

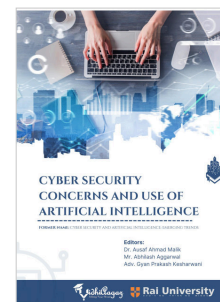
## CHAPTER 20

# Navigating Revenge Porn: Social Media's Double-Edged Sword

Chayanika Basu

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# NAVIGATING REVENGE PORN: SOCIAL MEDIA'S DOUBLE- EDGED SWORD

Dr. Chayanika Basu<sup>26</sup>

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## **ABSTRACT**

*The examination of vengeance within a romantic framework has increasingly garnered attention in the social sciences. The exploration of factors influencing romantic vengeance is fascinating; yet, most studies have not delineated the specific types of romantic revenge people perpetrate and have overlooked the role of technology in the execution of such retribution. The emergence of social media has significantly altered communication and human connections, while also fostering troubling issues such as revenge porn. Revenge porn, defined as the non-consensual distribution of personal photographs or films, is increasingly enabled by social media platforms owing to its user-friendliness, anonymity, and swift dissemination capabilities. Perpetrators use the vast reach of social media to publicly disgrace, extort, or seek vengeance on victims, resulting in significant emotional, psychological, and even bodily damage. These platforms, characterized by their extensive worldwide user base and viral tendencies, serve as conducive environments for the extensive dissemination of harmful information. Nonetheless, social media significantly contributes to the avoidance and alleviation of revenge porn. Platforms have begun the implementation of more stringent content moderation standards, using artificial intelligence and machine learning to identify and eliminate non-consensual explicit material. Educational initiatives implemented on these platforms enhance understanding of digital consent, privacy rights, and the legal consequences of disseminating personal material without authorization. Moreover, social media offers victims access to support networks, advocacy organizations, and legal resources, enabling them to pursue action against perpetrators and get justice. Notwithstanding these gains, difficulties persist. The unbounded characteristic of social media complicates regulation, resulting in frequent deficiencies in platform responsibility. Thus, a collaborative initiative among social media corporations, law enforcement agencies, and lawmakers is crucial to formulate more effective preventative tactics and legal safeguards to prevent this menace.*

**Keywords:** Romantic Revenge, Non-Consensual Distribution, Psychological Damage, Legal Safeguards, Support Networks

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## **INTRODUCTION**

Social media has transformed communication, information sharing, and public conversation. These platforms have promoted virtual communities and connection, but they have also enabled digital crimes like revenge porn. Retribution following romantic relationships is called "revenge porn" when explicit content is distributed without consent. Due to its virality, anonymity, and global accessibility, social media spreads such material quickly. Facebook, Instagram, and Twitter enable users to produce and share multimedia content without control, making them vulnerable to digital abuse. Many perpetrators use these sites' anonymity to escape identification and accountability. Perpetrators may hide their identities due to lax verification and bogus accounts, making justice harder for victims.

Social media spreads revenge porn, but it may also stop it. Social media companies' responsibility to prevent digital misuse and protect users' privacy is becoming more apparent. Platforms have taken technological and regulatory measures to stop revenge porn. A major technological intervention is using AI and machine learning algorithms to detect and prevent unwanted sexual information uploads.

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Facebook's "PhotoDNA" technology can digitally fingerprint revenge porn photos to prevent re-uploading prohibited content. Additionally, victims may complain and request removal of such content on social media. The creation of specialist teams to prevent non-consensual image transmission and clear reporting standards are improving response times and victim protection. Legal and regulatory initiatives by governments and social media platforms are combating revenge porn with technology advances.

### **THE ORIGIN AND GROWTH OF REVENGE PORN**

In the early 2010s, revenge porn became a global issue, notably in Western countries like the US and UK. Increased access to social media and mobile phones led to the private sharing of personal content. As relationships fell, angry partners, mainly men, published or threatened to disclose this information online for retribution or extortion. Cultural, technological, and legal factors have fuelled revenge porn in India. Over the last 20 years, affordable mobile phones and internet access have transformed India's technology. This has transformed social interactions, increasing digital intimacy and abuse potential. Despite India's technological advances, patriarchal values prevail. Women are especially vulnerable to exploitation via the illegal dissemination of private material due to honour and shame connected with feminine sexuality. Revenge porn victims in India may face ostracism, victim-blaming, and violence. Sexuality taboos, particularly for women, worsen victims' experiences.

A female law student saw her personal photos and videos on social media in 2015 after her ex-boyfriend released them in retaliation. The case raised awareness of cybercrimes against women and legal gaps. Pornhub and other adult websites have also been criticized for posting revenge porn from India without proper removal or remedy. This exacerbates the problem since victims face social shame and a worldwide audience for their personal problems.

### **CAUSES AND IMPACT OF REVENGE PORN**

The factors Contributing to the Proliferation of Revenge Porn on Social Media are as follows-

- A major factor contributing to the spread of revenge porn on social media is the supposed anonymity afforded by these sites. Individuals who disseminate non-consensual information often see themselves as insulated from legal and societal repercussions.
- The fundamental purpose of social media- information sharing- also facilitates the dissemination of revenge porn. Intimate photographs may be posted and disseminated over networks within seconds, becoming viral and reaching thousands of users before any measures can be implemented to delete the information. The simplicity of resharing and reposting exacerbates this issue, making it almost hard for victims to manage or withdraw their photographs once disseminated.
- Social media sites, whatever their efforts, often exhibit insufficient mechanisms for filtering and deterring revenge porn. Automated moderation systems, including algorithms for identifying improper content, include shortcomings that often lead to delayed removal of sensitive items. Moreover, there often exists an absence of explicit norms or the enforcement

of current regulations regarding the dissemination of revenge porn, facilitating its continuation and proliferation.

- Cultural factors contribute to the proliferation of revenge porn. In some countries characterized by gender inequity and patriarchal ideals, women often exhibit heightened vulnerability to such assaults. Social media serves as a conduit for cyber exploitation, whereby revenge porn is used as a tool to degrade or dominate people, particularly women.
- The emergence of advanced technology, including deepfake software, has introduced a new facet to the spread of revenge porn. Deepfakes enable the creation of counterfeit sexual material with authentic faces, which are then disseminated over social media platforms. This technology significantly amplifies the prevalence of detrimental information and complicates victims' ability to protect themselves.

The **consequences** of the Proliferation of Revenge Porn via Social Media are as follows-

- Individuals subjected to revenge porn endure significant psychological repercussions, including anxiety, despair, and post-traumatic stress disorder (PTSD). The public aspect of social media sometimes exacerbates these mental health difficulties, since photographs or videos may be extensively shared and subjected to commentary by unfamiliar individuals.
- Victims of revenge porn may encounter considerable social shame, especially in areas where conventional gender roles and norms dominate. Instead of making offenders responsible, victims may be reproached for producing or disseminating intimate information first.
- Revenge porn incurs significant economic repercussions for victims. Sharing intimate stuff on social media may result in job loss, harm to professional reputation, and difficulties in future career opportunities. Numerous businesses exhibit reluctance to hire people whose private photographs have been disseminated online, seeing them as potential liabilities or catalysts for public controversy.
- Despite the proliferation of regulatory frameworks aimed at combating revenge porn, implementation remains uneven across various countries. In several nations, there are no explicit laws governing non-consensual pornography, resulting in victims lacking legal remedies. Where legal safeguards are available, victims may confront the supplementary obstacle of manoeuvring through intricate, protracted legal procedures while persistently experiencing public humiliation.

### **ASSESSING INDIA'S LEGISLATIVE FRAMEWORK: A QUESTION OF ADEQUACY**

#### **BHARATIYA NYAYA SANHITA**

There are some sections of the Bharatiya Nyaya Sanhita that are used in instances of revenge porn, despite the legislation not directly mentioning it. The following parts are of utmost relevance: **Section 77 (Voyeurism):** This provision criminalizes voyeurism, defined as the act of seeing or recording a woman engaged in an intimate act without her agreement. This section mostly addresses the act of recording but may also include some elements of revenge porn.

**Section 356 (Defamation):** Revenge porn often inflicts damage on the victim's reputation, and defamation may be used to punish the offender. Nonetheless, defamation is often treated as a civil issue and fails to adequately confront the criminal aspects of revenge porn.

**Section 79 (Insulting the Modesty of a Woman):** This provision criminalizes the act of insulting a woman's modesty by verbal, gestural, or physical means. Although applicable to instances involving the sharing of explicit photographs or films, its relevance in the digital world is limited.

**Section 78 (Stalking):** This provision may be applied if revenge porn is used to harass or stalk a victim online. It criminalizes both physical and cyberstalking, recognizing the rising problem of online harassment, which frequently accompanies revenge porn cases.

### **INFORMATION TECHNOLOGY ACT, 2000 (AMENDED 2008)**

The Information Technology Act, 2000 is crucial in combating cybercrimes, such as revenge porn, due to the increase in digital offenses.

**Section 66E (Violation of Privacy):** This provision imposes penalties for the unauthorized capture, publishing, or transfer of a picture depicting a private region of an individual, under conditions that infringe upon privacy rights. It primarily pertains to the unauthorized dissemination of private material, making it a crucial clause against revenge porn.

**Section 67 (Punishment for publishing or transmitting obscene material in electronic form):** This provision forbids the dissemination or transmission of obscene content in electronic format. Section 67 was often used in revenge porn instances before to the introduction of Section 67A and Section 67B, which targeted particular issues.

**Section 67A (Punishment for publishing or transmitting of material containing sexually explicit act etc. in electronic form):** This provision addresses the dissemination of sexually explicit material, making it particularly pertinent to revenge porn incidents involving the unauthorized sharing of graphic recordings or photos.

The sanctions under the IT Act are stringent, with Sections 66E and 67A imposing imprisonment and monetary penalties. The difficulty is in the implementation of these regulations and the procedural lags in prosecuting cybercrimes.

### **PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE ACT, 2005 (PWDVA)**

The PWDVA mainly addresses domestic abuse but has rules applicable to revenge porn cases involving a partner or spouse. The law acknowledges several types of abuse, include emotional and mental abuse, which may arise from the non-consensual distribution of personal material.

### **THE CONSTITUTION OF INDIA**

The Constitution of India offers extensive safeguards, including the Right to Privacy under Article 21, which was upheld in the pivotal Supreme Court ruling in *K.S. Puttaswamy v. Union of India*. The right to privacy, especially in the digital era, encompasses the protection of persons from the unauthorized disclosure of personal information, including intimate photos or videos. The Right to Dignity, implicitly

included by Article 21, serves as a vital constitutional safeguard in revenge porn cases, enabling courts to address the significant violation of the victim's dignity in such instances.

The Indian courts have adjudicated revenge porn cases by using a blend of Penal Laws and provisions from the IT Act, drawing upon privacy and defamation statutes. Courts have often adopted a proactive approach, issuing injunctions to halt the continued distribution of obscene content and mandating platforms to remove infringing material. Significant rulings have acknowledged the profound emotional and reputational damage inflicted upon victims. In several instances, courts have contemplated recompense for the psychological distress endured by victims, establishing precedents for civil remedies in conjunction with criminal punishment. Although India's existing legal structure offers little protection against revenge porn, the lack of a separate legislation addressing this offense complicates prosecution efforts. Though India has made significant progress in combating revenge porn; but, with the advancement of technology and digital platforms, a more comprehensive and sophisticated legal framework is essential to safeguard victims and ensure accountability for offenders.

### **JUDICIAL RESPONSE**

Some noted judgments in the area of Revenge Porn are as follows-

#### **State of West Bengal Vs. Animesh Boxi**

The defendant was found guilty of disseminating personal recordings of his girlfriend without her permission. He used the videos to extort her. The court adjudicated the accused guilty under several provisions of the Indian Penal Code (IPC) and the Information Technology (IT) Act, 2000. He was found guilty under IPC Sections 354C (voyeurism), 509 (acts designed to offend a woman's modesty), and IT Act Sections 66E (invasion of privacy) and 67A (distribution of sexually explicit information). This case represents a pivotal moment in addressing revenge porn in India, establishing a precedent for such offenses under the IPC and IT Act.

#### **Sanjana Singh Vs. State of Maharashtra**

The victim's graphic photographs were disseminated online by an acquaintance without her authorization. The defendant used these photographs to coerce financial gain from the victim. The Bombay High Court affirmed the conviction of the defendant for violations of Sections 354C (voyeurism), 500 (defamation), and 509 (insulting the modesty of a lady) of the Indian Penal Code, as well as Sections 66E and 67A of the Information Technology Act. The case illustrated the use of several legal measures to punish offenders of revenge porn, integrating portions from both the Indian Penal Code and the Information Technology Act for a more thorough legal approach.

#### **Sunil Tiwari Vs. State of U.P**

The defendant disseminated private images of his former partner post-relationship termination, without her authorization. The victim reported to the police, and the perpetrator was charged under many provisions of the IPC and IT Act. The Allahabad High Court underscored the need of protecting human dignity and privacy in digital environments and hence refused bail to the defendants. This case is crucial

in establishing that the non-consensual dissemination of personal material may incur substantial legal repercussions under Indian law.

### **Swati Vs. State of Rajasthan**

The defendant disseminated private, personal photographs of his ex-girlfriend online, resulting in significant psychological distress for the victim. The Rajasthan High Court mandated prompt action against the offenders and ordered the eradication of any explicit information from the internet. This case underscores the need of prompt court action to remove revenge porn material from web sites.

### **XYZ Vs. State of Maharashtra**

A lady filed a complaint against her former partner for disseminating her private images and videos on a social networking site. The data was disseminated post-relationship termination and used to malign her character. The court deemed the accused culpable under IPC Sections 354A (sexual harassment), 354D (stalking), and other sections of the IT Act, mandating the prompt removal of the objectionable content. This case demonstrates the judiciary's promptness in addressing cybercrimes against women, namely the expedited removal of detrimental information.

## **ROLE OF SOCIAL MEDIA IN PREVENTING REVENGE PORN AND CHALLENGES FACED IN DEALING WITH REVENGE PORN**

The Role of Social Media in Mitigating Revenge Porn –

- In reaction to increasing public awareness and legal pressure, several social media sites have established regulations to restrict the dissemination of revenge porn. Facebook, for instance, used "PhotoDNA" technology to identify and obstruct the uploading of personal photographs without authorization. Platforms have established reporting systems enabling users to identify and request the removal of non-consensual material.
- Social media platforms may function as an effective instrument for increasing knowledge about the detrimental effects of revenge porn and instructing users on self-protection measures. Initiatives like "#EndRevengePorn" and "Stop the Steal" have used social media to promote discussions on consent, digital privacy, and online abuse.
- Social media sites have started to integrate artificial intelligence (AI) and machine learning technology to detect and eliminate non-consensual pornographic material. However, artificial intelligence has not yet achieved the ability to completely comprehend the context in which personal information is disseminated, and it often has difficulties in distinguishing between consenting and non-consensual material.
- Numerous sites have included mechanisms enabling users to report revenge porn and other detrimental material. Furthermore, several platforms now enable users to pre-emptively inhibit the distribution of personal photographs by submitting them to a secure database, therefore preventing others from posting the same images. Nonetheless, these methods often depend on the victim's proactive actions.

- Social media may positively contribute to increasing awareness of revenge porn and promoting enhanced safeguards for victims. Activists and advocacy groups have used these forums to organize campaigns, advocate for legislative reforms, and provide services for persons impacted by revenge porn.

The **challenges** faced by the Social Media in preventing Revenge Porn are as follows-

- The vast amount of material shared on social media platforms every second complicates the real-time monitoring and detection of revenge porn incidents. The contagious nature of social media allows detrimental information to proliferate swiftly before platforms can take action.
- Detecting revenge porn is intricate due to the fact that it often entails stuff made consensually yet disseminated non-consensually. Distinguishing between authentic adult content and fraudulently disseminated private material is challenging without infringing on privacy rights or using intrusive surveillance methods.
- End-to-end encryption on platforms like WhatsApp or Messenger hinders the capacity to monitor and trace the dissemination of revenge porn. Although encryption is crucial for user privacy, it also hinders platforms from accessing and filtering potentially dangerous information sent over private messaging.
- Offenders often use anonymous or fictitious accounts to disseminate revenge pornography, complicating the ability of platforms to identify and address the culprits. Despite account deletions, individuals may effortlessly establish new profiles to continue in their activities.
- Numerous victims of revenge porn refrain from reporting the material due to stigma, humiliation, or fear of more harassment, hence hindering or obstructing platforms from taking action. This creates an obstacle for social media corporations to act effectively.
- Although platforms use both human and machine moderators to identify and eliminate hazardous material, the moderation process may be sluggish and erratic. Automated technologies may inadequately identify revenge porn, whilst human moderators often experience an overload of complaints.
- Despite sites removing revenge porn, offenders may swiftly re-upload the material or disseminate it across other channels. The "whack-a-mole" issue complicates platforms' ability to comprehensively regulate the dissemination of hazardous information.
- The emergence of deepfake technology introduces a novel aspect to revenge porn, whereby fabricated intimate photographs are produced via artificial intelligence. Social media networks have difficulties in identifying and eliminating these advanced types of material, since they may be very challenging to differentiate from authentic photographs.
- Platforms must reconcile the need of damage prevention with the safeguarding of free expression. Excessive content removal procedures may result in allegations of censorship, whilst insufficient enforcement might permit the spread of dangerous material such as revenge porn.

## **CONCLUSION AND RECOMMENDATIONS**

Social media, due to its extensive reach and ease of content distribution, paradoxically contributes to both the proliferation and the mitigation of revenge porn. Platforms like as Facebook, Instagram, Twitter, and Snapchat may serve as conduits for the rapid dissemination of explicit non-consensual photographs and videos, exacerbating privacy violations and intensifying the suffering inflicted upon victims. Conversely, these platforms have the capacity to serve as crucial partners in the prevention, detection, and mitigation of revenge porn via enhanced rules, technology, and support systems. The dual function of social media stems from its open framework, which allows malevolent users to abuse freedoms. When properly controlled and integrated with successful collaborations with legal authorities, social media platforms may serve as a formidable bulwark against revenge porn.

### **RECOMMENDATIONS:**

- There is an imperative need for standardized worldwide regulations across all social media platforms to combat revenge porn and other manifestations of image-based abuse. Social media businesses must assume more accountability for user-generated material and enhance their algorithms to proactively identify and report revenge porn. Legislation addressing revenge porn must be consistently revised to accommodate the changing dynamics of internet harassment.
- Platforms need to invest in advanced AI technologies capable of real-time detection of revenge porn. These systems must identify even modified or altered photographs using deep learning principles, so thwarting offenders from manipulating images to evade detection. The reporting systems on platforms must be enhanced for convenience and clarity, enabling users, especially victims of revenge porn, to flag material without facing a lengthy and complex procedure.
- Campaigns aimed at enhancing digital literacy may educate people about the risks associated with sharing intimate information and the possible exploitation of such material. These efforts may also inform users about reporting channels and legal safeguards accessible to victims of revenge porn.
- Social media platforms have to engage with NGOs and governmental entities to provide timely assistance to victims of revenge porn. This may include helplines, legal aid, and mental health services accessible immediately on the site after the reporting of an occurrence. A streamlined process for revenge porn lawsuits would provide victims with expedited resolutions.
- Social media businesses have to enhance their cooperation with law enforcement organizations to identify offenders and provide essential data for criminal investigations. Law enforcement must undergo specific training to manage revenge porn cases, including knowledge of the technology and social media platforms involved, as well as collaboration with platform operators to properly collect evidence.

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