



Cyber Obscenity- Against Women in the Context of Human Rights.

Dr. Dipti H Mehta

ABSTRACT

The great gift of classical and contemporary, human thought to culture and civilization is the notion of human rights. The struggle to preserve, protect and promise basic human rights continues in every generation in each society. New right continues in every generation in each society. New rights arises from the womb of the old, today we widen the sphere of human rights thought and action to new arenas and constitutions. Here we have challenges, ideological and others, to creative law- persons , humanist its jurists and sensitive statesmen. The task is to strive for a social order concretizing by positive law, the aspiration of mankind for the full and free development of every individual. Among the wonders of the omnipotent creator, woman stands apart for her charm and alteration. But unfortunately, this apparent boon has become a course for her in various ways including cyber space. As a result, human rights of women have been frequently violated and crimes against women are one the rise.

KEYWORDS

STATUS AND REIGHTS OF WOMEN UNDER INTERNATIONAL AND NATION LAW:

Human Rights are those rights which should be available to every individual human being. Hence, human rights not only know no boundaries but also are non-discriminatory on the basis of sex, the conceptual equality in real life is hypothetical. The plain truth and stark facts are different. It may be noted at the outset that human rights are a matter of international law because human rights do not depend on an individual nationality and therefore the protection of their rights cannot be limited to the jurisdiction of any state, in other words, human rights cannot be said to be a matter within the domestic jurisdiction of any state.

International framework for the protection of women are (I) United Nations and Human Rights of Women (II) Provisions of United Nations Charter 1945 Concerning Human Rights of Women (III) Universal Declaration of Human Rights (UDHR) 1948 (IV) Declaration on the elimination of discrimination against Women in 1967 (V) Convention on the elimination of all forms of Discrimination Against Women (CEDAW), 1979 (Vi) Declaration on Elimination of Violence against Women 1993 (Vii) Beijing Declaration 1995.

Protecting to women under the national legal framework are :

- (I) Human Rights of women and the Consultation of India,
- (II) The Protection of Human Right Act, 1993.
- (III) National Commission for Women Act, 1990.

CYBER OBSCENITY AS MAJOR CONCERN :

Cyber Obscenity is an issue in the world that not talked about a lot. This topic does not get much attention as it should. There are tons of material on world wide web.

Cyber obscenity is a disturbance to the people who think that the idea is wrong for women to be portrayed by showing their bodies to any free, open eyed guy out in the world one of the most typical problem of the cyber-crime obscenity. Obscenity is still carried on in the large scale in the cyber world, with just a click, the completely dreadful, offensive, blue and vulgar world comes before eyes. No registration, no checking of age, nothing at all.

WHAT IS CYBER OBSCENITY :

The graphic, sexually explicit subordination of women through picture and words that also includes Obscenity is verbal or pictorial material which represents or describes sexual behavior that is degrading or abusive to one or more of the particulars

in such a ways as to endorse the degradation. Behavior that is degrading or abusive includes physical harm or abuse and physical or psychological coercion. In addition, behavior that ignores or devalues the real interest, desires and experiences of one or more participants in any way is degrading. Finally that a person has chosen or consented to be harmed, abused, or subjected to coercion does not alter the degrading character of such behavior.

INTERNATIONAL PERSPECTIVE:

Sexually –related content was among the first content to be commercially distributed over the Internet, which offers advantage to retailers of erotic and pornographic material including.

Exchange of media (such as pictures, movies, live coverage) without the need for cost-intensive shipping; worldwide access, reaching a significantly larger number of customers than retail shops.

Recent research has identified as many as 8.2 million pornographic websites that may be available on the Internet at any time. Besides websites, pornographic material can be distributed through (1) Exchange using file-sharing system (2) Exchange in closed chat-room.

LAW AS APPLICABLE :

Under the IT ACT, 2000 as amended by Information Technology (amendment) Act, 2008, accordingly to section 67-A is applicable and Section 292/293/294, 500, 506 & 509 of Indian Penal Code. 1860 are also applicable and the victim can file a criminal complaint in the nearest Police Station where the above crime has been committed or where he comes to know about the crime.

PUNISHMENT :

If the crime is proved Accused shall punishable for first conviction with imprisonment for a term which may extend to Five Years and with fine which may extend to ten lakh rupees and in second conviction with imprisonment for a term may extend to Seven Years and with fine which may extend to ten lakh rupees.

CATEGORY OF CRIME:

As per Section 67-A of IT Act, 2000 the above Offence shall be cognizable an non-bail able while if Section 292/293/294 of IPC is applied if will be cognizable, bail able, non-com-poundable and triable by any magistrate. If section 500 and 506 IPC is applied it will be non-cognizable bail able com-

poundable by the person defamed / intimidated and triable by any magistrate but if 509 of IPC is applied it will be cognizable bail able, compoundable by the women whom it was intended to insult or whose privacy was intruded upon and triable by any magistrate.

ILLUSTRATION :

In a recent case Mrs. Rekha received an e-mail message from someone who called himself your friend. The attachment with the e-mail contained morphed pornographic photographs of Ms. Rekha the mail message said that if Ms. Rekha were not pay 10 thousand at a specified place every month, the photographs would be uploaded to the Net and then a copy sent to her finance. Scared Ms. Rekha at first complied with the wishes of the blackmailer and paid the first 10 thousand next month she knew she would have to approach her parents. Then, trusting the reasonableness of her fiancé she told him the truth. Together they approached the police. Investigation turned up the culprit to the Ms. Rekha supposed friend who wanted that Ms. Rekha and her finance should break up so she would get her chance with him By committing that act Ms. Rekha's friend had committed crime of pornography.

CASE :

Dr. Rajesh Vs State of T. N. a Doctor involved in the offence of making pornographic photos and videos and thereafter selling them to foreign websites, spoiling life of many young girls, is being prosecuted in a criminal court and an order of preventive was also passed against him.

SUGGESTIONS :

It is proved that to curb cyber crimes international and national organizations, government agencies and other bodies are working very hard trying to catch with the peace of technological developments. Nevertheless, it is being realized that to prevent and control cyber crimes. There is a need to adopt several preventive and controlling measures through law and public awareness. There is need to evolve high and would standard of security measures and regular updating. Government agencies must adopt their own communications secret and confidential fiber method. There is great need of awareness, IT education and training among Government agencies as well as general people. Our judiciary needs some training and infrastructure development in this field.

Conclusion :

First, I would say that this issue needs to be addressed more in our society today. I think women should not be portrayed in this manner. Sexual images could lead the problems in the future with women also, cyber porn is a crime. It victimizes women, I would just like to say that a mind is not a terrible thing to waste. Use your mind wisely, pornography is the wrong way. Use the mind for smart things, that will improve your well-beings.

REFERENCES

1. Wikipedia | 2. Website: Information Technology | 3. Website : Newindialaw.org | 4. Website : Naavi.org |