. These remedies will include acquiring removal of the material, actions are undertaken to stop republishing, generating personal and public apologies, claiming monetary damages and compensation, and costs from the people accountable by all men present. An out-of-court dispute settlement method about such matters should also be inculcated.

The punishment of minimum and maximum years is very less according to the author. In case of offense against minors, the minimum sentencing should be six years and maximum to be ten years and for an offense against people above 18 years of age, the accused should be subjected to a minimum of 10 years and a maximum of 15 years of sentencing. Further such criminals should be entered into the police database of sexual offenders and watch list and kept under strict vigil. These accused should also be subjected to hefty fines.

The Juvenile Justice Act of our nation treats dangerous offenders below the age of 18 like a minor and this has resulted in their early release, giving rise to public outrage and agitation in many cases. In many cases of revenge porn, the offenders are below the age of 18 years. According to the author, minor offenders ranging from 13-18 years should be treated as adults and for child offenders below 13 years, juvenile homes, constant vigil, counseling, and proper test of progress should be done. Even after these juveniles have been released into the mainstream of society, they should be monitored quarterly until a certain period. The author also suggests that if these children commit the same offense again after being released while being a minor, a long period of vigilance should be done,

and if they commit the offense as adults, they should be subjected to stricter punishment.

Under the relief, monetary compensation for defamation, personal and professional loss should be given to the victim along with the therapy and counseling by government agents and follow-ups on the progress. A case officer should be assigned to such victims to make sure legal and mental relief religiously reaches the victims.

The researcher has drafted a proposed legislation intended for inclusion in the Bhartiya Nyay Sanhita (BNS) to effectively address the issue of revenge pornography i.e.

A person commits an offence of Revenge Pornography or non-consensual dissemination of intimate images if he—

- (a) discloses, or threatens to disclose, a photograph or film which shows, or appears to show, another person in an intimate situation,
- (b) by doing so, person intends to cause depicted person fear, alarm or distress or display recklessness about the potential for causing fear, alarm, or distress,
- (c) the photograph or film has not previously been disclosed to the public at large, or any section of the public, by depicted person or with consent of affected individual.

A person found guilty of committing this offense shall be subject to the following liabilities:

- (a) The individual shall be subject to imprisonment for a term ranging from a minimum of ten years to a maximum of fifteen years, along with fine.
- (b) In instances where privacy rights are violated, the affected individual possesses the option to pursue remedies under civil law, encompassing:
 - Issuance of cease and desist orders,
 - Remedial actions for correction, and

- Awarding of compensatory damages.

10. **Protection of Victims** - Provisions for protecting victim's identity & protecting their privacy during legal proceedings should be made this will help encourage victims to come forward and cooperate with authorities without fear of further harm or stigma.
11. **Cross-Jurisdictional Cooperation:** As revenge porn often crosses international borders due to its digital nature, laws should facilitate cooperation between jurisdictions to enable effective investigation and prosecution of perpetrators.
12. **Removal of Content:** Laws should mandate that internet platforms promptly remove revenge porn content upon notification or detection, ensuring that the material does not continue to harm the victim or be disseminated further.
13. **Statute of Limitations:** Consideration should be given to extending the statute of limitations for revenge porn cases, given the potential long-term impact on victims' lives and the challenges in reporting such incidents promptly.
14. **Educational Components:** Laws can include provisions for educating the public, law enforcement, and legal professionals about the seriousness of revenge porn and the rights of victims. This may involve awareness campaigns and training programs.
15. **Protection Orders:** Provide victims with the option to obtain protective orders against perpetrators, preventing them from further distributing or harassing the victim.
16. **Restorative Justice:** Explore the potential for restorative justice practices in some revenge porn cases, which may involve offenders taking responsibility for their actions and making amends to victims.

17. **Expungement of Records:** Consider mechanisms for expunging the records of victims involved in revenge porn cases to mitigate the potential long-term impact on their personal and professional lives.
18. **Support Services-** By raising awareness about revenge porn and its consequences, society can foster a culture that respects individuals' privacy and dignity, discourages harmful behaviors, and provides support to victims. These campaigns play a vital role in shaping attitudes and behaviors, ultimately contributing to a safer and more respectful digital environment. Establishing dedicated support services for victims of revenge porn is crucial in providing much-needed assistance and resources to help them navigate the emotional and social challenges resulting from the experience. Helplines and hotlines can be set up to offer immediate support and crisis counseling. Trauma-informed counseling services can help victims cope with the emotional distress and psychological impact. Victims should be provided with legal advice and assistance in navigating the legal process. Ensuring confidentiality and anonymity can encourage more individuals to seek help. Safety planning should address immediate and long-term safety needs. Resources and referrals to mental health professionals, legal experts, and community support organizations can be offered. Educational workshops can raise awareness about revenge porn and the available support services. Collaboration with law enforcement can uphold victims' rights and hold perpetrators accountable. Engagement with online platforms can advocate for stronger policies to protect users from harm. Follow-up support should be provided to assess progress and offer ongoing help. By implementing these components, comprehensive support services can assist victims in their journey toward healing and justice.

BIBLIOGRAPHY

- 18 U.S. Code § 2261A, (2020).
<https://www.law.cornell.edu/uscode/text/18/2261A>
- 18 U.S.C. § 875 - U.S. Code - Unannotated Title 18. Crimes and Criminal Procedure § 875., (2018). <https://codes.findlaw.com/us/title-18-crimes-and-criminal-procedure/18-usc-sect-875/>
- 47 U.S. Code § 223, (2013). <https://www.law.cornell.edu/uscode/text/47/223>
- Aatif, S. (2019). CHILD PORNOGRAPHY AND SEXUAL ABUSE IN CHILD CARE INSTITUTIONS. *Institutionalised Children Explorations and Beyond*, 6.
- ADITI KUMAR; ERIC ROSENBACH. (2019). THE TRUTH ABOUT THE DARK WEB. *FINANCE & DEVELOPMENT*.
<https://www.imf.org/en/Publications/fandd/issues/2019/09/the-truth-about-the-dark-web-kumar>
<http://alisondb.legislature.state.al.us/alison/codeofalabama/1975/coatoc.htm>
- Adler, R. A., & Chenoa Cooper, S. (2022). "When a tornado hits your life:" Exploring cyber sexual abuse survivors' perspectives on recovery. *Journal of Counseling Sexology & Sexual Wellness: Research, Practice, and Education*, 4(1), 1–8.
<https://digitalcommons.unf.edu/cgi/viewcontent.cgi?article=1067&context=jcssw>
- Alaska Statutes, Title 11. Criminal Law § 11.61.120. , (2011).
<https://www.akleg.gov/basis/Bill/Text/31?Hsid=SB0003A>
- Albury, K., & Crawford, K. (2012). Sexting, consent and young people's ethics: Beyond Megan's Story. *Journal of Media & Cultural Studies*, 26(3), 463–473. <https://doi.org/10.1080/10304312.2012.665840>
- Alexandra Topping. (2020). UK's revenge porn helpline registers busiest year on

- record | Sexual harassment | The Guardian. *The Guardian*.
<https://www.theguardian.com/world/2020/sep/16/uks-revenge-porn-helpline-registers-busiest-year-on-record>
- Alexy, E. M., Burgess, A. W., Baker, T., & Smoyak, S. A. (2005). Perceptions of cyberstalking among college students. *Brief Treatment and Crisis Intervention*, 5(3), 279–289. <https://doi.org/10.1093/BRIEF-TREATMENT/MHI020>
- Alisdair A. Gillespie. (2011). *Child Pornography Law and Policy*.
http://www.criminal-lawyer.org.uk/CHILD_PORN_ROUTLEDGE_29-12-2011.pdf
- Amanda Glassner. (2021, May). Cyber Civil Rights Initiative Combats Revenge Porn. *Cyber Crime Magazine*. <https://cybersecurityventures.com/cyber-civil-rights-initiative-combats-revenge-porn/>
- Anchayil, A., & Mattamana, A. (2010). Intermediary liability and child pornography: a comparative analysis. *Journal of International Commercial Law and Technology*, 5(1).
<https://media.neliti.com/media/publications/28638-EN-intermediary-liability-and-child-pornography-a-comparative-analysis.pdf>
- Chandra Raja Kumari v. Police Commissioner of Hyderabad, (1998).
Arizona Revised Statutes Title 13. Criminal Code § 13-1425, (2014).
<https://www.azleg.gov/arsDetail/?title=13>
- Arkansas Code Title 5. Criminal Offenses § 5-26-314. , (2015).

- <https://www.azleg.gov/arsDetail/?title=13>
- ASPINALL, G. (2020, July). This Disturbing Viral TikTok Proves Exactly Why 365 DNI Is So Damaging For Young People. *Grazia*.
<https://graziadaily.co.uk/life/in-the-news/sex-scene-365-dni-film-boat-michele-morrone/>
- Atkins v DPP , (2000). <https://vlex.co.uk/vid/atkins-v-dpp-793075125>
- Avnish Bajaj vs State (N.C.T.) Of Delhi, (2004).
<https://indiankanoon.org/doc/1308347/>
- Bansal, V., & Agarwal, I. (2020). LEGALITY OF PORNOGRAPHIC CONTENT DISSEMINATION IN INDIA: A Critical Analysis. *Shimla Law Review*, 3. <https://hpnlu.ac.in/journal-level-3.aspx?ref-id=12>
- Barmore, C. (2015). Criminalization in Context: Involuntariness, Obscenity, and the First Amendment. *Stanford Law Review*, 67(2).
<https://about.jstor.org/terms>
- Baruah, P. (2018, December 25). State records rising trend of ‘revenge porn.’ *The Times of India*. <https://timesofindia.indiatimes.com/city/guwahati/state-records-rising-trend-of-revenge-porn/articleshow/67235771.cms>
- Belknap, J., & Sharma, N. (2014). Trauma, Violence & Abuse Vol. 15, No. 3, July 2014 The Significant Frequency and Impact of ... This is the metadata section. Skip to content viewer section. JOURNAL ARTICLE The Significant Frequency and Impact of Stealth (Nonviolent) Gender-Based Abuse *Am. Trauma, Violence & Abuse*, 15(2).
- Blumenstein, L. J. J. L. (2015). Intimate partner assault and structural-level correlates of crime: Exploring the relationship between the contextual factors and intimate partner violence. *Criminal Justice Studies: A Critical Journal of Crime, Law & Society*, 28(2), 186–210.
- Broadhurst, R., & Chang, Y.-C. (2012). Cybercrime in Asia: Trends and Challenges. *SSRN Electronic Journal*.
<https://doi.org/10.2139/SSRN.2118322>

- Brown, C., & Hegarty, K. (2018). Digital dating abuse measures: A critical review. *Aggression and Violent Behavior, 40*, 44–59.
<https://doi.org/10.1016/J.AVB.2018.03.003>
- California Code, Penal Code - PEN § 647 , 2011. Retrieved July 30, 2023, from <https://codes.findlaw.com/ca/penal-code/pen-sect-647/>
- Carr, S. (2023, July). Jailed reality TV star Stephen Bear is ordered to pay £207,000 to Georgia Harrison for posting revenge porn sex tape. *MailOnline*.
<https://www.dailymail.co.uk/news/article-12340055/Jailed-reality-TV-star-Stephen-Bear-ordered-pay-207-000-Georgia-Harrison-posting-revenge-porn-sex-tape.html>
- Cecil, A. L. (2014). Taking Back the Internet: Imposing Civil Liability on Interactive Computer Ser Computer Services in an A vices in an Attempt t ttempt to Provide an Adequate Remedy vide an Adequate Remedy to Victims of Nonconsensual Pornography . *Washington and Lee Law Review, 71*(4), 9–10. <https://scholarlycommons.law.wlu.edu/wlulr/vol71/iss4/9>
- Chance Carter. (2021). An Update on the Legal Landscape of Revenge Porn. *National Association of Attorneys General*. <https://www.naag.org/attorney-general-journal/an-update-on-the-legal-landscape-of-revenge-porn/>
- Chandra Vallishree ; Ramachandran Gayathri. (2011). The Right to Pornography in India: An Analysis in Light of Individual Liberty and Public Morality. *NUJS Law Review, 4*(3). <http://nujlawreview.org/2016/12/05/the-right-to-pornography-in-india-an-analysis-in-light-of-individual-liberty-and-public-morality/>
- Chetan Thathoo. (2022, July). *About 90% Of Active Users Access Internet Daily In India: Study*.Inc42. <https://inc42.com/buzz/about-90-of-active-users-access-internet-daily-in-india-study/>
- Children’s Online Privacy Protection Rule (“COPPA”) | Federal Trade Commission, (1998). <https://www.ftc.gov/legal-library/browse/rules/childrens-online-privacy-protection-rule-coppa>
- CITIZEN’S GUIDE TO U.S. FEDERAL LAW ON CHILD PORNOGRAPHY.*

(n.d.). <https://www.justice.gov/criminal-ceos/citizens-guide-us-federal-law-child-pornography#:~:text=A picture of a naked,sexually explicit conduct is illegal.>

Citizen's Guide To U.S. Federal Law On Obscenity. (1946).

<https://www.justice.gov/criminal-ceos/citizens-guide-us-federal-law-obscenity>

Citron, D. K., & Franks, M. A. (2014). Criminalizing Revenge Porn. *Wake Forest Law Review*. https://scholarship.law.bu.edu/faculty_scholarship/643

Citron, D. K., & Wittes, B. (2017). The Internet Will Not Break: Denying Bad Samaritans § 230 Immunity . *Fordham Law Review*, 86, 401.

<https://ir.lawnet.fordham.edu/flr>

“R v M” , Crim. L.R 789 (2011). [https://research-](https://research-information.bris.ac.uk/en/publications/r-v-m-2011-ewca-crim-2752-casenote)

[information.bris.ac.uk/en/publications/r-v-m-2011-ewca-crim-2752-casenote](https://research-information.bris.ac.uk/en/publications/r-v-m-2011-ewca-crim-2752-casenote)

Colorado Revised Statutes Title 18. Criminal Code § 18-7-107, (2016).

<https://law.justia.com/codes/colorado/2016/title-18/article-7/part-1/section-18-7-107>

COMMUNICATIONS DECENCY ACT, 47 U.S.C. §230, (1996).

<http://www.columbia.edu/~mr2651/ecommerce3/2nd/statutes/CommunicationsDecencyAct.pdf>

Compiled Laws, Chapter 750. Michigan Penal Code § 750.145e, (2002).

<https://codes.findlaw.com/mi/chapter-750-michigan-penal-code/mi-comp-laws-750-145e.html>

Connecticut General Statutes Title 53A. Penal Code § 53a-189c., (2015).

<https://law.justia.com/codes/connecticut/2015/title-53a/chapter-952/section-53a-189c>

Convention on Cybercrime, Pub. L. No. Budapest, 23.XI.2001 (2001).

State of Karnataka v. Basheer, (1979).

Crime and Disorder Act , (1998).

<https://www.legislation.gov.uk/ukpga/1998/37/contents>

CRIMINAL JUSTICE AND COURTS ACT 2015, (2015).

Criminal Justice and Immigration Act , (2008).

- <https://www.legislation.gov.uk/ukpga/2008/4/contents>
- Crofts, T., & Kirchengast, T. (2019). A Ladder Approach to Criminalising Revenge Pornography. *The Journal of Criminal Law*, 83(1), 87–103. <https://doi.org/10.1177/0022018318814361>
- Cyber crime: Man arrested in Visakhapatnam for posting woman's nude photos.* (2022). YO Vizag. <https://www.yovizag.com/cyber-crime-man-arrested-in-visakhapatnam-for-posting-womans-nude-photos/>
- Defamation Act , (1996). <https://www.legislation.gov.uk/ukpga/1996/31/contents>
- Vyakti Vikas Kendra v. Jitender Bagga, (2012).
- Delaware Code Title 11. Crimes and Criminal Procedure § 1335, (2019). <https://law.justia.com/codes/delaware/2019/title-11/chapter-5/subchapter-vii/section-1335/>
- Demand for child pornography surged during COVID-19 lockdown: India Child Protection Fund. (2020, April 13). *Business Standard*. https://www.business-standard.com/article/news-ani/demand-for-child-pornography-surged-during-covid-19-lockdown-india-child-protection-fund-120041301378_1.html
- Dhar Debotri. (2022, September). Sextortion, Revenge Pornography, Sexual Harassment...: Gender Violence On Internet. *Outlook*. <https://www.outlookindia.com/national/sextortion-revenge-pornography-sexual-harassment-gender-violence-on-internet-magazine-223468>
- District of Columbia Code Division IV. Criminal Law and Procedure and Prisoners. § 22-3051., (2015). <https://code.dccouncil.gov/us/dc/council/code/sections/22-3052>
- Divyesh Singh. (2021, September). Two months after arrest, Mumbai court grants Raj Kundra bail in porn racket case. *India Today*. <https://www.indiatoday.in/india/story/raj-kundra-pornography-case-mumbai-court-grants-bail-surety-1854918-2021-09-20>
- Dodge, A. (2016). Digitizing rape culture: Online sexual violence and the power

- of the digital photograph. *Crime, Media, Culture*, 12(1), 65–82.
<https://doi.org/10.1177/1741659015601173>
- Domestic Violence, Crime and Victims Act , (2004).
<https://www.legislation.gov.uk/ukpga/2004/28/contents>
- Dr. Talat Fatima. (2016). *Cyber Crimes J*. https://law-all.com/index.php?route=product/product&product_id=5431
- Nirmaljeet Singh Narula v. Yashwant Sinha, (2012).
- Durkin, K. F., & DeLong, R. L. (2012). Internet crimes against children. *Encyclopedia of Cyber Behavior*, 1, 799–807. <https://doi.org/10.4018/978-1-4666-0315-8.CH066>
- E. Eikren Ingram-Waters, M. C. (2016). Dismantling “You get what you deserve”: Towards a feminist sociology of revenge porn. *A Journal of Gender, New Media, and Technology*.
<https://scholarsbank.uoregon.edu/xmlui/bitstream/handle/1794/26805/ada10-disma-eik-2016.pdf?sequence=1>
- Eaton, Dr. Asia A ; Jacobs, Dr. Holly; Ruvalcaba, Y. (2017). *2017 NATIONWIDE ONLINE STUDY OF NONCONSENSUAL PORN VICTIMIZATION AND PERPETRATION*. <https://www.cybercivilrights.org/wp-content/uploads/2017/06/CCRI-2017-Research-Report.pdf>
- Eng, K., & Low, Y. (2003). Memories in Context via Cyber Reminiscing: The Case of Marilyn Monroe. *National University of Singapore*, 8(4), 607–623.
<https://doi.org/10.46743/2160-3715/2003.1871>
- Equality Act, (2010).
- Esmaili, T. (2017). *obscenity / Legal Information Institute*. Cornell Law School.
<https://www.law.cornell.edu/wex/obscenity>
- Esposito, J. (2018). Issue 1 Article 4 Fall 10-1-2018, The Modern-Day Scarlet Letter: Erasing the Scar of Non-Consensual Pornography Through Affirmative Consent. *Journal of Law and Policy*, 27, 141.
- European Convention on Human Rights, (1950). www.conventions.coe.int.

- Fagan, P. F. (2009). The Effects of Pornography on Individuals, Marriage, Family, and Community. *Marri Research*.
<https://downloads.frc.org/EF/EF12D43.pdf>
- Finley, L. L. (2020). *Domestic violence and abuse : a reference handbook*. Florida Statutes Title XLVI. Crimes § 784.049., (2022).
<https://codes.findlaw.com/fl/title-xlvi-crimes/fl-st-sect-784-049.html>
- Foggetti, N. (2008). Transnational Cyber Crime, Differences Between National Laws and Development of European Legislation: By Repression? *Masaryk University Journal of Law and Technology*, 2.
<https://journals.muni.cz/mujlt/article/view/2507>
- Forde, P., & Patterson, A. (1998). Paedophile internet activity. *Australian Institute of Criminology*. <https://www.aic.gov.au/publications/tandi/tandi97>
- Franks, M. (2016). “Revenge Porn” Reform: A View from the Front Lines. *Florida Law Review*, 69.
- Franks, M. A. (2014). Drafting an Effective “Revenge Porn” Law: A Guide for Legislators. *SSRN Electronic Journal*.
<https://doi.org/10.2139/SSRN.2468823>
- García-Ripoll, M. (2015). Unlawfulness in Western European Tort Law. *OALib*, 02(06), 1–18. <https://doi.org/10.4236/OALIB.1101605>
- Gaurdian. (2016). Revenge porn decision sparks anger at police. *Sandra Laville*.
<https://www.theguardian.com/technology/2016/may/08/revenge-porn-decision-sparks-anger-at-police>
- Gavin, J., & Scott, A. J. (2019). Attributions of victim responsibility in revenge pornography. *Journal of Aggression, Conflict and Peace Research*, 11(4), 263–272. <https://doi.org/10.1108/JACPR-03-2019-0408/FULL/XML>
- Georgia Code Title 16. Crimes and Offenses § 16-11-90, (2020).
<https://law.justia.com/codes/georgia/2020/title-16/chapter-11/article-3/part-3/section-16-11-90/>
- Girl, 16, commits suicide after boyfriend allegedly leaks intimate video. (2020,

- March 10). *Hindustan Times*. <https://www.hindustantimes.com/india-news/girl-16-commits-suicide-after-boyfriend-allegedly-leaks-intimate-video/story-0CM9kP38RygEtKIUG1HhcL.html>
- Godfrey v. Demon Internet Limited | [1999] 4 All ER 342 | England and Wales High Court (Queen's Bench Division) | Judgment | Law | CaseMine, (1999). <https://www.casemine.com/judgement/uk/5a8ff72360d03e7f57ea8590>
- Gramazio, S., Cadinu, M., Pagliaro, S., & Pacilli, M. G. (2018). Sexualization of Sexual Harassment Victims Reduces Bystanders' Help: The Mediating Role of Attribution of Immorality and Blame. *Journal of Interpersonal Violence*, 36(13–14), 6073–6097. <https://doi.org/10.1177/0886260518816326>
- Gunther, S. (2015). Facebook's "Real Name" Policy: A Violation of the Corporate Responsibility to Respect Human Rights. *Facebook's "Real Name" Policy Business & Human Rights Resource Centre*. <https://www.facebook.com/help/159096464162185>.
- Gupta, I., & Laxmi, S. (2023). Evolving scope of intermediary liability in India. *International Review of Law, Computers & Technology*, 37.
- Halder, D., & Jaishankar, K. (2011). Cyber gender harassment and secondary victimization: A comparative analysis of the United States, the UK, and India. *Victims and Offenders*, 6(4), 386–398. <https://doi.org/10.1080/15564886.2011.607402>
- Halder, D., & Jaishankar, K. (2012). *Debarati Halder and K. Jaishankar (June, 2011) Cyber crime and the Victimization of Women: Laws, Rights, and Regulations. Hershey, PA, USA: IGI Global. ISBN: 978-1-60960-830-9.* Information Science Reference. https://www.academia.edu/916868/Debarati_Halder_and_K_Jaishankar_June_2011_Cyber_crime_and_the_Victimization_of_Women_Laws_Rights_and_Regulations_Hershey_PA_USA_IGI_Global_ISBN_978_1_60960_830_9
- Halder, D., & Jaishankar, K. (2014). ONLINE VICTIMIZATION OF ANDAMAN JARAWA TRIBAL WOMEN: AN ANALYSIS OF THE

- “HUMAN SAFARI” YOUTUBE VIDEOS (2012) AND ITS EFFECTS. *The British Journal of Criminology*, 54.
- Halder, D., & Jaishankar, K. (2017). *Cyber Crimes against women in India*. SAGE PublicationsSage UK: London, England.
- Hall, M., & Hearn, J. (2017). Revenge pornography and manhood acts: a discourse analysis of perpetrators’ accounts. *Journal of Gender Studies* , 28(2), 158–170. <https://doi.org/10.1080/09589236.2017.1417117>
- Hall, M., & Hearn, J. (2018). *Revenge Pornography Gender, Sexuality and Motivations*. Routledge Taylor & Francis.
- Halperin, D. M. (1989). Is There a History of Sexuality? *Wiley*, 28(3), 257–274. <https://www.jstor.org/stable/2505179>
- Hamilton, & Ashlee. (2018). Is Justice Best Served Cold?: A Transformative Approach to Revenge Porn. *UCLA Women’s Law Journal*. <https://doi.org/10.5070/L3251040881>
- Hawaii Revised Statutes Division 5. Crimes and Criminal Proceedings § 711-1110.9, (2021). <https://codes.findlaw.com/hi/division-5-crimes-and-criminal-proceedings/hi-rev-st-sect-711-1110-9.html>
- Hawkins, Gordon; Zimring, F. (1991). *Pornography in a Free Society*. Cambridge University Press.
- Haynes, J. (2019a). Legislative Approaches to Combating ‘Revenge Porn’: A Multijurisdictional Perspective. *Statute Law Review*, 39(3). https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3884726
- Haynes, J. (2019b). Judicial approaches to combating ‘revenge porn’: a multi-jurisdictional perspective. *Commonwealth Law Bulletin* , 44(3), 400–428. <https://doi.org/10.1080/03050718.2019.1635034>
- Hearn, J., & Hall, M. (2022). From physical violence to online violation: Forms, structures and effects. A comparison of the cases of ‘domestic violence’ and ‘revenge pornography.’ *Aggression and Violent Behavior*, 67, 101779. <https://doi.org/10.1016/J.AVB.2022.101779>

- Henry, N., Flynn, A., & Powell, A. (2019). *Responding to “revenge pornography”*: Prevalence, nature and impacts.
- Henry, N., & Powell, A. (2014). Beyond the ‘sext’: Technology-facilitated sexual violence and harassment against adult women. *Journal of Criminology*, 48(1), 104–118. <https://doi.org/10.1177/0004865814524218>
- Henry, N., & Powell, A. (2016). Technology-Facilitated Sexual Violence: A Literature Review of Empirical Research. *Trauma, Violence, & Abuse*, 19(2), 195–208. <https://doi.org/10.1177/1524838016650189>
- Hotchandani, K. R. (2018). EVERY CHILD IS SPECIAL-A STUDY OF CHILD SEXUAL ABUSE AND THE LAW (POCSO) IN INDIA. *International Journal of Creative Research Thoughts*, 6(1), 2320–2882. www.ijpub.org
- Idaho Statutes Title 18. Crimes and Punishments § 18-6609., (2022).
- Illinois Statutes Chapter 720. Criminal Offenses §-23.5., (2020).
<https://codes.findlaw.com/il/chapter-720-criminal-offenses/il-st-sect-720-5-11-23-5.html>
- Indecent and Prohibited Images of Children*. (2020). The Crown Prosecution Service. <https://www.cps.gov.uk/legal-guidance/indecent-and-prohibited-images-children>
- India Code: Information Technology Act, (2000).
<https://www.indiacode.nic.in/handle/123456789/1999>
- Indian Penal Code, (1860).
<https://lddashboard.legislative.gov.in/sites/default/files/A1860-45.pdf>
- Indiana code, Section 35-45-4-8, (2019).
<https://law.justia.com/codes/indiana/2019/title-35/article-45/chapter-4/section-35-45-4-8/>
- Iowa Code, Section 708.7, (2023).
<https://www.legis.iowa.gov/docs/code/708.7.pdf>
- Jacobs, A. (2016). Fighting Back Against Revenge Porn: A Legislative Solution, 12 Nw. *Northwestern Journal of Law and Social Policy*, 69.

- <http://scholarlycommons.law.northwestern.edu/njls/vol12/iss1/3>
- Jain, M. (2017). VICTIMIZATION OF WOMEN BENEATH CYBERSPACE IN INDIAN UPBRINGING. *Bharati Law Review*. www.manupatra.com
- Jaishankar, K. (2007). Establishing a Theory of Cyber Crimes. *International Journal of Cyber Criminology*, 1(2).
<https://www.cybercrimejournal.com/pdf/Editoriaijccjuly.pdf>
- JANE DOE v. DAVID K. ELAM II Case No. 2:14–CV–9788 PSG–SS, (2014).
- Jones, K. (2019). Teenage Sexting Statutes: A Critical Examination of Idaho Code 18-1507a and an Argument Against the Criminalization of Consensually Shared SEXTS. *Idaho Law Review*, 54(3).
<https://digitalcommons.law.uidaho.edu/idaho-law-review/vol54/iss3/4>
- Jonsson, L. S., Bladh, M., Priebe, G., & Svedin, C. G. (2015). Online sexual behaviours among Swedish youth: associations to background factors, behaviours and abuse. *European Child and Adolescent Psychiatry*, 24(10), 1245–1260. <https://doi.org/10.1007/S00787-015-0673-9>
- Judith Thompson. (2022). Claiming damages and criminal proceedings for Revenge Porn. *Samuels Solicitors*. <https://www.samuels-solicitors.co.uk/news/revenge-porn-damages-claims>
- Justice K.S.Puttaswamy(Retd) vs Union Of India , (2018).
<https://indiankanoon.org/doc/127517806/>
- Kamlesh Vaswani vs Union Of India And Ors. on 26 February, 2016, (2016).
<https://indiankanoon.org/doc/146597737/>
- Kansas Statutes Chapter 21. Crimes and Punishments § 21-6101., (2016).
<https://law.justia.com/codes/kansas/2016/chapter-21/article-61/section-21-6101>
- Kentucky statues, section 531.120, (2019).
<https://law.justia.com/codes/kentucky/2019/chapter-531/section-531-120/>
- Kirchengast, T., & Crofts, T. (2019). The legal and policy contexts of ‘revenge porn’ criminalisation: the need for multiple approaches. *Oxford University*

- Commonwealth Law Journal* , 19(1), 1–29.
<https://doi.org/10.1080/14729342.2019.1580518>
- Koppelman, A. (n.d.). Revenge Pornography and First Amendment Exceptions. *Emory Law Journal*, 65, 2016. Retrieved July 26, 2023, from <https://scholarlycommons.law.emory.edu/elj/vol65/iss3/1>
- Krishna, A. (2021). *Revenge Porn: Prosecution Under the Current Indian Legal System*. The Criminal Law Blog National Law University, Jodhpur. <https://criminallawstudiesnluj.wordpress.com/2020/04/13/revenge-porn-prosecution-under-the-current-indian-legal-system/>
- Krone, T. (2004). A typology of online child pornography offending. *Australian Institute of Criminology*.
- Kumar, A. (2018). The twisted saga of the jilted —exl: Tackling Revenge Porn cases and privacy invasion on cyberspace in India. *JETIR*, 5(8).
- Laidlaw, E. (2017). Online Shaming and the Right to Privacy. *SSRN Electronic Journal*. <https://doi.org/10.2139/SSRN.2944307>
- Lawrence Greenfeld BJS Statistician, B. A. (1997). *An Analysis of Data on Rape and Sexual Assault Sex Offenses anti Offenders Measuring the extent of sex offending*.
- State of A.P. v. Mangali Yadagiri, (2015).
- Shashi and Ors. v. The State of Karnataka, (2015).
- Lenhart, A., Ybarra, M., & Price-Feeney, M. (2016). *NONCONSENSUAL IMAGE SHARING One in 25 Americans has been a victim of “revenge porn.”* <https://datasociety.net/library/nonconsensual-image-sharing/>
- Lenhart, A., Ybarra, M., Zickuhr, K., & Price-Feeney, M. (2016). *Online Harassment, Digital Abuse, and Cyberstalking in America*. Data & Society Research Institute. <https://datasociety.net/library/online-harassment-digital-abuse-cyberstalking/>
- Libertin, A. (2018). *Revenge Porn: What You Need to Know*. Healing Abuse Working for Change. <https://hawcdv.org/revenge-porn-what-you-need-to->

know/

Lipton, J. D. (2011). Combating Cyber-Victimization. *Berkeley Technology Law Journal*, 26.

Louisiana Revised Statutes Tit. 14, § 283.2., (2002).

<https://codes.findlaw.com/la/revised-statutes/la-rev-stat-tit-14-sect-283-2.html>

R. v. Hicklin, (1868).

Maddocks, S. (2018). From Non-consensual Pornography to Image-based Sexual Abuse: Charting the Course of a Problem with Many Names. *Australian Feminist Studies* , 33(97), 345–361.

<https://doi.org/10.1080/08164649.2018.1542592>

Mahapatra Dhananjay. (2020, November 24). Need ‘right to be forgotten’ to fight revenge porn: HC. *The Times of India*.

<https://timesofindia.indiatimes.com/india/hc-bats-for-victims-right-to-be-forgotten/articleshow/79378100.cms>

Maine Revised Statutes Title 17-A. Maine Criminal Code § 511., (2021). Maine Revised Statutes Title 17-A. Maine Criminal Code § 511.

Maity, S., & Chakraborty, P. R. (2023). Implications of the POCSO Act and determinants of child sexual abuse in India: insights at the state level.

Humanities and Social Sciences Communications , 10(1), 1–13.

<https://doi.org/10.1057/s41599-022-01469-x>

Malicious Communications Act . (1988).

<https://www.legislation.gov.uk/ukpga/1988/27/contents>

Man molests minor threatens to circulate images, booked by Pune police -. (2019,

April). *Hindustan Times*. <https://www.hindustantimes.com/pune-news/man-molests-minor-threatens-to-circulate-images-booked-by-pune-police/story-4l1hvbU7yWnTtb8iCRqYKL.html>

Marganski, A., & Melander, L. (2018). Intimate Partner Violence Victimization in the Cyber and Real World: Examining the Extent of Cyber Aggression Experiences and Its Association With In-Person Dating Violence. *Journal of Interpersonal Violence*, 33(7), 1071–1095.

- <https://doi.org/10.1177/0886260515614283>
- Marthe Goudsmit. (2017). *Revenge pornography: A conceptual analysis Undressing a crime of disclosure*. Leiden University.
- Maryland Code, Criminal Law § 3-809, (2018).
<https://law.justia.com/codes/maryland/2018/criminal-law/title-3/subtitle-8/section-3-809/#:~:text=Maryland Criminal Law Code Section,%3A%3A US Law %3A%3A Justia>
- Math, S. B., Viswanath, B., Maroky, A. S., Kumar, N. C., Cherian, A. V., & Nirmala, M. C. (2014). Sexual Crime in India: Is it Influenced by Pornography? *Indian Journal of Psychological Medicine*, 36(2), 147.
<https://doi.org/10.4103/0253-7176.130976>
- Mcglynn, C., & Rackley, E. (2017). Image-Based Sexual Abuse. *Oxford Journal of Legal Studies*, 1–28. <https://doi.org/10.1093/ojls/gqw033>
- Media, F. (2006). *Pornography Statistics*.
<https://www.familysafe.com/pornography-statistics/>
- Meet the Activist Who Made ‘Upskirting’ Illegal in England & Wales*. (n.d.). Retrieved July 27, 2023, from
<https://www.globalcitizen.org/en/content/upskirting-illegal-england-wales-gina-martin/>
- Memorandum to the Home Affairs Committee Post-Legislative Scrutiny of the Protection of Freedoms Act 2012*. (2018).
<https://www.gov.uk/government/publications>
- Miller, E., Jones, K. A., & McCauley, H. L. (2018). Updates on Adolescent Dating and Sexual Violence Prevention and Intervention. *Current Opinion in Pediatrics*, 30(4), 466. <https://doi.org/10.1097/MOP.0000000000000637>
- Minnesota Statutes Crimes; Expungement; Victims (Ch. 609-624) § 617.261, (2022). <https://www.revisor.mn.gov/statutes/cite/604.31>
- MM v BC , RS, Facebook Ireland Limited, (2016).
<https://www.casemine.com/judgement/uk/5a8ff87160d03e7f57ec0846>
- MONICA ANDERSON. (2018). A Majority of Teens Have Experienced Some Form of Cyberbullying | Pew Research Center. *PEW RESEARCH CENTER*.

<https://www.pewresearch.org/internet/2018/09/27/a-majority-of-teens-have-experienced-some-form-of-cyberbullying/>

Monroe, M., & Barris, G. (2003). *Marilyn--her life in her own words : Marilyn Monroe's revealing last words and photographs*. Citadel Press.

<https://books.google.com/books/about/Marilyn.html?id=TEpkM8ZZmdIC>

Montana Code, Section 45-8-213, (2019).

<https://leg.mt.gov/bills/1997/mca/45/8/45-8-213.htm>

Moore, A. (2023, August 26). 'I stood up and fought back': how revenge porn survivor Georgia Harrison got her abuser jailed. *The Guardian*.

<https://www.theguardian.com/lifeandstyle/2023/oct/23/i-stood-up-and-fought-back-how-revenge-porn-survivor-georgia-harrison-got-her-abuser-jailed>

Mullen, P. E., & Pathé, M. (2002). Stalking. *Crime and Justice*, 29.

Namboodiri, N. (2019, November 21). Maharashtra tops in cybercrime against women, kids. *The Times of India*.

<https://timesofindia.indiatimes.com/city/mumbai/maharashtra-tops-in-cybercrime-against-women-kids/articleshow/72151897.cms>

National Crime Record Bureau. (2022). *Crime in India 2022*.

<https://www.ncrb.gov.in/uploads/nationalcrimerecordsbureau/custom/1701607577CrimeinIndia2022Book1.pdf>

Nebraska Revised Statutes - § 28-311.08, (2006).

<https://law.justia.com/codes/nebraska/2006/s28index/s2803011008.html>

Nevada Revised Statutes Title 15, Crimes and Punishments § 200.780., (2017).

New Hampshire Revised Statutes, Section 644:9-a, (2016).

<https://casetext.com/statute/new-hampshire-revised-statutes/title-62-criminal-code/chapter-644-breaches-of-the-peace-and-related-offenses/section-6449-a-nonconsensual-dissemination-of-private-sexual-images>

New Jersey Statutes Title 2C. The New Jersey Code of Criminal Justice 2C § 14-9, (2013). <https://law.justia.com/codes/new-jersey/2013/title-2c/section-2c-14-9>

- New Mexico Statutes Chapter 30. Criminal Offenses § 30-37A-1., (2015).
<https://law.justia.com/codes/new-mexico/2015/chapter-30/article-37a/section-30-37a-1>
- New York Criminal Code, Section 245.15, (2019).
<https://casetext.com/statute/consolidated-laws-of-new-york/chapter-penal/part-3-specific-offenses/title-n-offenses-against-public-order-public-sensibilities-and-the-right-to-privacy/article-245-offenses-against-public-sensibilities/section-24515-unlawful>
- North Carolina General Statutes Chapter 14. Criminal Law § 14-190.5A., (2017).
<https://casetext.com/statute/general-statutes-of-north-carolina/chapter-14-criminal-law/subchapter-vll-offenses-against-public-morality-and-decency/article-26-offenses-against-public-morality-and-decency/section-14-1905a-disclosure-of-private-images-civil>
- North Dakota Century Code Title 12.1. Criminal Code, (2023).
<https://casetext.com/statute/north-dakota-century-code/title-121-criminal-code/chapter-121-31-miscellaneous-offenses/section-121-31-12-repealed>
- Ohio Code, section 2917.211, (2019).
https://codelibrary.amlegal.com/codes/springdale/latest/spring_oh/0-0-0-59477
- Oklahoma Statutes Title 21. Crimes and Punishments §21-1040.13b., (2022).
<https://law.justia.com/codes/oklahoma/2022/title-21/section-21-1040-13b/#:~:text=Any person who violates the provisions of this section and,custody of the Department of>
- Oregon Revised Statutes, Section 166.065, (2022).
<https://casetext.com/statute/oregon-revised-statutes/title-16-crimes-and-punishments/chapter-166-offenses-against-public-order-firearms-and-other-weapons-racketeering/riot-disorderly-conduct-harassment-and-related-offenses/section-166065-harassment#:~:tex>
- Owens, Y. (2017). William Gibson and the World of Tomorrow: Digital Dystopias in Futurist Fiction. *International Journal of Critical Cultural Studies*, 15(1).
https://www.researchgate.net/publication/314209053_William_Gibson_and_

- the_World_of_Tomorrow_Digital_Dystopias_in_Futurist_Fiction
- Peer, B. (2001). *Air Force Bal Bharti School case (2001)*. Rediff.Com.
<https://m.rediff.com/news/2001/apr/27porn.htm>
- Pennsylvania Statutes Title 18 Pa. C.S.A. Crimes and Offenses § 3131, (2014).
<https://www.legis.state.pa.us/cfdocs/legis/LI/consCheck.cfm?txtType=HTM&ttl=18&div=0&chpt=31&sctn=31&subctn=0>
- Penny, L. (2015). *Penny, L. (2014). Unspeakable things: Sex, lies and revolution*. Bloomsbury Publishing.
- People v. Austin , (2019). <https://law.justia.com/cases/illinois/supreme-court/2019/123910.html>
- Peter, J., & Valkenburg, P. M. (2016). Adolescents and Pornography: A Review of 20 Years of Research. *Journal of Sex Research*, 53(4–5), 509–531.
<https://doi.org/10.1080/00224499.2016.1143441>
- Powell, A., & Henry, N. (2017). Sexual Violence in a Digital Age. *Journal of Gender-Based Violence*. <https://doi.org/10.1057/978-1-137-58047-4>
- Pratima, K., & Mahananda, M. (2019). Pornography in Young Generation. *IOSR Journal Of Humanities And Social Science (IOSR-JHSS)*, 24(6), 37–42.
<https://doi.org/10.9790/0837-2410063742>
- Pritchard, N. T. ; S. (2022). *CYBER VIOLENCE AGAINST WOMEN AND GIRLS A REPORT BY THE UN BROADBAND COMMISSION FOR DIGITAL DEVELOPMENT WORKING GROUP ON BROADBAND AND GENDER*.
<https://en.unesco.org/sites/default/files/genderreport2015final.pdf>
- Professor Emma Bond, W., Tyrrell, K., & Bond, E. (2018). Understanding Revenge Pornography: A National Survey of Police Officers and Staff in England and Wales. *Journal of Interpersonal Violence*, 1–16.
https://doi.org/10.1177/0886260518760011?url_ver=Z39.88
- Protection from Harassment Act , (1997).
<https://www.legislation.gov.uk/ukpga/1997/40/contents>
- Protection of Children Act 1978, (1978).
https://sherloc.unodc.org/cld/uploads/res/document/gbr/1978/protection_of_children_act_1978_html/Protection_of_Children_Act_1978.pdf

- Protection of Children from Sexual Offences Act, (2012).
https://www.indiacode.nic.in/handle/123456789/2079?sam_handle=123456789/1362
- Protection of Children from Sexual Offences Act, (2012).
<http://indiacode.nic.in/handle/123456789/2079>
- Protection of Freedoms Act , (2012).
<https://www.legislation.gov.uk/ukpga/2012/9/contents/enacted>
- Quayle, E., & Taylor, M. (2002). Paedophiles, Pornography and the Internet: Assessment Issues. *British Journal of Social Work*, 32(7), 863–875.
<https://doi.org/10.1093/BJSW/32.7.863>
- R.A.V. v. City of St. Paul, 505 U.S. 377, (1992).
<https://supreme.justia.com/cases/federal/us/505/377/>
- R.K. Chaubey. (2021). *An Introduction to Cyber Crime And Cyber law* .
<https://www.bharatilawhouse.com/product/kamals-an-introduction-to-cyber-crime-and-cyber-law-r-k-chaubey-reprint-edition-2021/>
- R v Collier (Edward John) , (2005). <https://vlex.co.uk/vid/r-v-collier-edward-804102505>
- Raza, M. Y., Khan, A. N., Khan, N. A., Ali, A., & Bano, S. (2020). Dark side of social media and academic performance of public sector schools students: Role of parental school support. *Journal of Public Affairs*, 20(3).
<https://doi.org/10.1002/PA.2058>
- Revenge porn: How it destroys lives -- and how to deal with the menace. (2020).
Revenge Porn: How It Destroys Lives -- and How to Deal with the Menace.
<https://www.timesnownews.com/mirror-now/in-focus/article/revenge-porn-how-it-destroys-lives-and-how-to-deal-with-the-menace/550397>
- Revised Statutes of Missouri, Sections 573.110, 573.112, (2018).
<https://casetext.com/statute/missouri-revised-statutes/title-xxxviii-crimes-and-punishment-peace-officers-and-public-defenders/chapter-573-pornography-and-related-offenses/section-573112-threatening-the-nonconsensual-dissemination-of-private-sexual-images>
- Rey, R. Del, Ojeda, M., Casas, J. A., Mora-Merchán, J. A., & Elipe, P. (2019).

- Sexting Among Adolescents: The Emotional Impact and Influence of the Need for Popularity. *Front Psychol.*
- Rhode Island General Laws, Section 11-64-3, (2018).
[https://law.justia.com/codes/rhode-island/2018/title-11/chapter-11-64/section-11-64-3/#:~:text=§ 11-64-3.,Unauthorized dissemination of indecent material.&text=\(c\) For the purposes of,to protect from public view.](https://law.justia.com/codes/rhode-island/2018/title-11/chapter-11-64/section-11-64-3/#:~:text=§ 11-64-3.,Unauthorized dissemination of indecent material.&text=(c) For the purposes of,to protect from public view.)
- Ringrose, J., & Renold, E. (2012). Slut-shaming, girl power and “sexualisation”: Thinking through the politics of the international SlutWalks with teen girls. *Gender and Education, 24*(3), 333–343.
<https://doi.org/10.1080/09540253.2011.645023>
- Robert Weiss. (2020, July). The Evolution of Pornography | . *Psychology Today Ireland*. <https://www.psychologytoday.com/ie/blog/love-and-sex-in-the-digital-age/202007/the-evolution-pornography>
- Said, I., & McNealey, R. L. (2022). Nonconsensual Distribution of Intimate Images: Exploring the Role of Legal Attitudes in Victimization and Perpetration. *Journal of Interpersonal Violence, 38*(7–8), 5430–5451.
<https://doi.org/10.1177/08862605221122834>
- Salter, M., & Crofts, T. (2015). Responding to Revenge Porn: Challenges to Online Legal Impunity. *New Views on Pornography: Sexuality, Politics and the Law* , 233–253.
<https://researchportal.northumbria.ac.uk/en/publications/responding-to-revenge-porn-challenges-to-online-legal-impunity>
- Sarmah, A., Sarmah, R., & Baruah, A. J. (2017). A brief study on Cyber Crime and Cyber Law’s of India. *International Research Journal of Engineering and Technology*. www.irjet.net
- Šepec, M. (2019). Revenge Pornography or Non-Consensual Dissemination of Sexually Explicit Material as a Sexual Offence or as a Privacy Violation Offence-NonCommercial-ShareAlike 4.0 International (CC BY-NC-SA 4.0) License Revenge Pornography or Non-Consensual Dissemination of Sexually Explicit Material as a Sexual Offence or as a Privacy Violation Offence. *International Journal of Cyber Criminology, 13*(2), 418–438.

- <https://doi.org/10.5281/zenodo.3707562>
- Serious Organised Crime and Police Act*. (2005).
<https://www.legislation.gov.uk/ukpga/2005/15/contents>
- Seth, D. K. (2018). *LIABILITY OF INTERMEDIARIES IN INDIA*.
 Sexual Offences Act , (2003).
<https://www.legislation.gov.uk/ukpga/2003/42/contents>
- SHARMA, B., & KUMAR, D. N. (2021). Crime of Voyeurism and Stalking in India: Issues and Challenges. *International Journal of Law Management & Humanities*, 4.
- Sharma, M. K., Marimuthu, P., Anand, N., N, S., & P, T. (2019). Sexting and Self-Esteem Among Youth: Preliminary Trend for Building Cyberliteracy. *Journal of Psychosexual Health*.
- Sharma, N. (2020, September 30). Digital India Sees 63.5% Increase In Cyber Crime Cases, Shows Data. *NDTV*. <https://www.ndtv.com/india-news/digital-india-sees-63-5-increase-in-cyber-crime-cases-shows-data-2302958>
- Sharp Increase of Cyber Crime in India During Last Decade*. (2020). Statista.
<https://www.statista.com/chart/22101/number-of-cyber-crime-cases-in-india/>
- Sodomy Definition & Meaning - Merriam-Webster*. (n.d.). Retrieved July 26, 2023, from <https://www.merriam-webster.com/dictionary/sodomy>
- South Dakota Statutes, Section 22-21-4, (2022).
<https://sdlegislature.gov/Statutes/22-21-4>
- Starr, T. S., & Lavis, T. (2018). Perceptions of revenge pornography and victim blame. *International Journal of Cyber Criminology*, 12(2), 427–438.
<https://doi.org/10.5281/ZENODO.3366179>
- State v. Casillas, (2020). <https://casetext.com/case/state-v-casillas-22>
- State v. Katz, (2022). <https://law.justia.com/cases/indiana/supreme-court/2022/20s-cr-00632.html>
- State v. VanBuren, (2019). <https://www.quimbee.com/cases/state-v-vanburen>
- Stokes, J. K. (2014). The Indecent Internet: Resisting Unwarranted Internet Exceptionalism in Combating Revenge Porn. *Berkeley Technology Law Journal*, 29, 929–952.
- Strossen, N. (1993). A Feminist Critique of “the” Feminist Critique of

Pornography. *Virginia Law Review*, 79(Aug).
<https://www.jstor.org/stable/1073402>

Stroud, S. R. (2014). The Dark Side of the Online Self: A Pragmatist Critique of the Growing Plague of Revenge Porn. *Journal of Mass Media Ethics* , 29(3), 168–183. <https://doi.org/10.1080/08900523.2014.917976>

Tennessee Code Title 39. Criminal Offenses § 39-13-301, (2021).
<https://law.justia.com/codes/tennessee/2021/title-39/chapter-13/part-3/section-39-13-301/#:~:text=Abusing or threatening to abuse,Blackmail%3B or>

Texas Penal Code, Section 21.16, (2021).
<https://statutes.capitol.texas.gov/docs/pe/htm/pe.21.htm>

The Code for Crown Prosecutors, (2013).

The Indecent Representation of Women (Prohibition) Act, (1986).
<https://wcd.nic.in/act/indecent-representation-women-prohibition-act-1986>

THE INFORMATION TECHNOLOGY ACT, (2000).
<https://eprocure.gov.in/cppp/rulesandprocs/kbadqkdleswfjdelrquehwuxcfmijmuixngudufgbuubgubfugbububjxcgfvbsdihbgfGhdfgFHtyhRtMjk4NzY=>

The State Of West Bengal vs Animesh Boxi @ Ani Boxi @ Ani Bakshi, (2018).
<https://indiankanoon.org/doc/132310407/>

THE YOUNG PERSONS (HARMFUL PUBLICATIONS) ACT, (1956).
https://www.indiacode.nic.in/bitstream/123456789/15432/1/the_young_persons_%28harmful_publications%29_act%2C_1956.pdf

United States Code: Obscenity, 18 U.S.C. §§ 1461-1464, (1946).

United States Code: Obscenity, 18 U.S.C. §§ 1461-1464 , (1946).

Utah Code Title 76. Utah Criminal Code § 76-5b-203, (2018).
<https://law.justia.com/codes/utah/2018/title-76/chapter-5b/part-2/section-204/>

Vermont Statutes Title 13. Crimes and Criminal Procedure, § 2606, (2015).
[https://legislature.vermont.gov/statutes/section/13/059/02606#:~:text=\(b\)\(1\) A person,disclosure would cause a reasonable](https://legislature.vermont.gov/statutes/section/13/059/02606#:~:text=(b)(1) A person,disclosure would cause a reasonable)

Virginia Code Title 18.2, Crimes and Offenses Generally § 18.2-386.2, (2019).

<https://law.lis.virginia.gov/vacode/title18.2/chapter8/section18.2-386.2/#:~:text=Any person who%2C with the,or female breast%2C where such>

Vivek Sood. (2009). *Nabhi's Cyber Crimes, Electronic Evidence & Investigation Legal Issues (IT)* . <https://law->

[all.com/index.php?route=product/product&product_id=2218](https://law-all.com/index.php?route=product/product&product_id=2218)

Voyeurism (Offences) Act , (2019).

<https://www.legislation.gov.uk/ukpga/2019/2/enacted>

Waldman, A. E. (2015). A Breach of Trust: Fighting “Revenge Porn.” *SSRN Electronic Journal*. <https://doi.org/10.2139/SSRN.2698722>

Walker, K., Sleath, E., Hatcher, R. M., Hine, B., & Crookes, R. L. (2021).

Nonconsensual Sharing of Private Sexually Explicit Media Among University Students. *Journal of Interpersonal Violence*, 36(17–18), NP9078–NP9108. <https://doi.org/10.1177/0886260519853414>

Wanjiku, E. (2022). Revenge pornography on the internet: The case of social media in Kenya. *Communicare Journal for Communication Studies in Africa*.

Washington Revised Code Title 9. Crimes and Punishments § 9.61.260., (2019).

[https://law.justia.com/codes/washington/2019/title-9/chapter-9-61/section-9-61-260/#:~:text=260 Cyberstalking.,-\(1\) A person&text=\(c\) Threatening to inflict injury,\(3\) of this section.](https://law.justia.com/codes/washington/2019/title-9/chapter-9-61/section-9-61-260/#:~:text=260 Cyberstalking.,-(1) A person&text=(c) Threatening to inflict injury,(3) of this section.)

Wendy Doniger. (2016). The Misunderstood ‘Kamasutra’: A Fresh Look at India’s Erotic Classic - WSJ. *The Wall Street Journal*.

<https://www.wsj.com/articles/the-misunderstood-kamasutra-a-fresh-look-at-indias-erotic-classic-1458312265>

West Virginia Code Chapter 61. Crimes and Their Punishment § 61-8-28., (2020).

<http://www.wvlegislature.gov/wvcode/chapterentire.cfm?chap=61&art=8§ion=28>

What Works to Prevent Online and Offline Child Sexual Exploitation and Abuse?

(2020). <https://www.unicef.org/eap/media/4706/file>

Wisconsin Statutes Crimes (Ch. 938 to 951) § 942.09., (2012).

- <https://law.justia.com/codes/wisconsin/2012/chapter-942/section-942.09>
- Wolak, J., Finkelhor, D., & Mitchell, K. (2011). Child pornography possessors: trends in offender and case characteristics. *Sexual Abuse : A Journal of Research and Treatment*, 23(1), 22–42.
<https://doi.org/10.1177/1079063210372143>
- Wortley, R., & Smallbone, S. (2012). *Child Pornography on the Internet*.
https://popcenter.asu.edu/sites/default/files/child_pornography_on_the_internet.pdf
- Wyoming Statutes Title 6. Crimes and Offenses § 6-4-305., (2022).
[https://law.justia.com/codes/wyoming/2022/title-6/chapter-4/article-3/section-6-4-305/#:~:text=Section 6-4-305 -,a Minor%3B Definitions%3B Penalties.&text=6-4-305.,a minor%3B definitions%3B penalties.](https://law.justia.com/codes/wyoming/2022/title-6/chapter-4/article-3/section-6-4-305/#:~:text=Section%206-4-305%20-%2C%20a%20Minor%3B%20Definitions%3B%20Penalties.&text=6-4-305%2C%20a%20minor%3B%20definitions%3B%20penalties.)
- Yeung, R. (1991). The New Politics of Pornography by Donald Alexander Downs. *Columbia Law Review*, 91. <https://www.jstor.org/stable/1122852>
- YouTube, Google, WhatsApp misused for porn, fake news and incite violence. (2020, February 6). *Deccan Chronicle* .
<https://www.deccanchronicle.com/nation/crime/060220/youtube-google-whatsapp-misused-for-porn-fake-news-and-incite-viole.html>
- Zahoor, M. A. (2021). *Revenge pornography : harms associated with it and options of redressal*. Ipleaders. [https://blog.ipleaders.in/revenge-pornography-harms-associated-with-it-and-options-of-redressal/#:~:text=Harms of personal and bodily,US Cyber Civil Rights Initiative.](https://blog.ipleaders.in/revenge-pornography-harms-associated-with-it-and-options-of-redressal/#:~:text=Harms%20of%20personal%20and%20bodily,US%20Cyber%20Civil%20Rights%20Initiative.)

APPENDICE A

Questionnaire

Question No. 1 - What is your age?

Question No. 2 - What are your educational qualifications?

Question No. 3 - Are you employed?

Question No. 4- Are you aware of the term “Revenge Pornography”?

Question No. 5 - How often do you strike up a conversation with a stranger over social media platform?

Question No. 6- Has anyone ever shared a naked picture or video of you without your permission?

Question No. 7- Has someone ever shared your morphed picture?

Question No. 8- Do you think in trusted relationship sharing intimate image is ok?

Question No. 9- Do you think it is appropriate to share private or intimate image with your husband?

Question No. 10- If any person is threatening you or your known with some sexually intimate images, what would you do?

Question No. 11- Do you think porn sites should be totally banned to combat the issue of Revenge Pornography?

Question No. 12- According to you what are the major reasons behind Revenge Pornography?

Question No. 13- Do you think Covid-19 pandemic led to an increase in the number of cases of Revenge Pornography?

Question No. 14- Do you think Social-Media plays a major role in non-consensual dissemination of intimate images?

Question No. 15- Do you think that distinctive rules/policies or laws should be there to tackle the problem of revenge pornography?

Question No. 16 - Do you think there is a need for harsh national legislation to criminalize wrongdoers of Revenge Pornography?

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