

A Review of Offences Against Women under the Indian Penal Code

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Abstract: This paper reviews the offences against women under the Indian Penal Code (IPC), with a particular focus on the challenges posed by digital platforms and the misuse of social media. The study explores provisions related to modesty, sexual harassment, stalking, defamation, human trafficking, identity theft, and other offences that disproportionately impact women. Case laws and judicial interpretations are highlighted to demonstrate how courts have addressed such violations and balanced them with constitutional rights such as freedom of speech and privacy. The paper also examines the significance of the Criminal Law (Amendment) Act, 2013, which introduced reforms in response to increasing violence against women and emerging cybercrimes. By analysing legal provisions, precedents, and contemporary examples, this review underscores the evolving nature of crimes against women in both physical and virtual spaces, while stressing the urgent need for stricter enforcement, awareness, and legal reforms to ensure women's dignity, safety, and constitutional protection.

Keywords: Criminal Law, Indian Penal Code, Sexual Harassment, Stalking, Defamation, Privacy.

INTRODUCTION

It is true that social media is unrestricted and unconstrained in every way. Everyone has unfettered access to the vast amounts of digitally stored personal information and data housed on this virtual premise. Communicating, sharing, and learning has become ingrained in people's everyday lives these days. However, there are benefits and drawbacks to it. The moment has come to consider how it will affect society at large, both positively and negatively.

[1]

Undoubtedly, it provides a gateway to understanding and connection, where individuals may delve into the rich traditions, customs, aura, traits, and way of life of others. By the same token, everyone is free to express themselves and have an open dialogue on social media. On the one hand, it has the potential to bring people together via shared experiences and viewpoints; on the other, it allows malicious individuals to freely distribute content that they claim is hurtful

to others. Users engage in social media activities such as tweeting, video-sharing, blogging, and conversing in an impulsive or conscientious manner. Such posts/interactions are often investigated in democratic nations like India to prevent the misuse of the right to free speech and expression. In addition, it must not infringe upon anyone's right to privacy or data protection.

Another view is that freedom of expression, a fundamental democratic principle in India, is being stifled by the many internet rules that limit this new kind of engagement.

Social media violations of constitutional rights in India: case studies and rulings illustrating the "Status quo".

Two girls were apprehended by the police on November 20, 2012, in connection with the so-called "Bal Thackeray Facebook incident." This event occurred after one of the girls, Shaheen Dhada, commented on their Facebook page on the death of Bal Thackeray, the chief of the Shiv Sena party. Her friend's decision to "like" her remark caused quite a stir. Their detention was caused under relevant provisions of the Information Technology Act, 2000 and the Indian Penal Code. In the end, they apologised in writing and were released on bail of Rs.15,000 apiece.

All states and UTs were affected by another ruling handed down by the Supreme Court on January 9, in response to the public's concern over the detention of Facebook users for simply commenting or liking postings. They have been instructed not to make an arrest in such a circumstance without consulting with a senior officer first.

In order to protect women's dignity, the Indian Penal Code includes a number of measures. Several provisions of the Indian Penal Code (IPC) address activities that violate women's dignity. The fundamental theme of sections like 292 and 293 as well as 509 is women's dignity.

RAISING CONTROVERSY OVER WOMEN'S MODESTY [2]

According to Section 354 of the Indian Penal Code, it is a crime to unlawfully use force or assault a woman in order to make her feel exposed. The crime is cognisable and cannot be solved by bail. Sending women offensive material and pictures and verbally abusing them are two ways that people purposefully undermine women's dignity in today's online environment. To be modest is to exhibit "womanly propriety of behaviour; scrupulous chastity of thought, speech and conduct (in man or woman)" according to the Oxford English Dictionary (1933

Edition). Reluctance or embarrassment stemming from an innate dislike of crude or immoral comments; State v. Sanjay.[3] The court said in Mahale VS. State Maharashtra and Anr. that the exact definition of a violation of a woman's modesty is vague. For women, their sex is the very definition of modesty. This case boils down to the accused's responsible intent. Though her response matters much, the woman's silence does not always spell disaster. According to this part, modesty is a quality shared by all feminine humans. It is a quality that is inherent to women because of their gender. A woman's sense of decency must be shocked by an offender's actions for her modesty to be violated. (as also established in Tarkeshwar Sahu vs. State of Bihar). Since purpose and knowledge cannot be measured like material items, the presence of these concepts must be inferred from other factors, according to the decision of the Hon'ble Supreme Court in the case of Vidyadharan vs. State of Kerala. [4]

The Punjab and Haryana High Court denies anticipatory release to an accused for sending sexually explicit messages and publishing explicit photos of minors online, stating that this constitutes an outrage against women's modesty. Such occurrences, it added, have been "tremendously increasing day-by-day, ruining the social fabric of our society" and need "heavy hands" of intervention. Justice Mehinder Singh Sullar made the remark while deliberating on Adarsh Singh's anticipatory release application. Charges of violating the Indian Penal Code and the Information Technology Act, 2000, among others, led to the arrest of Singh and an accomplice by the Amritsar police. Judge observes that "the learnt state counsel has also produced on record the copies of vulgar messages, notes, abuses and objectionable photographs" while rejecting the accused's anticipatory bail petition. It is impossible to provide a black-and-white description of the offensive messages and abuses sent by the accused to the complainant, and the same have been sealed. "The tendency and frequency of sending such vulgar messages and projecting the objectionable photographs on internet of innocent young girls by such accused have been tremendously increasing day by day, ruining the social fabric of our society, which needs to be curbed with heavy hands," the judge explained. Penalties for the offence include a fine and/or imprisonment for 1–5 years.

THEFT OF PERSONAL INFORMATION AND DATA

As with "theft" of moveable goods, Section 378 of the Indian Penal Code applies to the theft of any data, whether kept online or offline. This is due to the fact that "movable property" is broadly defined under Section 22 of the IPC to include all tangible assets, rather than only land and anything permanently linked to or attached to anything else. According to section 378 of

the Indian Penal Code, the crime of theft carries a penalty of either a fine or three years in prison. Since "corporeal" implies "physical" or "material," one may argue that digital assets are exempt from section 378 of the IPC.

However, one may counter that the drafters' intention was to include all assets, not only land and anything permanently attached to it. A fine, up to three years in jail, or both are possible punishments for anyone found guilty of "cheating by personation" under Section 419 of the Indian Penal Code. Someone is considered to have committed "cheating by personation" if they intentionally put themselves in another person's shoes, pretend to be someone else, or portray themselves as someone else when they are not. [5] Identity theft is rampant on social networking platforms such as Facebook, Instagram, and LinkedIn. The creation of false identities or social media accounts often targets women. Cybercriminals use this phoney account to make friend requests to a lady in an effort to stalk her.

FORGERY

Forgery, as defined in Section 463 [6] of the Indian Penal Code, comprises the intentional creation of fake electronic records or parts of such data with the purpose to do injury to any person. When it comes to online crimes One kind of forgery is email spoofing. Spoofing refers to the practice of mimicking another person or object while exaggerating its traits for the purpose of making money. When an individual or software is able to effectively impersonate another by manipulating data, this is known as "spoofing" of user identity. Email, text message, or WhatsApp spoofing is possible.

HUMAN TRAFFICKING

Human trafficking is addressed under Sections 370 of the Indian Penal Code. People are being sold and bought in the process of human trafficking. A number of advantages will result from this sale and acquisition. Women in India may be easily bought and sold on internet marketplaces. In the guise of legitimate employment postings, some websites recruit little girls for heinous crimes like human trafficking. [7] In the context of human trafficking, this becomes sexual exploitation when the victim does not provide their consent. The felony has a required minimum penalty of seven years in prison and a maximum term of 10 years. The case at hand is State of Gujarat v. Vinod Vijay Bhagubhai Patel. [8] Section 370 of the Indian Penal Code does not apply in circumstances where sex work is willingly engaged in prostitution,

according to the most recent ruling from the Gujarat High Court. This might lead to further long-lasting reforms in the legal landscape for sex workers. [9]

DEFAMATION

A person's good name is safeguarded under IPC, specifically sections 499–502. Section 499's broad definition of defamation is qualified by 10 exceptions and four explanations. Defamation, as defined under section 499 of the IPC, carries a penalty of up to two years in simple jail or a fine, or both, as stated in section 500. This is a non- cognisable and bailable offence, according to the Criminal Procedure Code (CrPC), which establishes the rules of procedure [10]. Intentionally making or publishing an imputation about another person with the intent to harm their reputation, or having knowledge or reason to believe that such an imputation will harm their reputation, is considered defamation under Section 500 of the Indian Penal Code, except in the cases mentioned below. As of late, trolling has become more prevalent on several social media sites.

Some examples of trolling include people making derogatory remarks regarding women's social media postings. Legally, one's opinion is protected. Opinions, therefore, do not constitute defamatory statements. However, there are instances where a court would treat an opinion as fact if it has caused harm to another person. [11] It is now commonplace to see women's reputations tarnished in cyberspace as a result of deliberate targeting. Trolls prey on women on social media by slandering them with fake information, insulting them publicly, or tagging them in explicit messages. Defamation, as defined under section 499 of the Indian Penal Code, encompasses all of these actions that damage women's reputations.

Indian Penal Code Section 507 addresses the crime of criminal intimidation using an unknown communication medium. The crime of criminal intimidation, which includes the use of repeated communications to threaten another person while concealing one's identity, has a maximum sentence of two years in jail. When it comes to "criminal intimidation by anonymous communication," Section 507 of the IPC is relevant. According to this provision, it is considered an offence when the stalker attempts to conceal his identity in order to keep the victim in the dark about who is threatening them. As a result, it guarantees the exact thing that makes cyberstalking so dangerous: the ability to remain anonymous. Under this provision, the stalker is guilty if he tries to hide his identity.(Keswani; Heena 137) [12]

Any act, word, or gesture done with the intent to embarrass a woman, to be seen or heard by her, or to interrupt and invade her privacy is made illegal under Section 509. The maximum penalty for this offence is one year in simple jail, a fine, or both. If a person's actions, whether physical or verbal, invade a woman's right to privacy, whether by email, text message, or social media post, they may be prosecuted under this clause. He will be in violation of Section 509 of the Indian Penal Code if he engages in any of these actions.(Keswani;Heena 138) [13]

CRIMINAL AMENDMENT ACT 2013

A good code, according to Macaulay, the architect of the Indian Penal Code (IPC), should be precise (i.e., devoid of ambiguities), comprehensible (i.e., readily understood by ordinary individuals), and the product of legislative law making (i.e., with little intervention from the judiciary). In contrast to the aforementioned traits, however, the lengthy IPC, which is subject to periodic amendments and court rulings, has grown in importance over the years. Crimes of rape in Kathua, Unnao, and Hathras [14] have reignited the long-forgotten horrors of December 16, 2012. As post-independent India's society faced head-on with the powerful "system," the horrific gang rape of a 23-year-old physiotherapy student was a turning point. In India, the Indian Penal Code (IPC) ranks high among the country's criminal statutes. The code of offences is rather detailed, with definitions and sanctions for each. A number of revisions pertaining to sexual offences were included in the Criminal Law (Amendment) Act, 2013 the latest amendment to the IPC which was followed by the Criminal Law Amendment Act, 2018.

First, the Criminal Law Amendment Act has changed some provisions of the IPC; second, it has added new sections that make new crimes under the IPC. Violence against women is on the rise, and these changes are an attempt to stem the tide. A deterrent effect on offenders is the goal of the revisions. The legislation's goal of 'deterrence,' however, has resulted in criminal regulations that are disproportionate and unreasonable (Gupta; Abhishek 2018 pp. 137-139). [15] Recent technological developments, such as voyeurism and stalking, inspired the addition of new offences to the Criminal Amendment Act of 2013. Crimes like stalking and voyeurism are rampant in the online realm.

- **Sexual Harassment**

Sexual harassment is defined under Section 354 A [16] of the Indian Penal Code. Asking a lady for sexual favours by email is an example of sexual harassment in the virtual world.

Displaying pornographic material and making sexually suggestive comments are also part of it. The internet has made it easy for pornographic movies to become viral, and the perpetrators often target women by sending them obscenity messages demanding sexual favours, which may have a devastating effect on their self-esteem. Sexual harassment is a bailable crime because of its nature.

- **Stalking**

According to Section 354 D of the Indian Penal Code, a man commits the crime of stalking towards a woman if he follows her, contacts her for the purpose of personal interaction, repeatedly tries to do so despite a clear indication of disinterest, or monitors her through the internet or any other form of electronic communication. The criminal crime of stalking may be established by such an act. Stalker convictions carry a maximum sentence of three years in jail and a fine of up to three times the amount of the first offence. The maximum penalty for a second or subsequent conviction is five years in jail and a fine. Schedule 1 of the Criminal Procedure Code specifies that a first conviction for the crime of stalking carries a fine and a maximum sentence of three years in jail; the offence is cognisable, bailable, and subject to trial by any magistrate. However, the maximum sentence for a second or subsequent conviction of stalking is five years in jail and a fine; the offence is thus no longer bailable. The crime of stalking may be perpetrated in two ways: physically, by eavesdropping, or cyberstalking. [17] Cyberstalking and physical stalking are also addressed in this section.

This section lays out the parameters within which the crime of "stalking" may be prosecuted. The section makes it quite clear that stalking is the crime of trying to keep tabs on a woman's online activity. Accordingly, Section 354D of the Indian Penal Code establishes the offence as a criminal whenever the stalker engages in any of the behaviours listed in the section. The section makes it quite clear that stalking is the crime of trying to keep tabs on a woman's online activity. Accordingly, Section 354D of the Indian Penal Code establishes the offence as a criminal whenever the stalker engages in any of the behaviours listed in the section. (Heena 136–137; Keswani 193) [18] The number of reported incidents of stalking has also increased significantly. There were 9,438 documented incidents of stalking in 2018, up from 8,145 in 2017 and 7,190 in 2016. The highest number of stalking instances was recorded in Maharashtra, with 2,088, followed by Telangana with 1,459 incidents, and Madhya Pradesh with 1,255 cases. Of the cities that had stalking instances documented, the most were in Mumbai (513), Delhi (410), and Kolkata (119). [19]

- **Trafficking of Women**

The trade of human beings for financial gain is known as trafficking. This kind of enterprise exists with the explicit goal of taking advantage of the other party. Section 370 A was inserted to the Indian Penal Code and the scope of section 370389 was increased by the amending Act of 2013. The use of coercion, threats, fraud, abuse, etc., in addition to slavery itself is included under Section 370. Physical exploitation, in which the victim's permission is not relevant, is also included in the word exploitation. The crime of human trafficking has severe penalties.

Fine and 7–10 years in jail. This crime may be prosecuted and cannot be expunged. The victim's exploitation is an additional provision of section 370 A,[20] which was inserted in 2013. Those found guilty of exploiting minors face harsh punishments, including fines and prison terms of at least five years and up to seven years. The exploitation of a trafficked person carries a fine and a prison sentence of three to five years.

Within the 370 and 370a sections Among the primary motivations for trafficking and sexual exploitation. Criminals on social networking sites often prey on women by using psychological techniques such as bluffing. They purposefully initiate contact with women by sending friend requests. The perpetrators then use the fake promise of marriage to entice the lady. Second, in the course of offering services, some criminals may divulge their contact information. But instead of giving women decent employment or marrying them, they push them into prostitution.

According to the most recent statistics available from the National Crime Records Bureau (NCRB), human trafficking incidents in India reached a three-year high in 2019. Compared to 2018's 5,788 instances and 2017's 5,900 cases, this year's total of 6,616 reports of human trafficking is much higher. The number of trafficking cases that resulted in convictions fell from 29.4 percent in 2018 to 22.2 percent in 2019. With 536 victims, Delhi had the second-highest number of kids trafficked in 2019, behind only New Delhi with 608 instances. Among the states and union territories (UTs), Delhi has the second-highest number of incidents of child trafficking from 2017 to 2019. As far as states go, 2019 was the worst year for child trafficking in Rajasthan. Six hundred thirty-six instances included males and seventeen involved girls. Of the 986 incidents of human trafficking reported in Maharashtra, 95 included victims younger than 18 and 936 involved victims older than 18. [21]

Therefore, in an effort to include newly developing forms of crime like as stalking, internet trafficking, voyeurism, etc., the Criminal Amendment Act of 2013 was enacted after the Nirbhaya Case. As far as women's safety is concerned, I think the Justice Verma Committee did an excellent job of pinpointing the problem areas.

CONCLUSION

The analysis reveals that while the Indian Penal Code provides several safeguards to protect women's dignity and security, the rapid growth of technology and social media has created new dimensions of vulnerability. Offences such as stalking, cyber harassment, identity theft, and trafficking have expanded beyond traditional contexts, demanding more nuanced interpretation and enforcement of legal provisions. The Criminal Law (Amendment) Act, 2013, was a critical milestone in strengthening protections, yet persistent challenges remain in terms of implementation, victim support, and curbing misuse. Judicial interventions have played a significant role in setting precedents and ensuring that constitutional rights are not violated in the name of regulation. However, the growing instances of online abuse, trolling, and exploitation highlight that legal measures must be complemented by strong social awareness, digital literacy, and institutional accountability. Ultimately, safeguarding women in both physical and digital spaces requires a collective effort that integrates law, policy, technology, and societal responsibility to build a safer and more equitable environment.

References

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2. Section 354 -Assault or criminal force to woman with intent to outrage her modesty
Whoever assaults or uses criminal force to any woman, intending to outrage or knowing it to be likely that he will thereby 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.
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12. Supra Note 116
13. Supra note 116

14. The Hathras rape case in Uttar Pradesh refers to gang rape of 19 years old women on 14th September 2020
15. Supra Note 374
16. Sexual harassment and punishment for sexual harassment 1) A man committing any of the following acts: i) physical contact and advances involving unwelcome and explicit sexual overtures; or ii) a demand or request for sexual favours; or iii) showing pornography against the will of a woman; or iv) making sexually coloured remarks, shall be guilty of the offence of sexual harassment. 2) Any man who commits the offence specified in clause (i) or clause (ii) or clause (iii) of subsection (1) shall be punished with rigorous imprisonment for a term which may extend to three years, or with fine, or with both. 3) 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
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18. Supra note 385
19. Supra note 116
20. Whoever, knowingly or having reason to believe that a minor has been trafficked1, engages such minor for sexual exploitation in any manner, shall be punished with rigorous imprisonment for a term which shall not be less than five years, but which may extend to seven years, and shall also be liable to fine. 2 Whoever, knowingly by or having reason to believe that a person has been trafficked1, engages such person for sexual exploitation in any manner, shall be punished With rigorous imprisonment for a term which shall not be less than three years, but which may extend to five years, and shall also be liable to fine
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