

Laws

Cybersecurity is becoming a big issue globally with new data breaches emerging. The data breaches in the country, which include government websites being hacked created an urgency to build an even more guarded and secure framework. According to the Data Security Council of India (DSCI), India saw the [second-highest number of cyber-attacks](#) between 2016 and 2018, from May this year 2019. The number of internet users is growing at a rapid pace and so are the threats. Thereby, a liaison has to be created between government officials and the public and private partners, who are overseeing the aspect of securing the whole nation. Proper formation of critical infrastructure and a seamless partnership between the public and the private are the two key aspects to a cyber security framework like the one curated by the Government of India – The National Cyber Security Policy, 2013

Legally Mandated Regulation – Information Technology Act (2000)

Under the Information Technology Act, 2000, in Chapter XI, there are three sections that pertain to the threat of online content.

- I. 66A – Punishment for sending offensive messages through communication service, etc.
- II. 67A – Punishment for publishing or transmitting material containing sexually explicit acts, etc., in electronic form.
- III. 67B – Punishment for publishing or transmitting material depicting children in sexually explicit acts, etc., in electronic form.
- IV. 66 E – Prescribes punishment for violation of privacy. Any person caught intentionally capturing, circulating or publishing private pictures of others, shall be punished.

Sexual Harassment Threats Online

1. Regulations for Protection of Women

After the Delhi gang rape incident on December, 2012 in New Delhi pushed the Indian government to take initiatives so as to review the existing criminal laws. The Justice Verma was formed and on the basis of the report of the committee, several new laws were introduced. The Criminal Law Amendment Ordinance, 2013 takes care of the protection of women in the online (as well as offline) space.

(a.) Section 228A of IPC – vengeful posting of images or videos of rape victims is punishable with imprisonment which may extend to two years and fine.

(b.) Sections 354A and 354D of IPC – provide punishment for cyber bullying and cyber stalking against women.

(c.) Section 354C of the IPC – criminalises the offence of Voyeurism.

It is defined as the act of capturing the image of a woman engaging in a private act, and/or disseminating said image, without her consent. The section prescribes 3 years of imprisonment for the first conviction and 7 years of imprisonment on second conviction along with fine.

(d.) Section 507 of the IPC – punishes criminal intimidation by anonymous communication with a term which may extend to two years of imprisonment.

(e.) Section 509 of IPC – comes to your rescue if someone is constantly bugging you with derogatory verbal abuse because of your gender. The section provides that any person who utters any word or makes any sound or gesture, intending that such word, sound or gesture be heard or seen by a woman and insult her modesty, shall be punished with one-year imprisonment and/or fine.

2. Regulation for Protection of Workplace Harassment

Online harassment also encompasses sexual harassment and the behaviour conducted over any digital medium, including that of social media platforms, fall within the domain of workplaces are covered under the legislation – Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act 2013-

Section 2(n) includes unwelcome acts or behaviour such as –

- demand or request for sexual favours;
- making sexually coloured remarks;
- showing pornography
- any other unwelcome physical, verbal or non-verbal conduct of sexual nature

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