

Sexual Assault & Internet : Few Important Provisions

Online Harassment of Women : Complexities & Punishment:

When we talk about women & Cyber Security there are two parts in which we may define the crimes.

1. Molestation or Sexual Assault (354 IPC)
2. Morphing of images

Let's first talk about 354 IPC, it includes;

A. Whoever assaults or uses criminal force to any woman, intending to outrage or knowing it to be likely that he will there by outrage her modesty, shall be punished with imprisonment of either description for a term which shall not be less than one year but which may extend to five years, and shall also be liable to fine.

Now the below is 354 A as Amended after the case of Nirbhaya

- B. A man committing any of the following acts—
- a) Physical contact and advances involving unwelcome and explicit sexual overtures; or
 - b) A demand or request for sexual favours; or**
 - c) Showing pornography against the will of a woman; or**
 - d) **Making sexually coloured remarks, shall be guilty of the offence of sexual harassment.**

A demand or request for sexual favours; or

354 A is usually committed by the offenders, during usual chat or to abuse a sudden demand of sexual favours comes, be it Twitter, Facebook or WhatsApp, people do this, people who do this used to become so innocent when Laws are

quoted, the exact reality is, their intentions & motives are to abuse and/or to get sexual favours.

Showing pornography against the will of a woman; or

Another thing, an offence but normalized now, this can lead to rape, In society like ours, teenagers becomes victim of this in broad sense, I am talking about rape here, Tutors, home tutors, servants, gardener and peon who are close to a teenage girls tries to close more, show such things to make the victim in their control and rape happens, very few girls come out of this shell and speak, else not even a case is registered.

Same approach in different manner seen at Facebook, Twitter etc. where girls gets photos of penis via Direct Message, in this case the person sending things like this either needs a therapist or committing offence willingly.

Making sexually coloured remarks, shall be guilty of the offence of sexual harassment.

We made it normal now, an abuse, it related to anything is normal now but when we see with legal lens, it's an offence especially when the abuse made to a woman.

Any man who commits the offence specified in clause (i) or clause (ii) or clause (iii) of sub-section (1) shall be punished with rigorous imprisonment for a term which may extend to three years, or with fine, or with both.

Any man who commits the offence specified in clause (iv) of sub-section (1) shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

Section 354D:- Stalking

(1) Any man who—

1. follows a woman and contacts, or attempts to contact such woman to foster personal interaction repeatedly despite a clear indication of disinterest by such woman; or

2. **monitors the use by a woman of the internet, email or any other form of electronic communication,** commits the offence of stalking;

Provided that such conduct shall not amount to stalking if the man who pursued it proves that—

1. it was pursued for the purpose of preventing or detecting crime and the man accused of stalking had been entrusted with the responsibility of prevention and detection of crime by the State; or

2. it was pursued under any law or to comply with any condition or requirement imposed by any person under any law; or

3. in the particular circumstances such conduct was reasonable and justified.

(2) Whoever commits the offence of stalking shall be punished on first conviction with imprisonment of either description for a term 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 may extend to five years, and shall also be liable to fine.

Online stalking via facebook, taking Screenshots & posting photos on other websites comes within the ambit of this provision, many of laymen not aware of this fact but non-awareness of law is nothing to do with it.