

Commentary on India's Economy and Society Series

7

Gender-Based Cyber Violence Against Women in Kerala: Insights from Recent Research

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India's Economy and indeed its society has been undergoing a major change since the onset of economic reforms in 1991. Overall growth rate of the economy has increased, the economy is getting increasingly integrated with the rest of the world and public policies are now becoming very specific compared over arching framework policies of the pre-reform period. Over the past few years, a number of important policies have been enunciated, like for instance the policy on moving towards a cashless economy to evolving a common market in the country through the introduction of a Goods and Services Tax. Issues are becoming complex and the empirical basis difficult to decipher. For instance the use of payroll data to understand growth in employment, origin-destination passenger data from railways to understand internal migration, Goods and Services Tax Network data to understand interstate trade. Further, new technologies such as Artificial Intelligence, Robotics and Block Chain are likely to change how manufacturing and services are going to be organised. The series under the "Commentary on India's Economy and Society" is expected to demystify the debates that are currently taking place in the country so that it contributes to an informed conversation on these topics. The topics for discussion are chosen by individual members of the faculty, but they are all on issues that are current but continuing in nature. The pieces are well researched, engages itself sufficiently with the literature on the issue discussed and has been publicly presented in the form of a seminar at the Centre. In this way, the series complements our "Working Paper Series".

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COMMENTARY ON INDIA'S ECONOMY AND SOCIETY SERIES - 7

**GENDER-BASED CYBER VIOLENCE AGAINST WOMEN IN
KERALA: INSIGHTS FROM RECENT RESEARCH**

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CENTRE FOR DEVELOPMENT STUDIES

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ABSTRACT

This short paper draws upon some of the insights of a larger study on gender-based cyber violence against women in Kerala, especially young college-going women. Research on this issue is hard to come by and methodologically challenging, and this work represents a preliminary effort to collect useful and reliable data. Based on surveys and focus group discussions in five prominent colleges in Kerala and interviews with a wide-ranging set of stakeholders including police officers, lawyers, and internet democracy activists, it seeks to examine the ways in which young college-going women negotiate their presence in online spaces, the challenges and constraints they face and their strategies to bypass these. It also reflects on the responses of law-enforcement agencies and the judiciary to the rising numbers of complaints of gender-based cyber violence against women. In this short paper, we argue that contrary to popular perceptions which also seem to be shared by police officers, our data shows that this crime is neither negligible nor trivial in the harm it wreaks. We also show the yawning gap between the expectations of young women and their understanding of their presence in cyber space, and the responses of the police. Clearly, the need for law-enforcement sensitive to young women's perceptions of their full citizenship in cyber spaces cannot be emphasized enough.

Keywords: Crime against women, Gender-Based Cyber Violence, Kerala, Cyber citizenship, IT Act

Gender-Based Cyber Violence against Women in Kerala: Insights from Recent Research *

Introduction

Violence against women has been a global issue since many decades now, and a burning national issue since the 1990s (especially after the infamous murderous sexual assault on a young female paramedic in Delhi in 2013, the so-called Nirbhaya case). In the post-millennium, India has seen key legislation against domestic violence, and sexual harassment at workplace, reform of rape laws, fast-track courts, legal provisions to protect children against sexual abuse, and legislation against other crimes against women like acid attacks, yet crimes against women continue to be a cause of worry.¹ According to the National Crime Record Bureau's (NCRB) report *Crime in India 2016*, the rate of crimes against women (crimes per 100,000 women) went up to 55.2 in 2016 from 47.1 in 2012 – reported crime against women rose by 83 per cent between 2007 and 2016. While this may be because more crimes against women are now being reported (which may indicate that the social stigma associated with it is waning), the pathetically low conviction rates in such crimes is a matter of grave concern. In 2016, according to the NCRB report, while the average conviction rate for all crimes in India was 47 per cent, the same for crimes against women was a mere 19 per cent. Recent literature across the social sciences in India has pointed to rising moral anxieties among caste, class, religious, and ethnic authorities about women and girls exercising agency in marriage and relationship choices (Kaur 2010; Kovacs 2017a) These have been substantially fuelled by increasing reach of new communication technologies, and more women accessing them (Kovacs 2017).

Two observations about the data of the NCRB appear significant in understanding the nature of crimes against women in India, and the dominant attitudes of the law that seem to prevail despite many recent changes. Crimes against women (CAW) in India clearly emerge from a highly patriarchal socio-cultural society in which women are systematically devalued, and their humiliation is normalized, even routinized, as a technology of female submissiveness. The very predominance of the category 'Cruelty by Husband or His relatives', which was the single biggest head in CAW the NCRB's 2016 report (33 per cent) implicitly points to the continuing powerlessness and dehumanizing of women in domestic spaces in India. Secondly, the dominant understanding of CAW by the law is revealed by the second-largest category of CAW reported in the NCRB reports, 'Assault on Woman with Intent to Outrage Her Modesty'. The vagueness of this category ensures that all kinds of assault and privacy

* This short paper draws upon a longer research report based on research into cyber violence against young women in Kerala and the responses of law-enforcers, Devika et al 2019, which was a part of a larger research project focused on South India led by IT for Change, Bangalore and supported by the Web Foundation, titled 'Righting Gender Wrongs: A Study of Law Enforcement Responses to Online Violence Against Women'.

violations against women get lumped into it; moreover, it perpetuates the Victorian idea of ‘modesty’ (again, understood vaguely and/or in deeply conservative terms) as a natural attribute of ‘ladies’. By doing so, they not only perpetuate this idea but also implicitly agree that the ‘modesty’ of a woman is, and ought to be, a central determinant of her social citizenship². Not surprising then, is the observation by researchers that law-enforcement in India take seriously only physical violations, and when multiple offences occur, only offences that are physical and sexual, like rape, are treated and counted as heinous crimes (Gurumurthy and Vasudevan 2018).

Given the above, it is hardly surprising that law enforcement authorities in India tend to treat gender-based cyber violence against women (GBCVAW)³ as a relatively minor problem⁴. However, recent incidents of crime (as law-enforcement officials in our study did admit) most often than not involve significant cyber components – for example, we have seen a number of gang rape cases in India which also involved video-graphing the act to ensure the continuing social humiliation of the woman (Gurumurthy and Vasudevan 2018). But besides this lack of seriousness, GBCVAW continues to be approached through the mainstream Victorian moral lens mentioned above. Section 67 of the IT Act, for instance, continues to use vague moral concepts amenable to subjective conservative interpretations (in a context in which conservative norms dominate social life).⁵ Interestingly, researchers have noted that these obscenity-related provisions have been used far more frequently, and also in instances in which they were irrelevant, and even when a provision that takes consent explicitly into consideration, Section 66E, has been available since 2008⁶: between 2008 and 2015, Section 67 was the second-most-applied section in the IT Act (Datta et al 2019).

Interestingly, the NCRB and other government sources seem to indicate that the incidence of GBCVAW is low – for example, that just ten percent of the cyber crimes in 2015 were GBCVAW or crimes related to sex; the National Commission of Women in the same period registered very few of these too (IT for Change 2017). However, as the IT for Change paper points out, research by civil society groups which employ mixed methods seems to contradict this. A survey by the portal FeminismInIndia in 2016 of 500 individuals (97 percent women and 3 percent transwomen) revealed that 58 per cent of the respondents had faced some form of online violence, but only 38 percent of them had complained (cited in Lingam and Bhallamudi 2019). This probably indicates that the reporting of cyber violence against women is poor.

The issue of GBCVAW in India is definitely a growing one, especially for Indian youth, given that India is now the third-largest internet user in the world; smartphone use in India is growing. The Household Survey on India’s Citizen Environment and Consumer Economy (PRICE 2016) found that 88 percent of Indian households own a mobile phone. India is the second-largest user of mobile phones in the world, and also has the largest share of youth population in the world. Researchers claim that around 100 million youth in India are smartphone users (Lingam, Bhallamudi and Rao 2018). A survey in Delhi in 2015 by IT for Change revealed that 59 percent of women had access to a smartphone, owned or shared (Gurumurthy and Chami 2015) of which most were passive users of the internet.

This brief paper intends to contribute to the above debate. It draws on a research report based on a mixed-methods study of GBCVAW in Kerala conducted in 2019 in five prominent colleges, covering over 300 female students.⁷ It offers preliminary insights how Malayali women, especially young women, inhabit and negotiate cyberspace, the kinds of violence they encounter online and the impact of these, the ways in which they deal with violence and assert their presence. We also reflect on the police responses and how these responses shape the application of the law in such cases.

Women and the Malayalam Cyberworld

Kerala has high internet and mobile phone penetration. A recent report by CyberMedia Research, a market intelligence firm, claimed that Kerala had the highest smartphone penetration intensity in India, with 65 per cent, while the all-India figure is 47 percent⁸; research indicates that it was already high by 2011 (Paul and Murthy, nd: 10). It also has the highest internet penetration in the country, and by 2015, telecommunication companies began to see it as a major market with data revenue and consumption allegedly growing at 75 and 80 per cent respectively⁹. This upswing is clearly connected to the rise of a new high-consuming middle class in the 1990s which now sets the standards of consumption for all others (George and Tharakan 2005). Our survey respondents were mostly middle-class or lower middle-class students. Nearly 89 per cent of them reported that they owned a mobile phone and another 10 per cent said that they used a borrowed one. This was more or less evenly true across different social groups. Nearly 50 per cent of the surveyed students said that they access the internet through the mobile phone only¹⁰.

It has been noticed that Kerala, though figuring high on the Gender Equality Index and the Human Development Index, also ranks high in the incidence of crime against women in official statistics (for example, Kumari 2009). This could be an effect of higher reporting of crimes which may be related to higher levels of education and media penetration among women. However, the assumption that high levels of social development lead to lower crime and violence against women may not be valid always. A recent study of domestic violence in India made the interesting observation that in areas of high social development where social and gender roles are beginning to change and gender roles are being tested, domestic violence is likely to be high (Hackett 2011)¹¹. Kerala's cyberspace holds similar possibilities; research from elsewhere reveals that women and girls do test the boundaries of patriarchal restrictions through the internet, especially on social media (Hijazi- Omari and Ribak 2008; Sidharth 2015; Lingam and Bhallamudi 2019; Cassell and Cramer nd; Kovacs 2017b; Twamley and Sidharth forthcoming; Sotoudeh, Friedland, and Afary 2017). Therefore, the hypothesis that high female literacy and access to higher education may lead to lower levels of cyber violence against women in Kerala need not be valid. In Kerala, women coming together to protest misogyny and violence was an early phenomenon, from 2007, when women food bloggers complained of plagiarism and were subjected to cyber attacks for protesting, and the ForaBetterFb campaign against Facebook's unfair Real Names policy.

Indeed, our findings were in line with those advanced by the literature which examines women's use of the internet in highly conservative societies, and Kerala's deep social conservatism is now well-recognized. Despite far-reaching social transformation in the 20th century, Malayali society remains highly patriarchal. Nevertheless, women have been granted certain limited forms of agency within the patriarchal frameworks of caste-community formations, which allow them access to education and to a certain extent, paid work. However, women in Kerala across caste and class are still treated as counters to enhance family upward mobility through hypergamous marriage (Arun 2018). Thus young women in Kerala are often more college-educated than their male peers, though their employment prospects remain abysmally low (ibid.). However, this has contradictory consequences as well: staying for more years in formal education, young women are likely to be strongly individuated even though this is subjected heavily to domestic ideologies which confine the energies generated by the individuated female self to the sphere of the domestic. This may lead to psychological stress with the greater, more intense, emotional labour needed. That is, the labour expended by the woman to conform socially and avoid overstepping boundaries drawn by patriarchal authorities even as she struggles to maintain her individuality within them (Chua 2014). Add to these other features of present-day Kerala, namely, the ubiquitous presence of very high dowry rates in marriage cutting across communities, the post-demographic transition scenario in which most families invest heavily in fewer children, the migration-dependence of the economy, the rising costs of higher and technical education, and rising inequalities in economic and social life, and it becomes evident that daughters suffer from 'structural worthlessness'. That is, the young woman has to be educated in order to be marriageable in a society in which education is increasingly expensive, and she has to be 'married up' at great expense in order to be of positive value to the family – and for this, she needs to be kept in strict check within conservative, heteronormative values and community boundaries (Devika and Mukherji 2007).

In the context outlined above, the act of creating a social media profile by a woman is undoubtedly is frequently perceived by others as an act of individual assertion to some degree or other, or it raises such a possibility in the future, no matter how closely it is watched or controlled by familial and other authorities. From our focus group discussions, it emerged that even when opening an account at the prompting of family and elders who wish to follow the woman through it, women are keenly aware of this possibility of self-assertion. This is the case even when they claim that they do not intend to use it. Guardians, according to them, were wary of this, but they were also aware of the fact that the cyberworld was too closely involved with the offline world now and especially so in a society with so many transnational links, and so these women are allowed to shop, pay bills, study, and encouraged to learn more about transacting everyday business online.

Therefore our respondents revealed that they were subject to close and intense surveillance online by their guardians, and had to either be under the direct supervision of brothers and other guardians, or follow a set of commands about the use of privacy settings that come close to what Emrys Schoemaker calls 'digital purdah' (Schoemaker 2016). The single most frequent piece of

advice our respondents received was against uploading their images, especially selfies. The second most-frequent advice is not to be online at night. The fear about a woman out by herself alone at night is projected on to women's online presence at night, and women who reject this advice are taken to have invited violence on themselves. Indeed, the fear is of women stepping away *by choice* from the well-lit (or well-surveilled) domestic space at unholy hours. Women online at night are treated as moving away willingly from domestic protection, and so it becomes readily possible to attribute a subversive, sexualised motive to them. Self-expression that is not thoroughly filtered through the domestic thus may be treated as automatically sexual – the revealing of a private beyond the domestic. The fear, then, is about 'digital leaking' of women's images that may compromise their family's honour and their own safety.

Yet whether restricting women this way necessarily contains this danger is rarely discussed even among police authorities – even though there is contrary evidence. A recent case in Kerala of cybercrime involved a wedding-photo studio had been misusing the video images they had of brides to produce porn through morphing (Hariharan 2018). The police officers we interviewed advised various degrees of self-discipline among women users to contain cyber harassment – but none of them mentioned this case. The problem of 'leak' is always projected as a 'woman's problem' and one that she should contain through self-restriction and self-censorship. But it is clear from the above incident that the leak cannot be prevented by restricting women to offline and domestic spaces – after all, wedding photo and video shoots happen in domestic spaces, under strict domestic supervision. There can no real guarantee that digital images will stay under control forever.

It appears from what students report in our survey data of graduate-level women students that the extreme caution displayed by many guardians may be rather unnecessary. It seems to indicate that women stay largely within family circles in the internet. The large majority of our survey respondents – 289 out of 305 – claimed that they use internet to connect with family and friends (among other 'safe' things); an almost equal number (262) says that they use it for their studies (among other 'safe' things). Nearly 38 per cent say that they use it for the above purposes and also for entertainment. Only 23 respondents said that they use the internet to explore sexuality and erotica; only two students were using the internet to share intimate images with boyfriends. From the data, their use is mainly of WhatsApp – 284 of 305 are using it, while 250 use YouTube; in the experience-sharing sessions as well in the written responses, WhatsApp was identified as the 'safest'. This is in line with the above finding, that the surveyed students use internet to connect largely with family and friends and for entertainment. A relatively smaller but significant number -182 of 305 - use Facebook (besides others). Only 2 out of 305 respondents were reportedly using dating apps even though 53 knew of them. One hundred and ninety student respondents knew of matrimonial sites, but marriage seems to be mostly a family-determined affair, if we take seriously the fact that just 2 responded that they were actively using matrimonial sites. Fifty-seven per cent of Muslim and 48 per cent of Christian communities said that they used the internet for 'safe' pursuits -i.e. for connecting with family and friends, studies, and

entertainment, while 35 per cent of the students from Hindu communities responded likewise – of the total sample, 43 per cent reported limiting their internet use to ‘safe’. In contrast, the level of reporting ‘dangerous’ (exploring materials on sexuality, erotica, and sharing intimate pictures with boyfriends and others) pursuits seem uniformly low for women of all communities¹².

However, a closer look at the profile that emerges through the data may reveal a complex picture. Even as women students seem (above) to be staying largely within the bounds of what parents and guardians approve of, they seem to be reaching out, or approve of reaching out beyond family- and community-delineated spaces and family-approved interactions and therefore seek to do more. Out of the 305 respondents, 52 say that they seek new friends and relationships through the internet; 48 students say that they use the internet to seek advice on matters that cannot be shared with family, teachers or even friends. In other words, nearly one-third of the sample seems to be using the internet to reach beyond immediate family and acquaintance circles.

Also, respondents seem to be heavily in favour of women’s right to free speech online even as they demand that women should take a share of the responsibility for staying safe online. In a situation-question about a young woman being attacked for her socially-progressive videos on her popular YouTube channel which asks respondents what she must do in the face of dangerous mass cyber-attack, very few (33) blamed the woman entirely; nearly 73 percent felt that she should not take down the channel. This response was spread evenly across communities: 86 per cent of the Muslim students, 93 per cent of the Christian students, and 92 per cent of Hindu students felt that the woman should not succumb to cyberbullies.

But in response to another situation-question about a woman who had shared her nude pictures with her boyfriend who was now using them as revenge porn against her, 84 respondents placed the blame entirely on the woman (counting responses that faulted the woman claiming that she should have known better, responses that blamed the woman as it is she who gave him the images in the first place, responses that mentioned both these, and finally, responses that mentioned either one or both of these and offered ‘other opinions’, which were mostly justifications of these choices) and that though only five respondents justified the man. Fifty-nine percent believe that the woman should have anticipated the man’s behaviour. Only 18 per cent felt that the man was solely to blame. This apparent gender conservatism seems to run more or less evenly across students from all communities. A significantly large percentage of respondents – 45 per cent — blame both.

Is it the case that the respondents value a critical public identity that rests on collective appreciation (as the one sought by the young YouTuber) over the sexual gratification or pleasure sought by the woman who sent intimate pictures? Clearly it is evident that they do feel that in the trade-off between building up one as a public persona and staying safe, the former is more valuable than the latter, and in the trade-off between sexual pleasure and avoiding endless torment through revenge-porn, they prefer the latter. This could well be related to the fact that a certain degree of social sympathy and formal redress is available to the woman who seeks a public identity who is attacked, while the woman attacked

through revenge-porn receives little other than condemnation universally. More importantly, for the survivor of revenge-porn, the path to social citizenship and public presence becomes thornier than ever.

Therefore reading the responses to the revenge-porn question in the light of the response to the earlier situation-question on women's participation in public debates through a YouTube channel may reveal that they may not be victim-blaming but demanding that women should take care not be vulnerable in a world that is so unfair to them. If that is the case, then these women may be read as recommending the use of the internet as a resource to build one's identity on one's own, avoiding uses that may make one socially vulnerable in ways that destroy any prospect of a public identity. It is abundantly clear that young women perceive social conservatism as nearly insurmountable and prefer to avoid direct confrontation – and this gives us a sense of the seriousness of slut-shaming on social media and clear reasons as to why law-enforcement should take it seriously.

What truly struck us was the sharp difference between the expectations of justice most of these young women seem to have (evident in the above discussion), and what seems just to the police (which will be discussed later).

Marginality and the Experience of Cyber Harassment among Women

Quite different from common tendencies to trivialize women's harassment online, our survey and FGDs revealed unambiguously that cyber harassment was a familiar and serious hurdle faced by our respondents in their attempts to gain access to the internet. Especially for the younger female graduate and post-graduate students who participated in the focus group discussions who are rural-based and lower in the hierarchies of socio-cultural capital including caste (even though not in class terms always). The latter seem distinctly disadvantaged in their ability to survive harassment online though they are keen to stay online. A significant number of all students surveyed admitted to have dropped off Facebook and other online media or deactivated their accounts regularly. In our survey, the numbers of those who had to delete their social media accounts at least once or continue to stay offline was 30 – one-tenth of the sample. Of the 130 students who reported having faced online harassment in the past one year, nearly 100 encountered it on Facebook (besides other places). The majority (55.5 per cent) experienced this once, but a sizeable number had multiple experiences (37.5 percent), and 76 percent of the harassers were reported to be male. Among those who answered the question whether they knew someone who had faced harassment online (290), nearly half said yes. We found significant differences in the strategies and responses of urban women students from more advantaged socio-economic backgrounds who were also advanced in higher education, and women students from rural, less privileged, socially and economically weaker backgrounds, as well as between cis- and transwomen.

But this does not mean that women who resist have an easier time. Whatever be their social location, women in general suffer very serious social offline consequences from cyber harassment – the stories we heard ranged from women living in constant fear of fake profiles and images circulated without consent even after they exited Facebook, severe restrictions on mobility imposed by family and educational

institutions, physical torture, curtailment of education and work opportunities, continuing threats (for example, of acid attack or rape), slut-shaming and exclusion from community activities, early marriage, and breakdown of marriages/engagements. They suffered from depression and psychosomatic ailments frequently and this affected studies and social interaction as well as work seriously.

This was abundantly clear from the survey data. Forty-three percent of the respondents to the question whether they had faced harassment, abuse, or unwanted behaviour when online that made them feel afraid, depressed, alone and/or angry answered in the affirmative; while the experience was in the past for the majority, for a small minority of around five percent, it was ongoing. Women who suffered harassment who reported that they had felt afraid of using devices to go online (24), became diffident about posting messages online (30), reduced using devices (28), and those who changed their phone numbers (25) and deleted social media accounts (30) either at present or in the past (and beyond the past year). Women also reported anxiety (43), fear (45), feelings of isolation and helplessness (35), depression (31), self-harm (19), and negative physical health impacts (20) either at present or in the past (*ibid.*). Women who suffered social decline, i.e., who felt afraid of going out (31), who distanced themselves from friends and family (18), who experienced distrust of friends and family (20), and who saw a sudden fall in academic performance (21) either at present or in the past (*ibid.*). Of course, many women experienced more than one form of these debilitating and oppressive feelings.

From the qualitative data too, it is clear that sufferers ranged from upper middle-class women who had entered prestigious institutions like IITs to lower middle-class graduate students travelling to local colleges and back.

Police Responses to GBCV

Most police officers interviewed meant to be sympathetic, but in a patriarchal-protectionist way (1) that is more sympathetic to women who fit the ‘good victim’ profile, especially teenagers and young women who look unexposed to the world (2) that prioritizes family crises over attacks on women in public debates, and (3) that viewed opinionated women with suspicion holding them at least partly responsible for their troubles.

This is widely confirmed in interviews with lawyers who supported victims. Particularly striking was the account of a lawyer who illustrated this with two cases she had handled, which drew opposing approaches from the police, despite the fact that both were POCSO cases. In one, the girl looked small for her age, meek, apologetic and ignorant of the world; she belonged to a poor family led by her father who was a small shopkeeper; but the family was also supported by a major local political party. The victim in the other case was a girl who looked mature for her age, seemed more aware of the world and did not look apologetic, belonged to a middle-aged family with no men, appeared to have made sexual choices early. The lawyer notes that the police was highly sympathetic to the first, but terribly nasty to the second. In the first case, all five offenders were convicted and are in jail; in the second, only a partial victory could be won.

Following the typology that emerged from the responses of female students which divided their experience of cyber harassment into ‘nuisance’, ‘harassment’, and ‘outright violation’, police officers do admit that the police have not been able to contain ‘nuisance’, because the cyber-cell is overburdened. Officers assured us that this may be resolved soon. The Kerala Police has launched an ambitious training effort to train at least two or three officers in every police station to handle cyber-crime, and women officers are being trained to counsel women. In November 2018, the Kerala Police Training College was running a training programme in handling cybercrime for 550 women officers who were summoned from all over Kerala, and the college had also trained 500 male officers. However, accounts of some officers also seemed to indicate that the feeling that the cybercrime complaints are generally not serious is prevalent, and also justified using very patriarchal logic. Talking about the reluctance women officers allegedly showed in taking up the training programme, one of the officers claimed: “... see, in all police stations, everyone does everything ... so everyone is overburdened... and they have their families to take care of. Now as I told you, police don’t find these cases serious enough ... so they think, why should we take on this in addition to the big burden we already carry? Isn’t it better to devote that time to our families?”

In cases of ‘harassment’, officers often express frustration at the reluctance of complainants to pursue the case. They cited this as a key reason why police officers do not take complaints of cyber violence by women seriously – because after everything, a case will not be filed, and even if filed, the family will not cooperate in the investigation. A senior officer known for his success in pursuing cybercrime told us that it often took ten whole days’ persuasion to get victims to complain, and that he often had to speak to not just the immediate family but to all people who may possibly ‘lose face’ because of the crime.

When it came to cases of ‘outright violation’, interestingly, there seems to be an understated priority granted to cyber harassment that could ‘ruin families’ or cases of child abuse, compared with cases of cyber bullying of women. Interestingly, the relatively conservative officers tended to claim that complaints about crime threatening family life were the more numerous among the GBCV complaints, while the relatively liberal officers felt that cyber bullying and cyber-stalking were more numerous. While the former highlighted the criminal as an outsider intruding into family space, the latter said that the criminal was most often known to the victim, even intimately.

The more conservative officers even set up ‘crimes against family’ in total contrast to ‘crimes of public women’ in a rather ambiguous way. The first sort of cases, they felt, required immediate attention, while cyber-bullying of women with opinions could be dealt with some self-discipline. Though they all mentioned this, what they meant by it differed slightly, ranging from women sticking to good language and not getting into furious debates, to more general notions of ‘cyber discipline’. One of the senior officers currently in charge of some notorious cyber bullying cases, felt that women should use mild and polite language. Interestingly enough this officer comes to the conclusion that if at all women who face cyber-attacks should receive any attention that is because these attacks may

destroy their families! The other end of this range of patriarchal views is the notion of ‘cyber-disciplining’ advanced by a senior officer with long experience in handling cybercrime.

It is a matter of concern indeed that most officers interviewed view the mass attacks vocal women face online as something they could possibly control on their own through self-censoring. One of them even quipped that women trying to file cases against cyberbullies was one of the reasons why the police thought that cyber violence complaints by women were non-serious. The blame for the harm suffered was pinned on women in different ways. The senior police officer in charge of cyber cells claimed that women were not disadvantaged in any serious way online, and he justified this statement by pointing to the fact that there were female criminals online who were luring and duping even senior police officers. Another claimed that there were furious and acrimonious fights (“wars”) online between women themselves, and so the claim that vocal women needed protection was wrong. This officer felt that women who spent too much time on the internet asked for trouble, but “ordinary women” did not, because they stuck to their profiles, checked them, and came away safe. In sum, it is this: if you have agency more than what is allowed by patriarchal authorities, then you’re asking for it. Our data however, does not support this impression. Our respondents said that out of their harassers, the large majority (76 percent) was male, while only 11 percent of the abusers included men and women. The share of female abusers was a mere .8 per cent. Whatever may be the ‘wars’ women are allegedly fighting online, they do not seem to be against other women, especially young college girls.

So it was hardly surprising that these officers tended to think that women’s acts of resistance, especially collective acts, are offences. Citing an important case of mass bullying and harassment of a woman and her female friends by what seemed to be an organized gang of criminals who had been paid by someone, he characterised the effort of the woman’s friends to hit back by creating fake profiles as a “gang war” in which both sides are equally guilty. He also felt that ‘activists’ were women led astray by too much of an emphasis on “teaching good touch – bad touch,” and they tended to blame men too much – he mentioned the #MeToo as an example. We interviewed the survivor of this case and it appears that these were responses to police inaction on individual complaints by several women; finally, action began to be taken when the women jointly complained directly to the DGP of Kerala. Finally, it is worrying that most of the officers we spoke with felt that cyber harassers were ‘weak’, ‘young fellows just acting blindly’, or ‘puny in real life’ – that is, not really criminal, as though criminals always looked menacing offline.

Not surprisingly then, the officers’ understanding of what sections of the law could be applied fitted closely with their perception of the degree of seriousness that could be attributed to different kinds of GBCV. An SP interviewed was quite blatant: “There are three types of crimes against women,” he said. “These are first, rape, for which section 376 applies. Then there is molestation, for which 354 is applied, then there is stalking and lewd gestures for which there is 509. To this, 67, and 67A of the IT Act can also be added.” Because they generally feel that it is cases of ‘outright violation’ that deserve greater attention, officers recommend adding sections from both the IPC and the IT Act to

strengthen the case: one of them felt that cases on the basis of just the IT Act are not taken seriously by courts; another felt that judges tended to be liberal with cyber evidence in cases in which sections from both the IPC and the IT Act are involved. Generally, they feel that attacks on women are overwhelmingly sexual and so the provisions against ‘outraging a woman’s modesty’ cannot be avoided. However, they do not always feel that sections against criminal intimidation (506 and 507), for example, are applicable in cases of cyber bullying of vocal women.

Some senior officers, however, agreed that these provisions and others could well be applied, and attributed the general neglect of these in average police stations to ignorance. Lawyers, however, pointed out that the prejudices held by many police officers were as important as their ignorance, and they spoke from their practical experience of engaging with them. However, all lawyers interviewed felt that unless the section of the IT Act were not combined with sections from IPC, the cases were not likely to be taken seriously in court – and so the prejudice was not limited to the police alone¹³

Conclusions

Of our concluding observations, the most striking one is no doubt, the huge gap that seems to exist between the young women surveyed and interviewed, and the police officials interviewed, about their views on the experience of GBCVAW and the apt response to it. As discussed in an earlier section, the young women clearly believe that the woman seeking social citizenship and public voice deserves justice. They are overwhelmingly for the protection of her rights as citizen, even as they are willing to admit that in cases of revenge porn, the woman is partially at fault if only for being rather incautious. However, as evident in the section above, police officers seem to believe the exact opposite. They seem more sympathetic to ‘innocent’ or ‘foolish’ women who have been ‘seduced’ (in the police officers’ understanding) by unscrupulous men and whose marriage prospects or family stability seem threatened now by their sharing. And they seem relatively less sympathetic to women who are punished for voicing strong opinions online and participation in online debates. This reveals a fundamental divide between women ‘testing’ social roles – seeking to get beyond gendered roles assigned by reigning patriarchies, and the police who carry patriarchal attitudes even as they are duty-bound to abide by the values of the Indian Constitution.

But besides the pervasiveness of patriarchal attitudes across state, civil society, and family, inadequacies in the law, unpreparedness of officers, difficulties in securing evidence, the very unapproachability of the institutions of law enforcement and justice, and the very nature of the social media which thrives on ‘more clicks, no matter how’. Police authorities seem infected with great patriarchal prejudice, but they also lack the knowledge – legal, technical, and human – to deal effectively with GBCV. But even the views of those among our interviewees who seemed to be better informed were always framed by at best a paternalist and protectionist concern about women’s safety. An important suggestion offered as a solution refers to the need for an equal and open collaboration between law enforcement agencies and anti-patriarchal civil society.

As for the law, there seems much to do: plug loopholes that may lead to the further victimization of the injured woman, expand sections of the IPC to include gender as a category so that cyber trolling, cyber bullying and other mass attacks on women active online can be effectively dealt with. Many police officers and lawyers we interviewed regret the striking down of 66A, though they agreed that it was widely misused. How the humiliation and loss of face women suffer online can be dealt with without the harms enabled by 66A may be a key question for debate. All interviewed agreed that a comprehensive law to deal with all aspects of GBCVAW is a need – in the interests of making the crime visible, establishing its pervasiveness, acknowledging its harm, and ensuring smooth and easier training of police and judicial officers.

Police officers are also hampered by the fact that cybercrime from across national borders remain very difficult to tackle. This is all the more a problem for Malayali society, with a large population of men working in the Gulf countries and elsewhere. Police officers suggested ways of linking across national borders to solve and prevent cybercrime, using technology to bridge distances and cross borders in interrogation of suspects, and reducing the complication of bureaucratic procedure needed to make requests for evidence elsewhere. The real challenge, however, is obtaining evidence from intermediaries like Facebook, WhatsApp, Gmail and so on, who are not bound by Indian law and have highly western-centred ‘community standards’. This actually brings into sharp relief the significance of campaigns like #ForBetterFB initiated by women users. Police officers also offered some suggestions for better reporting of GBCV – while this did not emerge as a major concern in our interviews with lawyers who supported survivors, it is of vital significance for meaningful civil social activism and advocacy for gender-just and gender-friendly policy on GBCV.

Finally, in our interviews with survivors it was evident that the trauma they suffered was not just hidden but also long-lasting. All of them continued to stay in the public and online through the attacks and after, but with considerable psychological cost, for the act of recollection was painful for all. For this reason, one would think that justice to survivors of GBCV must perhaps include an adequate monetary compensation to cover the costs of treatment or therapy, and also to make up for gainful labour and earnings lost because of the trauma. Also, ‘friendliness’ was a quality that our survey-respondents were calling for – by which they meant non-judgmental willingness to listen and respect for privacy. This probably calls for reflection on ways in which young women may be enabled to create their own groups beyond just study or notes-sharing groups, and perhaps training offered to young people in colleges must be planned in such a way that it culminates in the formation of self-empowerment groups for people of marginalized genders.

In other words, while technical upgrading, better training, more staff and facilities, better monitoring, efficient evidence-collection and so on are vital for dealing with and preventing cybercrime against women, ultimately, the empowerment of victims with each protecting the other is the single most important element that will lay the foundation of gender equality and justice in cyberspace.

Notes

- 1 Worrying indeed is the fact that even in the NCRB data which has been widely criticized for underreporting and other omissions, crimes against the weaker sections – SC and ST – are most often crimes against women of those social groups. The NCRB report of 2016 thus says that the largest single category in crimes against the ST people is rape (14.8 percent), followed by assault on woman with the intention of outraging her modesty (12.7 percent); in crimes against the SC people too, crimes against women form the single largest categories. In other words, the violation perpetrated on these groups by elites in the country are often directed against women in these groups, and these are widely viewed as more permanently ‘damaging of honour’ than others. Even more worrying is the data from the National Family Health Survey- 4 (2015-16) which reveals that nearly one-third of Indian women experience domestic violence. Saaliq 2018.
- 2 Put differently, as a violation, sexual assault would be heinous mainly because it offends public decency on its account of being obscene. Therefore curbing it would be understood in terms of preserving female modesty; the harm to the woman’s body would really not be central.
- 3 Gender-based Cyber Violence Against Women generally include the following at least:
 1. Harassment on web and mobile platforms, whether sexual or not. This may escalate to cyber bullying and trolling.
 2. Stalking/monitoring an individual’s movements through tracking her online behaviour.
 3. Hacking an individual’s email and social media accounts to obtain personal information. Oftentimes, this is linked to ‘doxing’ – the online publication of such information without the consent of the concerned individual.
 4. Impersonation with the express intent of luring an individual to share private information, which can subsequently be used to exploit her; or put her in a potentially violent situation.
 5. Creating fake profiles of women with the intent to harass – by discrediting, defaming and damaging their reputations.
 6. Non-consensual circulation and malicious distribution of private material, including intimate photographs and sexually explicit imagery/text.
 7. Publishing or transmitting content that targets women based on their gender and is accompanied with misogynistic slurs, death threats, threats of sexual violence, etc. (UN Women 2015).
- 4 This is now argued strongly by civil social groups that uphold gender equality and justice in online spaces, like IT for Change (2017) and Datta et al (2019). GBCVAW is also often ignored by recent studies and reports on violence against women in India even those funded by the government. For example, BSS 2017.
- 5 It states that ...‘whoever publishes or transmits or causes to be published or transmitted into electronic form, any material that is lascivious, or appeals to the prurient interest, or ... tends to deprave and corrupt persons ... shall be punished’. As Datta et al 2019 point out, key concepts used, like ‘lascivious’, ‘deprave’, ‘prurient’, and ‘corrupt’ are highly subjective and indeed tend to a conservative reading too easily in a conservative society.
- 6 It has however been noted that these exceptional provisions (66E of the IT Act, Sections 354C and 354D of the Criminal Laws (Amendment) Act 2013) focus narrowly on physical privacy and do not consider privacy of information (IT for Change 2017). The fact that the IT Act was originally meant to deal with financial crime is important. Breach of privacy is considered an economic offense according to it.
- 7 Besides the survey, the research involved: a. Six in-depth semi-structured interviews with police officials of different ranks, from that of the AGDP to ASI with considerable experience in cyber cells investigating cyber-crimes and setting up institutional frameworks, five lawyers supporting survivors of gender-based cyber violence against women, and four survivors b. Five conversations with women activists online including a very useful conversation with InjiPennu, a long-standing cyber feminist activist from the Malayalam cyber world. c. Long conversations with five transpeople who are active online. d. Five focus group discussions with groups of male and female students at the post-graduate level and in the final year of graduation (who were not part of the survey) in the two cities. e. Experience-sharing sessions were woven into the administration of the survey and the short accounts shared by individual students (around a hundred) also form part of the qualitative material. f. We also collected media reportage of well-known cases of GBCVAW in Kerala, examined the awareness-creation material produced by the Kerala Police online, and also popular books that introduce online safety to general readers.

- 8 <https://www.medianews4u.com/smartphone-penetration-india-reaches-47-kerala-tops-charts-65-penetration-cybermedia-research/>, accessed 1 May 2019.
- 9 <https://telecomtalk.info/kerala-4g-market/147158/>, accessed, 1 May 2019.
- 10 For tables, please refer to the detailed report. Devika et al 2019.
- 11 It has also been observed in the NCRB report 2016 that conviction rates in crimes against women were low, just around 10 per cent.
- 12 Nevertheless, this does not indicate passivity on the part of young women online. The FGDs we conducted with young women yielded much information about the strategies young women use to negotiate careful explorations online. The report from which this essay is drawn contains more detailed discussions of the strategies that young women forge in order to dupe authorities and explore beyond domestic boundaries.
- 13 A recent report on policing in India found that the Kerala police ranked high in research on people's satisfaction with help from the police after contacting them (Common Cause and CSDS 2018 : 43) and that Malayali's perception of the incidence of crime in their localities is very low – nearly 53 per cent of the surveyed reported that incidence of crime in their localities was low (ibid. p. 45). Forty-two percent of Malayali's surveyed were satisfied with police investigation into crime (p.48). Trust in the police was also on the higher side (p.56), but a higher share were not willing to send their children alone to police stations if necessary (p.58).

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