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## ***ABOUT US***

WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal providededicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

# **INVESTIGATING THE LEGAL IMPLICATIONS OF ONLINE SEXUAL ASSAULT INCLUDING NON- CONSENSUAL SHARING OF INTIMATE IMAGES (REVENGE PORN) AND ONLINE GROOMING.**

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## **INTRODUCTION:**

Online sexual assault refers to any form of sexual harassment, abuse, or exploitation that occurs in digital spaces. It encompasses a range of behaviours that violate an individual's privacy, dignity, or safety. Online sexual assault takes places in forms such as Cyberstalking and Online Harassment, Non-consensual Sexting or Image Sharing, Sexual extortion, Deepfake pornography.

## **SIGNIFICANCE:**

Addressing online sexual assault in the digital age is crucial due to the pervasive role of technology in our daily lives and its potential to amplify harm.

The key elements for why this issue needs action are,

- **Preventing harm:** Online sexual assault can cause real emotional and psychological damage. Victims often face lasting trauma and it is crucial to protect people from these harmful experiences. Tackling this issue helps keep people safe from harm that can affect their mental health and overall well-being.
- **Empowering victims:** By addressing this problem, we make it easier for people to speak out and get the help they need. It shows that society cares about their experiences and is ready to support them.
- **Legal accountability:** Online sexual assault often happens in a grey area where traditional laws around sexual violence may not directly apply. Addressing it helps to update and strengthen legal frameworks ensuring that perpetrators can be held accountable for their actions in the digital realm.



- **Encouraging policy changes:** Online platforms and social media companies can be pushed to create stronger policies around harassment, abuse, and the sharing of explicit content. This leads to safer online spaces for all users.
- **Spreading knowledge:** The more we talk about online sexual assault, the more people will understand how it happens and how to spot it. This helps to create a community where people can recognize signs of abuse and know how to act.
- **Teaching online safety:** It also gives us an opportunity to educate people—especially younger generations—on how to stay safe online, the importance of consent, and how to protect their privacy.
- **Reducing inequality:** Online sexual assault is often part of a bigger problem of gender-based violence, which disproportionately affects women and marginalized groups. By addressing this issue, we help make the online world safer and fairer for everyone.
- **Creating a safer digital world:** Working to end online sexual assault means we are helping to build communities where everyone can participate in digital spaces without fear of harassment or abuse.
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### Legal Consequences of Cyber Crimes:

When it comes to cyber crimes, the law takes them seriously. Here's a breakdown of what happens when someone crosses the line online:

#### Criminal Consequences

1. **Cyberstalking & Online Harassment** Imagine someone repeatedly sending creepy messages or spying on you digitally. That's cyberstalking.
  - **Laws:**
    - **Section 354D IPC:** First-time offenders can face up to 3 years in jail; repeat offenders, up to 5 years.
    - **Section 509 IPC:** Insulting a woman's modesty through words or gestures can lead to 3 years in jail.
2. **Revenge Porn** Sharing someone's private photos or videos without their consent is a serious violation.
  - **Laws:**
    - **Section 66E IT Act:** Up to 3 years in jail or a ₹2 lakh fine for privacy violations.
    - **Section 67A IT Act:** Publishing explicit content can result in up to 7 years in jail and a fine.



**3. Sextortion Threatening to leak intimate material unless demands are met—whether for money or favors—is sextortion.**

○ **Laws:**

- **Section 384 IPC: Extortion carries up to 3 years in jail and fines.**
- **Section 503 IPC: Criminal intimidation can lead to 2 years in jail.**
- **Section 67 IT Act: Publishing obscene material online can result in up to 3 years in jail and a ₹5 lakh fine.**

**4. Online Grooming & Child Exploitation Adults manipulating minors online for inappropriate activities is deeply harmful.**

○ **Laws:**

- **POCSO Act, 2012: Sections 11 & 12 criminalize child harassment with up to 3 years in jail.**
- **Section 67B IT Act: Sharing child sexual content can lead to up to 7 years in jail and a ₹10 lakh fine.**

**Civil Consequences**

Victims can sue offenders for defamation, privacy breaches, or emotional distress. Courts can also order websites to remove harmful content.

**How to Report & Seek Help**

**1. Online Portals:**

- **National Cyber Crime Reporting Portal**
- **POCSO E-Box (for minors)**

**2. Police Stations:**

- **File an FIR at any police station or cyber cell.**
- **If refused, approach a Judicial Magistrate under Section 156(3) CrPC.**

**3. Social Media Platforms:**

- **Platforms like Instagram, Facebook, and WhatsApp allow you to report abusive content.**

**4. Evidence Collection:**

- **Save screenshots, messages, emails, URLs, and timestamps to prove authenticity.**

**Punishments for Offenders**

First-time offenders face jail terms ranging from 3 to 7 years and fines up to ₹10 lakh. Repeat offenders may face harsher penalties, including life imprisonment in extreme cases like child sexual abuse.

## **Case laws: 1**

### **Ritu Kohli Case (2001) – First Cyberstalking Case in India**

#### **Facts:**

Ritu Kohli, a resident of Delhi, became a victim of cyberstalking, when an unknown person started using her name to chat on an online platform. The accused shared her personal details, including her home address and phone number, in chat rooms. As a result, she began receiving obscene calls from strangers, who made inappropriate remarks and harassed her. She filed a complaint with the Delhi Police, marking India's first cyberstalking case.

#### **Issue:**

- Whether cyberstalking is a punishable offense under Indian law?
- Can an individual be held criminally liable for online harassment under existing legal provisions?

#### **Legal precedent:**

Since India did not have specific cyberstalking laws at the time, this case set a crucial precedent by recognizing cyber harassment as a criminal offense. It laid the foundation for later amendments in the Indian Penal Code (IPC) and the Information Technology (IT) Act to include provisions related to online stalking and harassment.

This case was charged under Section 509 of IPC (Gesture, word, or act intended to insult the modesty of a woman) and Section 66 of the information technology act 2000 (sending offensive messages through a communication device).

#### **Judgement:**

Since cyberstalking laws did not exist at the time, the judgment focused on the violation of Ritu Kohli's privacy and dignity under Section 509 IPC and Section 66 IT Act.

The court ruled that the accused was found guilty of online harassment and impersonation. A monetary fine was imposed, but no significant imprisonment was recorded (as this was a first-of-its-kind case with no strict cyber laws at the time). Law enforcement was directed to strengthen cybercrime investigation units to handle similar cases.

## **Case laws: 2**

### **Kalandi Charan Lenka v. State of Odisha (2017)**

#### **Facts:**

The victim, a college student, faced severe harassment, including receiving obscene messages on her phone and her father's phone. Anonymous letters with vulgar language and defamatory pamphlets targeting her character were circulated. A fake Facebook account was created in her name, featuring morphed explicit images. The accused, Kalandi Charan Lenka, was known to the victim's family and had previously proposed marriage to her, which she declined.

#### **Issue:**

Whether the actions of the accused constituted offenses under the Indian Penal Code and the Information Technology Act?

Whether the accused's actions violated the victim's right to privacy and dignity?

#### **Legal precedency:**

- Section 354A (sexual harassment),
- Section 354D (stalking),
- Section 469 (forgery for harming reputation),
- Section 509 (insulting modesty of a woman), and provisions of the Information Technology Act, 2000, such as:
- Section 66C (identity theft),
- Section 67 (publishing obscene material).

#### **Judgement:**

The Orissa High Court denied bail to the accused, emphasizing the gravity of the offenses and the psychological and reputational harm caused to the victim. The court highlighted the need for stringent action against cybercrimes, particularly those targeting the privacy and dignity of women. The judgment reinforced the importance of protecting victims from further harassment and ensuring accountability for digital crimes. This case serves as a critical example of how the judiciary addresses the intersection of technology and personal rights.

#### **Psychological effect on the victims:**

The psychological toll of online sexual assault is immeasurable, as it strikes at the core of a



victim's identity and self-worth, leaving wounds that often extend far beyond the digital realm. These crimes invade not just their privacy but also their peace of mind, making them feel exposed and vulnerable in ways that are deeply personal.

Victims often relive their trauma through relentless flashbacks, battling an ongoing wave of anxiety and fear. Everyday interactions or even stepping online can become daunting, trapping them in a web of self-doubt and mistrust. The emotional scars can lead to depression, where they may feel disconnected from life, questioning their own value and blaming themselves for what happened—a misplaced but natural response to trauma.

For some, the pain is too much to carry, leading them to seek escape through alcohol or drugs. Others may withdraw completely, shielding themselves from relationships and social connections that once brought them joy. The betrayal of trust makes it hard for victims to rebuild healthy relationships, and social judgment often intensifies feelings of shame, creating a suffocating silence around their experience.

In severe cases, the despair may escalate to self-harm or suicidal thoughts, as victims struggle to see a way forward. But these are not just statistics or clinical effects—they are the lived experiences of individuals whose dignity and humanity have been violated. The silence, the stigma, and the isolation they endure remind us of the importance of compassion, justice, and support.

Victims of online sexual assault need more than legal resolutions—they need empathy, validation, and pathways to healing. Their voices deserve to be amplified, their pain acknowledged, and their journey toward reclaiming their lives supported at every step.

### **Awareness and Protection:**

It is the sole duty of the state to protect the victims and spread awareness about such heinous crimes that happen on online platforms. Cyberbullying and online grooming represent invasions of our personal space, leaving individuals especially children and adults feeling unsafe, exposed, and powerless. Combating these issues is not just about laws and policies. It is about creating environments where people feel heard, protected, and supported. Governments and organizations play a vital role in this mission. They establish safe spaces, giving victims someone to talk to who truly understands and can help. Counselling services,

and online reporting platforms offer victims a lifeline. In India, organizations like the **Cyber Crime Cell** and child welfare groups provide resources and assistance to those in need. By educating families and communities, they empower individuals to recognize the signs of harm and how to seek help bridging the gap between vulnerability and strength. The Ministry of Education has incorporated cyber safety content into school curriculum to educate children about online risks. Campaigns and workshops are conducted to raise awareness about the dangers of cyberbullying and grooming. Law enforcement agencies are equipped to handle cybercrime cases, and helplines are available for victims to report incidents. Social media platforms are required to remove harmful content promptly and provide tools for users to block or report abusive behaviour.

### **Conclusion:**

This paper gives us a closure about cyber sexual assault and online grooming, its significance, objectives and punishments. Bringing such crimes to the limelight helps the society to know about such crimes that happen and also preventive ways one individual can take. Each one of us can contribute by fostering kindness, reporting harmful behaviour, and supporting those affected. By working together legally, socially, and emotionally, we can build a digital world where respect and empathy outweigh harm and fear. Everyone deserves to feel safe online, and every small action can make a big difference. Let's strive to make the internet a better place for all.

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