



FACULTY OF JURIDICAL SCIENCES

COURSE:BA.LL.B

Semester : VIII th

SUBJECT: Cyber Law

SUBJECT CODE: BAL-805

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Lecture-22



➤ **LECTURE 22: Cyber crimes under Indian Penal Code, 1860,**

Cyber Crimes are crimes that happen over the web where the perpetrator of the crime, shielded by the veil of a computer screen need not establish physical contact with the victim or may not always revealed their identity.

Crimes over the internet could be in the nature of

- Cyber stalking
- Cyber bullying
- Cyber harassment
- Identity theft
- Breach and violation of privacy/confidentiality
- Voyeurism
- Revenge pornography, though falling within the ambit of cyber harassment, is one such cyber crime which has seen a lot of discussion of late owing to increased instances of non-consensual pornography

Legal Provisions Under Various Laws

Although a comprehensive regulatory framework with regard to laws governing the cyber space, particularly such acts is yet to be framed, there exists certain legal provisions under various Statutes which can come in aid of a person who is a victim of cyber violence.

1. The Indian Penal Code, 1860

Prior to 2013, no law directly dealing with online harassment or crimes pertaining to women in the cyber space. The 2013 Criminal Amendment Act to the Indian Penal Code, 1860 by way of Section 354A to Section 354D

1. **Section 354A:** A man committing any of the following acts – a demand or request for sexual favours; or showing pornography against the will of a woman; or making sexually coloured remarks, shall be guilty of the offence of sexual harassment, may be punished with rigorous imprisonment for a term which may extend to three years, or with fine, or with both. In case of the first two and with imprisonment of either description for a term which may extend to one year, or with fine, or with both.
2. **Section 354C** defines ‘Voyeurism’ as including the act of capturing the image of a woman engaging in a private act, and/or disseminating said image, without her consent. For the act to qualify as ‘Voyeurism’, the circumstances must be such where the woman would “*usually have the expectation of not being observed either by the perpetrator or by any other person at the behest of the perpetrator*”. A person convicted under this section is liable to be punished with fine as well as imprisonment up to three years on first conviction and seven years on subsequent convictions.
3. **Section 354D** introduced a provision for stalking which also covers cyber stalking. Stalking has been defined to mean an act where a man follows or contacts a woman, despite clear indication of disinterest to such contact by the woman, or monitors the cyber activity or use of the Internet or electronic communication of a woman. A man committing the offence of stalking would be liable for

imprisonment up to three years for the first offence, and shall also be liable to fine and for any subsequent conviction would be liable for imprisonment up to five years and with fine.

Other than the specific amendments that have been made to the Code, there exist certain other provisions under which cyber crimes may be reported or the accused may be charged. These are:-

1. **Section 499:** To defame a person is to do an act with the intention of harming the reputation of the person. Defamation by publication of visible representations of an imputation concerning the woman, when done with the intention to harm her reputation, is punishable with imprisonment for a term, which may extend to two years, or with fine, or both.
2. **Section 503:** Threats made to any person with injury to her reputation, either in order to cause alarm to her, or to make her change her course of action regarding anything she would otherwise do/not do is punishable as criminal intimidation. The act of blackmailing a person on the internet, as was done in the case mentioned above can be brought within the ambit of this provision.
3. **Section 507:** This provision provides the quantum of punishment for Criminal Intimidation when the same is by a person whose identity is not known to the victim. Any anonymous communication, which amounts to criminal intimidation under Section 503 stated above, is punishable under this section.
4. **Section 509:** Any person who utters any word or makes any sound or gesture, or exhibits any object with the intention that such word, sound or gesture or object be heard or seen by a woman and insult her modesty, or intrudes a privacy, may be charged under this section and imprisoned for a term that may extend to 3 years and also with fine. Instances of lewd comments or remarks made over the Internet, or other explicit images and content forcibly shared over the web may be penalized under this section.

SELF-TEST QUESTIONS

S.NO	Question	Option (a)	Option (b)
1.			
2.			
3.			
4.			
5.			

Answers: 1-(),2-(), 3-(),4-(),5-()