

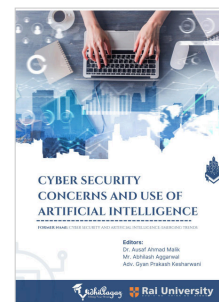
CHAPTER 48

Digital Shadow: Social Media's Role in the Propagation and Prevention of Revenge Porn in India

Lakshman Singh and Neetigya Krishna

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DIGITAL SHADOW: SOCIAL MEDIA'S ROLE IN THE PROPAGATION AND PREVENTION OF REVENGE PORN IN INDIA

Lakshman Singh¹⁴⁴ and Neetigya Krishna¹⁴⁵

ABSTRACT

This paper explores the intricately intertwined relationship these social media sites hold with the disturbing reality of revenge porn that hassles a country fast digitalizing its society-Country: India. In keeping with this understanding, we now examine the existing corpus juris by entering into an analysis of the Information Technology Act, 2000, along with amendments, specifically to Section 67A so as to criminalize obscene electronic publication. To this end, we scrutinize whether such provisions are adequate in dealing with challenges unique to non-consensual image sharing, firstly in light of the path-breaking judgment by the Supreme Court of Puttaswamy v. Union of India (2017), where the right to privacy is recognized as a fundamental right. In addition, we look into how the social media sites amplify the problem and then reduce it. Such ease of access, rampant usage, & viral nature of the sites make it easy for intimate images to be shared without one's consent, thereby inflicting irreparable damage upon victims. We take note of the policies and practices pursued by the major social media companies operating in India, subjecting them to a critical analysis of the effectiveness with which they respond to reports of revenge porn & delete the content. The article also discusses the social media as an empowered tool for victims in India. Here, we discuss online communities and advocacy groups that are on social media to raise awareness and try to offer legal aid and other things to survivors. Ultimately, the paper calls for an integrated approach wherein the strengthened legal framework is supplemented with enhanced platform accountability and robust victim support mechanisms toward effectively tackling the issue of revenge porn and more meaningfully protecting the digital rights of individuals in India.

Keywords: Revenge Porn, Social Media, India, Information Technology Act, Right to Privacy, Victim Empowerment.

INTRODUCTION

Unconsensual photo sharing, or revenge porn, involves posting sexually explicit images or videos of someone without their consent to embarrass or damage them. The rapid proliferation of social media as a form of self-expression and contact has made this a bigger problem in India (Deb, 2020). Digital revolution has revolutionised how individuals communicate and share information, resulting in exponential internet penetration in India. Social media has made personal data simple to exploit, putting users at risk. India's private and public use of social media is expanding as the country becomes more digital. Social media has become a double-edged sword since it may promote positive and harmful change. It facilitates communication but also spreads hateful content like revenge porn (Miftha, 2024). Sharing personal information on social media is easy and fast, making it practically difficult to delete, increasing the impact. We must recognise the ugly fact that women are disproportionately victims of this type of abuse.

This study examines revenge porn and social media in India, focussing on social and legal responses. The Information Technology Act of 2000 addresses cybercrime, but revenge porn may be too

¹⁴⁴ Student at Shri Ramswaroop Memorial University, India.

¹⁴⁵ Student at Shri Ramswaroop Memorial University, India.

complicated. This study examines Section 67A (which makes it illegal to possess or distribute sexually explicit material online) and *Puttaswamy v. Union of India* (2017), which established the right to privacy as a human right. The study will examine whether current legal safeguards effectively protect people in today's digital world from revenge porn's damaging repercussions. This article examines Indian social media policy and laws. Social media is used to spread intimate content without consent and to raise awareness and empower victims. This essay will also discuss how advocacy groups and internet forums might help survivors receive justice and emotional support. For actual revenge porn protection in India, the research suggests a more comprehensive approach that addresses propagation and prevention through stronger legislation and platform accountability.

THE ROLE OF SOCIAL MEDIA IN THE PROPAGATION OF REVENGE PORN

Ease of Access and Virality

Social media has made it easier to remain in touch, but it has also enabled hazardous habits like revenge porn. Multiple built-in techniques on these sites allow easy sharing of non-consensual intimate photos. Thanks to speedy sharing, re-sharing, and anonymous uploading, such photos can go viral quickly (Arora, 2019). The interconnected structure of social media platforms and their global reach make it difficult to regulate image or video distribution after posting. Many people from different places can view and share it. WhatsApp, Instagram, Twitter, and Facebook spread revenge pornography. These platforms' community nature and simplicity of posting and distributing multimedia material encourage users to share content without contemplating the consequences. Private images uploaded on WhatsApp or Twitter can go viral without the owner's consent. Due to their vast user bases and viral content, victims are embarrassed and helpless when their private images and videos go public on these platforms.

The Role of Anonymity and Lack of Accountability

Social media anonymity promotes revenge porn. Anonymous profiles and phoney identities make it hard to identify damaging content creators. Anonymous offenders feel more comfortable conducting detrimental activities without repercussions, making it harder for law enforcement to identify and apprehend them. Social networking sites with weak verification processes make it easier for bad actors to create several accounts and continue their disruptive activities (Huber, 2023). Social media networks' delayed or nonexistent response to revenge porn charges has also been criticised. Even though most platforms have community guidelines and reporting mechanisms, victims often encounter delays or non-removal of information. Intimate content often goes viral before the site intervenes. Because these networks' regulations aren't always clear or enforced, responsibility is lacking. This inaction worsens victims' pain and encourages a culture where disseminating content without consent is not punished. Retaliation porn thrives in obscurity because platforms don't act soon enough, hurting victims.

LEGAL FRAMEWORK ADDRESSING REVENGE PORN IN INDIA

Analysis of the Information Technology Act, 2000

The Information Technology Act, 2000 governs cybercrime and e-commerce in India. Section 67A, one of its most crucial elements, regulates electronic distribution of sexually explicit content, making it a

powerful tool against revenge porn. This section punishes electronic publishing or transmission of sexually explicit material with fines and five-year prison sentences (Dunn, 2020). Due of its focus on obscene publications, Section 67A does not adequately handle non-consensual picture sharing issues, even though revenge porn cases sometimes use it. The IT Act was revised to improve its provisions in response to a rise in cybercrimes. Revenge porn cases are often ambiguous because the law does not target non-consensual photo sharing. Despite Section 67A's pornographic criminal measures, consent for personal photo sharing is unsettled. Revenge porn cases are problematic because they include unauthorised distribution of personal content, which violates privacy and dignity. While internet laws have strengthened, revenge porn regulations remain weak (Naicker, 2020).

Impact of *Puttaswamy v. Union of India* (2017)

The Supreme Court's landmark *Puttaswamy v. Union of India* (2017) ruling upheld privacy as a constitutional right. This verdict affirms the premise that sharing private pictures without agreement constitutes a privacy infringement, which has major implications for revenge porn cases. Revenge porn violates privacy and often causes emotional and psychological harm. The *Puttaswamy* verdict allows victims to restrict internet disclosure of sensitive information. This verdict permits courts to consider the illicit distribution of private material an invasion of privacy, strengthening the victim's case (Halder, 2022). Despite this progress, it is unclear how well revenge porn has implemented privacy as a fundamental right. Next, identify practical legal answers to non-consensual image sharing and turn this constitutional right into effective and efficient remedies.

Gaps and Challenges

Even though privacy is a right and the IT Act protects against revenge porn, there remain gaps in the law. The lack of non-consensual photo sharing laws is a major hurdle. Revenge porn involves obscenity, privacy violation, and permission, making the IT Act's obscene publication laws insufficient. Such cases can be difficult to prosecute. Victims often struggle to report revenge porn because law enforcement may not be trained to handle the technical aspects of such instances. Due of anonymity, social media criminals are harder to catch and prosecute. It is unclear who should be held accountable if social media corporations fail to stop hate speech or respond fast to victims. To stop revenge porn in the ever-changing digital ecology, stronger laws and enforcement are needed.

SOCIAL MEDIA PLATFORMS' RESPONSES TO REVENGE PORN

Platform Policies and Practices

Due to the worrying rise of revenge porn, some online businesses have tightened rules to make it tougher to transmit explicit photographs of private regions without consent. Facebook, Instagram, Twitter, and other platforms allow users to report and remove revenge porn. For instance, Facebook allows users to report explicit photos and uses advanced machine learning to prevent re-uploads of flagged content to stop the spread of explicit images. Users can report unauthorised uploads on Facebook and Instagram (Rizzica, 2021). Users can report non-consensual photos under Twitter's "private information" policy, which prohibits sharing explicit media without consent. These services also use "hashing" technology to detect and block private photo uploads. This technology is being deployed with content review teams

to give victims a say in platform material. Major social media platforms have also worked with global organisations to build reporting procedures that connect revenge porn victims to counselling and legal services to help them cope with the emotional and psychological impacts of the content.

Effectiveness and Critique

Despite this, many believe social media's revenge porn responses are ineffective and inconsistent. Numerous victims have complained that platforms provide reporting tools, but removing harmful content takes hours or days. Even after reporting, victims find their private photos on other networks (Vitis, 2020). While hashing and similar technologies are beneficial, they are not perfect. Reuploads of infected material may pass through hashing systems and affect the victim. Some say platforms aren't clear enough about how they handle reported content. Users and platforms don't always communicate after a report, so victims don't know if the issue is being addressed. Lack of transparency and long reaction times may make victims doubt the platforms' privacy protections. These sites seldom prevent revenge porn, instead responding after the fact. Several case studies have shown social media platforms' revenge porn responses' pros and cons (George, 2024). For instance, in 2018, Facebook was criticised for banning graphic photo sharing in private groups despite doing little to stop it. However, platforms and law enforcement have collaborated to catch offenders and support victims. The overall opinion remains that platforms should improve their response systems, enforce laws more strictly, and take stronger preventive efforts to protect victims from revenge porn's devastating impacts.

SOCIAL MEDIA AS A TOOL FOR PREVENTION AND EMPOWERMENT

Awareness and Advocacy

Despite being a place for revenge porn, social media can prevent such crimes and give victims a voice. Online communities and advocacy groups have done a tremendous job highlighting revenge porn, warning against uploading photographs without consent, and connecting victims to resources (Rajagopal et al., 2021). Cyber Civil Rights Initiative and other Indian advocacy groups are using social media to increase awareness of revenge porn's psychological, emotional, and legal effects. By sharing personal stories, survivor guidance, and professional viewpoints, these networks humanise the issue and create crucial talks about improved protections. Through social networking, revenge porn victims can learn about their legal rights and how to pursue them. Many advocacy groups educate the public through online seminars and webinars on legal frameworks for non-consensual image sharing, such as IT Act applications. How to report improper social media content and use legal resources to protect personal data are also covered. These groups spread information about consent and digital safety on Facebook, Instagram, and Twitter, reaching a huge audience and maybe preventing revenge porn. Online organisations allow survivors to discuss their experiences, seek guidance, and connect with legal and emotional professionals (Ho et al., 2024). These groups foster solidarity by reassuring victims they are part of a community. Social media helps these various groups unite and advocate collectively by facilitating resistance and empowerment.

Victim Support Mechanisms

Social media now supports revenge porn victims in addition to public education. Internet counselling,

legal aid, and hotlines are available to victims. Multiple groups have teamed with social media companies to help victims access mental health professionals or legal aid. Facebook has worked with Indian groups to help revenge porn victims by giving tools to erase offending content and psychological and legal services (Rackley et al., 2021). Social media corporations, legal aid organisations, and mental health professionals must collaborate to create a support structure to address revenge porn's multifaceted effects. The digital ecosystem lets victims report content, obtain legal help, and get emotional counselling in one spot, speeding up recovery and justice. More victims are getting help via social media. Instagram and Facebook provide reporting and removal standards for non-consensual intimate photos and legal and mental health services. These social media technologies demonstrate that these platforms can combat revenge porn rather than enable it. However, these platforms must collaborate with advocacy groups and specialists to help victims quickly, thoroughly, and effectively. To empower victims, social media networks should be more proactive in stopping harmful content and giving timely relief.

THE NEED FOR AN INTEGRATED APPROACH

Strengthened Legal Framework

Despite its importance in prevention and support, social media needs a stronger legal framework. The Information Technology Act of 2000 and its modifications assist, but they won't address revenge porn in the digital age. Legal reform is needed to define non-consensual photo sharing and increase penalties for violators. India should implement revenge porn legislation like the UK or Australia to provide victims greater legal options. These legislative amendments should prioritise victim protection so revenge porn victims can seek justice without prejudice or reprisal (Aman Gautam et al., 2024). We need clearer internet data exchange standards, especially for social media. Clearer responsibilities for intermediaries to block dangerous information, stricter fines for platforms that don't comply, and faster content removal rules are needed. Legislation should prioritise data protection so platforms cannot misuse user data or violate privacy.

Platform Accountability

Social media sites must be held accountable for spreading revenge porn to combat it. Several sites' non-consensual content reporting and removal methods include vulnerabilities. People are questioning the platforms' commitment to efficiently resolving the issue due to sluggish response times, inconsistent material removal, and lack of transparency in user reports (Huber & Ward, 2024). Legislation and internal reforms can make platforms more accountable, which is crucial. Accountability can be improved by using AI and machine learning algorithms to detect and eliminate revenge porn content immediately after upload. These systems should work with humans to swiftly and accurately review flagged information. Platforms should be liable for removing dangerous information. Transparency metrics must be reported publicly. Establishing a framework for responsibility would ensure social media companies take their responsibilities seriously. Stronger rules should make social media platforms accountable for the time it takes to remove harmful content. Regulatory organisations may mandate platforms to remove non-consensual content and respond to user reports within defined times

or face penalties (Shreya & Dev, 2024). These initiatives would ensure that platforms aren't just responding to revenge porn but also preventing it through content control and management.

Comprehensive Victim Support

Any campaign to eradicate revenge porn should prioritise victim legal, psychological, and social support. Creating a victim support system and changing the legislation and platform responsibilities are needed to repair revenge porn's social and emotional damage. Victims should have access to mental health, legal, and community support. Governments, advocacy groups, and social media companies must collaborate to build this support structure to help victims immediately (Hoque et al., 2024). A cohesive system must provide victims with social support, psychological counselling, and legal aid. Centralised reporting and aid procedures from governments and social media firms can help victims get resources. Victims should also have access to low-cost or free advocacy groups and attorneys to help them navigate the court system and push for stronger legal protections. Society requires a strong support structure to help revenge porn victims recover and move on.

CONCLUSION

Social media anonymity and accessibility have made revenge porn popular, especially in India. Social media is amazing for its dual use. It uses virality and the lack of instantaneous responsibility to spread explicit, non-consensual content quickly. However, social media allows victims to express their ideas, raise awareness, and receive help, making it a potential weapon against this issue. Despite the Information Technology Act, 2000 and the Puttaswamy ruling, India's legal framework has severe gaps. Current laws fail to keep up with cybercrimes, leaving revenge porn victims without protection or retribution. The varied and slow responses of social media platforms to claims of non-consensual content make the issue worse, hence legislation and platform practices must be changed. A thorough plan is needed to combat revenge porn. Prioritise legislative reform. India must implement tighter laws to address non-consensual image sharing and punish perpetrators. Legislation should prioritise victim privacy and justice-seeking resources. People should also hold social media corporations more accountable for spreading revenge porn. This could be done by enforcing faster content removal timelines, being more transparent about report handling, and using automated methods to detect and halt problematic content. Finally, victim support must be strengthened. These include public awareness campaigns and legal and mental health services. Public education and lobbying must continue to make the internet safer. Awareness initiatives led by advocacy groups and supported by social media can shift public perception and reduce revenge porn. Victim support, platform responsibility, and legislative reform can reduce revenge porn in India more effectively.

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