

## UNVEILING THE DARK TRUTH: EXPLORING REVENGE PORN AND THE LEGAL LANDSCAPE

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### INTRODUCTION

In the depths of the digital age, where the lines between intimacy and exploitation have blurred, there exists a harrowing manifestation of cruelty that wreaks havoc on the lives of countless individuals. It is a dark stain on our society, an insidious act that weaponizes vulnerability and shatters the very foundations of trust. This is the haunting reality of revenge porn. In a world where connection and communication are just a click away, we find ourselves grappling with a sinister consequence of our creation. Revenge porn, an act of betrayal that not only violates the very dignity of a person but leaves a scar on a person's personality in the face of society, unveils the depths of human depravity while exposing the urgent need for justice and compassion in the digital realm.

Mere imagining one in such a scenario, gives shivers down anyone's spine. Imagine a life forever scarred by an act of malicious vengeance. Imagine the raw emotions of the victims—fear, anguish, and an overwhelming sense of violation—as their most intimate moments are forcibly stripped away, exposed to the merciless eyes of strangers. It is not only the private pictures of a person that is held hostage in such scenarios but the very dignity and trust are irrevocably shattered by someone whom they trusted with full faith with

Society argues that revenge porn is an act of shame not for the abuser but for the victim itself. However, revenge porn is an attack on the basic foundation of our civilization and not merely a matter of personal grief. It strengthens harmful power relations, supports sexism, and fosters a culture of shame that traps both victims and offenders. It serves as a terrifying reminder that, even in the sacred confines of our private lives, we are susceptible to the cunning snares of those who wish to take advantage of our most sensitive weaknesses.

This article delves into the dark abyss of revenge porn, aiming to shed light on this heinous phenomenon and ignite a collective empathy that sparks action. It explores the devastating

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emotional toll inflicted upon victims, their arduous journeys toward healing, and the legal and societal measures required to dismantle this digital epidemic.

It is time to face the uncomfortable truths, to confront the painful reality that countless individuals have been silenced, their voices muffled by the pervasiveness of shame. By unmasking the chilling depths of revenge porn, we can foster understanding, empathy, and advocacy, ultimately striving for a world where personal empowerment triumphs over overexploitation. Let us embark on this emotional journey, with hearts open and spirits resilient, for it is only through confronting the darkness that we can begin to heal, rebuild, and forge a future free from the relentless grip of revenge porn.

### **UNDERSTANDING THE MEANING OF REVENGE PORN**

Revenge pornography is the non-consensual sharing of explicit photos or videos by a former romantic partner or someone wanting to harass and embarrass them. The term “revenge” in revenge porn refers to the act of seeking revenge or harm to the victim. The motivations behind revenge porn include anger, jealousy, insecurity, wanting to control or have power over them, getting the victim to get back together in a relationship, and sometimes simply for their entertainment. According to NCRB’s “Crime in India” report 2021, there were 52,974 cases of cybercrime in India, which is almost a 6% increase from 2020. Among other types of cybercrime, publishing or transmitting sexually explicit material without consent was the second most common crime. This crime is growing rapidly, we need to be more serious about it.

In a survey <sup>1</sup> conducted by the Crimes Against Children Research Centre, where respondents were mostly females and teenagers (ages 18 and 19) who shared images and videos with their current partner, 56% of victims were forced, and pressured to send their images. “My then-boyfriend demanded that I send nude photos of myself for him. He acted like I was crazy, prudish, and stupid for not sending photos and that it was my duty to send them.” Sometimes even these pictures or videos would be taken without their knowledge, or hacking devices and stealing images and photo-shopping images and videos. The prevalence of these kinds of behaviors highlights the disturbing motivations behind revenge porn, including a desire for power and control over the victim.

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<sup>1</sup>Crimes Against Children Research Centre and Thorn, 'Sextortion: Findings from a Survey of 1,631 Victims' (2015) [https://www.unh.edu/ccrc/pdf/CV289\\_Sextortion\\_Report.pdf](https://www.unh.edu/ccrc/pdf/CV289_Sextortion_Report.pdf) accessed 13 May 2023.

## UNRAVELLING THE IMPACT OF REVENGE PORN

The impact on victims of revenge porn can be severe and long-lasting. Victims often experience loss of dignity and security and lowered respect from family.<sup>2</sup> According to Cyber Civil Rights Initiative, 93% of victims have reported feeling emotional distress, 51% reported having suicidal thoughts, and 26% of victims reported creating new identities for themselves because of harassment. Victims of revenge porn often suffer from PTSD, anxiety, and trust issues that affect them in the long term.

One victim while sharing her experience stated, "In that moment I wanted to curl up and die, I didn't care who I would be leaving behind on this earth, I was humiliated and felt so betrayed. Nobody could possibly understand how I felt"<sup>3</sup>. Another victim said, "I'm still on medication for anxiety [years later]. This has ruined my self-image, my relationships, and my trust in others. I still to this day don't feel like myself. The person I was before this nightmare is someone I can't get back."<sup>4</sup>

While they struggle with mental trauma, they also have to face bullying and harassment because of which they often have to quit their jobs, drop out of schools, change their contact details, and lose friends and family. Victims often face stigma, judgment, and victim shaming. They receive responses like ("She should not have taken the image in the first place") rather than focusing on the fact that ("She did not give permission for the image to be leaked"<sup>5</sup>). It is important to recognize the devastating impact that this traumatic event has on victims and rather than shaming them we need to support and help them by providing access to counseling, therapy, and legal support.

## WHAT ARE RELEVANT LEGISLATIONS ON REVENGE PORN

Embarking on the journey to understand the legal provisions against revenge porn, we delve into a realm where the fight for justice intertwines with the preservation of personal dignity. In an era where technology grants us unprecedented connectivity, it has also exposed us to

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<sup>2</sup>Zoe Franklin, 'Justice for Revenge Porn Victims: Legal Theories to Overcome Claims of Civil Immunity by Operators of Revenge Porn Websites' (2014) 102 California Law Review 1303.

<sup>3</sup>Cyber Civil Rights Initiative, 'My World Turned Upside Down' (2018) <https://cybercivilrights.org/my-world-upside-down> accessed 13 May 2023

<sup>4</sup>Crimes Against Children Research Centre and Thorn, 'Sextortion: Findings from a Survey of 1,631 Victims' (2015) [https://www.unh.edu/ccrc/pdf/CV289\\_Sextortion\\_Report.pdf](https://www.unh.edu/ccrc/pdf/CV289_Sextortion_Report.pdf) accessed 13 May 2023.

<sup>5</sup>Tahlee Mckinlaya,b and Tiffany Lavisa, 'Why did she send it in the first place? Victim blame in the context of 'revenge porn' (2020) 27(3) Psychiatry, Psychology and Law 386–396 <https://doi.org/10.1080/13218719.2020.1734977> .

the sinister consequences of its misuse. It is within this context that we unravel the legal framework designed to combat this digital epidemic and provide solace to its victims.

Despite the absence of a dedicated law, the Indian legal system acknowledges the seriousness of this issue and strives to ensure that those responsible for such heinous acts face appropriate consequences. While India may not have a specific and unified law addressing revenge pornography, existing frameworks such as the Indian Penal Code and the Information Technology Act play a crucial role in coming to the rescue and providing a means to punish perpetrators engaged in such acts. With their extensive reach, these laws offer a basis on which justice may be sought and wrongdoers can be made to answer for their damaging deeds.

**Section 292** of the Indian Penal Code<sup>6</sup> addresses the distribution or circulation of obscene material. According to this provision, individuals found guilty of such offenses can face imprisonment for up to two years and a fine of up to two thousand rupees upon their first conviction. In the case of a second conviction, the punishment may include imprisonment for up to five years and a fine of up to five thousand rupees. This particular section aims to discourage the dissemination of explicit content and ensure that those involved in such activities face legal consequences that reflect the seriousness of the offense.

Section 354 of the Indian Penal Code pertains to the offense of assault or the use of criminal force against a woman with the intention to outrage her modesty. According to this provision, individuals found guilty of committing such acts can be sentenced to imprisonment for up to two years, or they may be fined, or both.

Section 354A of the Indian Penal Code defines sexual harassment. According to this provision, if a man engages in unwelcome physical contact of a sexual nature, solicits sexual favors, displays pornography against a woman's consent, or makes sexually suggestive remarks, he can be held accountable for sexual harassment. The punishment for this offense includes rigorous imprisonment for up to three years, a fine, or both. This section aims to address and deter acts that violate a woman's dignity, personal space, and consent.

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<sup>6</sup> Indian Penal Code 1860, s 292

**Section 354C** of the Indian Penal Code<sup>7</sup> addresses the offense of voyeurism. This provision states that if a man watches or captures a woman engaging in a private act without her knowledge or consent, and then disseminates such images or videos, he can be held liable under the law. The punishment for this offense involves imprisonment for not less than one year, which can extend up to three years, along with a fine. In the case of a second conviction, the person may be imprisoned for three years, in addition to facing a fine.

**Section 406** of the Indian Penal Code<sup>8</sup> deals with the offense of criminal breach of trust. This section outlines that individuals found guilty of committing this offense can be subjected to imprisonment for a term of up to three years, or they may be fined, or both.

**Section 499** of the Indian Penal Code<sup>9</sup> addresses the offense of defamation. According to this provision, if a person intentionally seeks to harm someone's reputation or has reason to believe that their actions will harm someone's reputation, they can be held liable for defamation. The punishment for defamation includes simple imprisonment for a period of up to two years, a fine, or both

**Section 506** of the Indian Penal Code<sup>10</sup> deals with the offense of criminal intimidation. According to this provision, individuals who engage in acts of criminal intimidation can be subjected to imprisonment for a term of up to two years, a fine, or both. However, if the accused threatens the victim with death, grievous hurt, or imputes unchastity to a woman, the punishment is more severe. In such cases, the accused can be imprisoned for a term of up to seven years, along with a fine or both.

**Section 509** of the Indian Penal Code<sup>11</sup> addresses the offense of insulting the modesty of a woman. According to this provision, individuals who intentionally intend to insult a woman's modesty by uttering words, making sounds or gestures, exhibiting objects, or intruding upon her privacy can be held accountable. The punishment for this offense includes imprisonment for up to one year, a fine, or both.

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<sup>7</sup> Indian Penal Code 1860, s 354(C)

<sup>8</sup> Indian Penal Code 1860, s 406

<sup>9</sup> Indian Penal Code 1860, s 499

<sup>10</sup> Indian Penal Code 1860, s 506

<sup>11</sup> Indian Penal Code 1860, s 509

## **INFORMATIONAL TECHNOLOGY ACT, 2000**

**Section 66E** deals with the punishment for violating privacy. If someone intentionally or knowingly captures, publishes, or transmits the image of someone's private area without their consent, thereby violating their privacy, they can be sentenced to imprisonment for up to three years or fined up to two lakh rupees, or both.

**Section 67<sup>12</sup>** outlines the consequences of publishing or transmitting explicit or sexual content through electronic mediums. If found guilty, the accused can face imprisonment for a maximum of three years or a fine of up to five lakh rupees. In the case of a subsequent conviction, the imprisonment term can extend to five years with a fine of up to ten lakhs.

**Section 67A<sup>13</sup>** defines the penalties for publishing or transmitting explicit or sexual material through electronic mediums. If found guilty, the accused can face imprisonment for a maximum of five years along with a fine that may extend to ten lakh rupees. In the event of a second conviction, the imprisonment term can increase to seven years, and the fine may still extend up to ten lakh rupees.

**Section 67B<sup>14</sup>** deals with the punishment for individuals who publish or distribute sexually explicit or obscene content involving a child. The accused, if found guilty, can be sentenced to a maximum of five years in prison and fined up to ten lakhs.

**Section 72<sup>15</sup>** outlines the offense of breaching confidentiality and privacy, and the corresponding penalties for such actions. If someone is found guilty, they can be sentenced to imprisonment for a period of up to two years, or fined an amount of up to one lakh rupees, or both.

### **HOW SHALL ONE PROTECT A VICTIMS OF REVENGE PORN**

Victims often feel isolated due to which they do not ask for help, they avoid telling people because they are embarrassed about the situation and because of the judgment they would face. To avoid the social isolation of victims, we need to support the victims to cope with the aftermath of abuse. We can help them by providing them access to mental health services i.e.,

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<sup>12</sup> Information Technology Act, 2000, s 67

<sup>13</sup> Information Technology Act, 2000, s 67(A)

<sup>14</sup> Information Technology Act, 2000, s 67(B)

<sup>15</sup> Information Technology Act, 2000, s 72

therapy, counseling to aid their healing process, and legal services like providing them resources that would help them take down the pictures, filing restraining orders, and criminal charges against perpetrators.

Taking precautionary measures such as educating individuals about the risks of sharing intimate pictures with someone, using social media to raise public awareness about issues, and sharing resources for victims would create public awareness and understanding about the issue and victims would feel less isolated and it would make easy to open up about the situation to family, friends, and authorities

### **A BEFITTING CONCLUSION TO A DIGITAL EPIDEMIC**

The horrific elements we have examined make it obvious that revenge porn is a problem that requires our undivided attention and coordinated response. The emotional injuries inflicted upon victims transcend the boundaries of the digital world, penetrating the very core of their souls and leaving permanent marks. People's autonomy, privacy, and entire sense of self are all taken away by this crime.

But in this darkness, there is a flicker of hope—a resilience that burns within the hearts of survivors and advocates alike. It is a call to arms, urging us to stand united against this digital epidemic and dismantle the structures that enable its proliferation.

The government must address the issue at the earliest by enacting relevant laws. The judiciary must also extend a hand of support and hope to such people by ensuring that the perpetrators are given the harshest punishment by the court. While the victim may demand stern actions, what they desire more is social support from their family and friends, similarly what worries a victim more is how Indian society will respond to the revelation of this information. While this egregious breach of privacy has already left a person with a significant scar, unwanted remarks and 'victim abuse' behavior from society play the role of salt to intensify the victim's open wounds. Therefore, the response to such an act should be diverse and call for coordination and a symphony of lawful responses.

Laws must be changed to address the digital epidemic, and it is important to ensure that offenders receive the harshest penalties possible so that their actions serve as a deterrent to others. However, what worries a victim more is how Indian society will respond to the revelation of this information. While this egregious breach of privacy has already left a



person with a significant scar, unwanted remarks and 'victim abuse' behavior from society serve to sever the victim's open wounds. Therefore, the response to such an act should be diverse and call for coordination and a symphony of lawful responses.

Therefore, a multifaceted response to such an act is necessary, requiring coordination among various legal measures but, more importantly, a shift in society brought about by educational initiatives. While society should extend a hand of sympathy to the victim and raise its voice in support of harsh punishment for the offender, the typical reaction is the opposite.

