

**Non -Consensual Porn and Human Right violation of women**

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Innovations are vital for the growth of any nation. One of the astonishing aspects of innovation is technology. It is the key which expanded the human perception of public welfare. But, who would have thought that its misuse can defeat the very idea of welfare?

Every day we come across various headlines regarding harassment, stalking, bullying and sending obscene content through internet. These are the acts which fall under the category of “Cyber Crimes”. Cybercrimes against women may include three types of issues<sup>1</sup>: (a) cases of interpersonal harassment (b) financial crimes such including credit card frauds (c) online harassment by strangers.

In this write-up I would be concentrating on online harassment more specifically from “non-consensual porn” perspective. According to Citron (2014) “It involves the distribution of sexually graphic images of individuals without their consent. This includes images originally obtained without consent (e.g., hidden recordings or recordings of sexual assaults) as well as images originally obtained with consent, usually within the context of a private or confidential

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<sup>1</sup> Debarati Haldar, K. Jaishankar, *Cyber Crimes against Women In India*, 2017.

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relationship (e.g., images consensually given to an intimate partner who later distributes them without consent, popularly referred to as revenge porn)<sup>2</sup>. Halder (2017) however adds that all non consensual porn images may not be revenge porn. The non-consensual porn which may be distributed or may be stored to distribute motive to take revenge may be considered as revenge porn.<sup>3</sup> Nonetheless, these are gender specific acts which are entrenched in our society where the victims are usually women and children. There are plenty of examples victimisation of girls and women by way of non-consensual porn India : circulation of pictures of girls in their underwear, intimate photographs taken with ex, etc are just some examples. Perpetrators could be as young as 16 or 17 year olds who may have felt cheated or dumped by their girlfriends. <sup>4</sup>.

Now here comes the most ironical part of this distressed situation i.e. absence of any law in this regard. As a result of this inaction it will not be incorrect to say that we are the facilitators of these human right violations. What is expected from the survivors who have suffered such humiliation? Aren't they supposed to live a life with dignity? The society in which we are living is not static anymore, we are progressing. But with the evolution of society there are changes in circumstances as well (such as technology). The crimes which are taking place are same i.e. the end result is that the victim is still harassed and tormented but the mode in which the crime was committed has changed. Non-consensual porn and revenge porn violate the very basic human right of women. It violates the principle to live with dignity. The apex court in India in several of its judgements have indicated that privacy ( including sexual privacy) is a supreme right and women and men enjoy it as a basic right.<sup>5</sup>

Therefore, it is high time to work on this alarming situation and safeguard the very idea of protecting the rights enshrined in our constitution.

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<sup>2</sup> Citron, D. K., & Franks, M. A. (2014). Criminalizing Revenge Porn. *Wake Forest Law Review*, 345(49), 1-38. (cited in Scott R. Stroud, Ph.D., & Jonathan Henson, What Exactly is Revenge Porn or Nonconsensual Pornography?), available at [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2828740](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2828740)

<sup>3</sup> Halder Debarati (2017) Criminalizing Revenge Porn From The Privacy Aspects: The Model Revenge Porn Prohibitory Provision @<https://www.livelaw.in/criminalizing-revenge-porn-privacy-aspects-model-revenge-porn-prohibitory-provision/>

<sup>4</sup> Available at <https://homegrown.co.in/article/803204/surviving-revenge-porn-3-indian-women-share-their-experience>

<sup>5</sup> State of Maharashtra v. Madhkar Narayan, AIR 1991 SC 207, Puttasamy vs Union of India, WP(CIVIL) NO. 494 OF 2012

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“Laws and institution must go hand in hand with the progress of the human mind”

**-Francis Bacon**