Advisory on Sexual Extortion
By Sayesha Bhattacharya and Vasudev Devadasan

Often the secrets closest to you end up having the most power over you. When you hear about instances of people abusing such information it is easy to fall into a state of fear and paranoia. Does my partner possess compromising pictures of me? What can he or she do with it? Who can they send it to? People will tell you that you should have never sent the pictures in the first place. But you may never have consented to such pictures being taken, or they may have been taken in a trusting relationship. Regardless of how it came about don’t be terrified that somebody can ruin your life with the press of a button. Your rights are in no way reduced if the pictures were taken with your consent or if you sent them.

Just like Amazon or Flipkart have no right to misuse your credit card or other information that you have entrusted them with, similarly no one has the right to misuse any data or information that you may have given for a limited purpose. If any person threatens to spread pictures, videos, texts or emails of you, they are committing a crime. You can make sure that they are held accountable and your life can go back to normal. Below are certain suggestions for what to do in such a situation. However, it is certainly indisputable that every person reacts to events differently, and it is important to be clear that even if you did not follow these suggestions, there is no reason for you to stay silent. These suggestions are intended to guide you, not coerce you.

Sexual extortion, or ‘sextortion,’ refers to a form of blackmail in which sexual information or images are used to extort sexual favours from a victim. Social media and text messages are often the source of the sexual material as well as the threatened means of sharing it with others. Under such a threat you may be forced to engage in numerous acts against your will; from smuggling cigarettes, alcohol and drugs, to being forced to have sex repeatedly. The National Crimes Record Bureau (NCRB) shows that this is an increasing crime in India. In 2012-13, there was a 63.7 per cent rise in cyber offences from 2012 to 2013. During this period, the category “transmission of obscene content in electronic form” has grown even faster, 104.2 per cent, with 1,203 cases registered. Think that the authorities don’t know how to deal with images over Snapchat or Facebook? States now have dedicated cyber cells and of the 1,203 cases over 737 have led to arrests (a 61 per cent conviction rate).¹

Despite the emerging nature of these crimes, the laws of India actually provide comprehensive protection from such acts. Under the Indian Penal Code (IPC), Section 292 criminalizes the sale, hire, distribution, circulation of obscene books, pamphlets or any other obscene object whatsoever and Section 292(e) even punishes a person who

¹Pratham Narendra Kumar & Apoorva, Revenge Pornography – Recourse for the victim; For more information visit the blog page: https://crpcdecoded.wordpress.com/
attempts or offers to do any act that is an offence under 292. Thus, any person who circulates or threatens to circulate intimate content of yours through any electronic means such as a WhatsApp message, tweet, or Facebook message can be punished under Section 292 of the IPC. The most fundamental aspect in such cases is the fear that you endure at the thought of what might happen to your reputation, on campus and beyond. You can book a person for criminal intimidation under Section 503 of the IPC too, if somebody is threatening you with any injury to your reputation. Section 354 or Section 509 of the Indian Penal Code can also be used by you if the perpetrator in the above mentioned situations used criminal force with intent to outrage your modesty or insult your modesty respectively.

There may also be cases where somebody has photographed you against your will. This is can often be done by a complete stranger in situations where you are expected to have the safety of privacy. If these pictures are distributed, a case of voyeurism can also be filed. Even if you do consent to being photographed, almost nobody consents to the distribution of these photos, and such limited consent is perfectly ok and valid. This is why such distribution is criminalized under Section 354C of IPC. When a person is blackmailing you for money or other things (like alcohol, drugs etc.) by putting you in fear of revealing your private pictures, you can book that person for Extortion under Section 384 of the IPC. Most of the time images are spread online and you may feel that the police cannot do anything about it. As mentioned before, almost all States have dedicated cyber cells that can enforce Section 67A of the IT Act. This makes it illegal to transmit material containing sexually explicit acts etc. in an electronic form.

Often such acts might not be explicit or direct. Even when you are in college with friends, or at home; as soon as somebody forces you to do something against your will, you have a cause of action. The Domestic Violence Act covers situations that include live in relationships, relatives, cousins etc. where somebody harasses you with a view to obtain some money/other favours from you.

Most people know that their rights are being violated in such situations. It feels inherently wrong after all. But what can you directly do in such a situation? Most people don’t approach the first point of contact (i.e. the police or the university via the Disciplinary Committee or Sexual Harassment Committee) due to a variety of concerns; what if the information spreads if I approach the authorities? What if I’ve deleted all the texts or emails? These are serious crimes occurring every day and the law provides many reliefs.

The Magistrate can detain somebody whom they believe is about to distribute obscene matter under Section 108 of the Code of Criminal Procedure. Even if you don’t have any direct evidence, the accused can be made to sign a bond stopping him from distributing the sensitive material and an inquiry will be ordered under Section 116 (CrPC). Thus, if somebody is criminally intimidating you, you can get them detained,
get them to sign a bond, and have an inquiry initiated against them without any fear of your information spreading.

You may think that the information is on their phone, their inbox or on Facebook and that you have no way to recover it. Warrants issued under Section 93 of the CrPC alongside Section 69 of the IT Act allow the police not only to search a person’s phone, but they can acquire information from remote servers belonging to Facebook, Snapchat and WhatsApp. So even if the information is deleted from local devices, the police are well versed with recovering the sensitive material and using it against the accused.

It’s clear that there exist powerful laws to fight such acts of sexual extortion. It is true that implementation may sometimes be weak, but the only solution to that is to be aware and assertive of your rights. Once an official recognises that you are aware of your rights they are more likely to complete their responsibilities fully and effectively.

Lastly remember that such criminals are counting on your silence to get away with their actions. So don't be afraid or ashamed. They are at fault, not you. With any form of power comes responsibility and as responsible citizens we also have a duty to not misuse the law. A false case or charge against an individual can be just as damaging as the spread of compromising photos and videos.

We should not have to abandon trust and live in fear of one another. There are several layers of protection against such an eventuality; beginning with friends and family, to a vibrant and informed college community that can keep you informed about your rights, and finally the law.
Some Do’s and Don’ts

What to do:
- Try and speak up and talk to somebody you trust about what you are experiencing. You could talk to your friend, roommate, professor, college counselor, parent etc.
- If you are experiencing or have experienced such treatment, try and take professional counseling sessions as they tend to immensely help our emotional wellbeing and psychological health
- Be ready with an SOS buddy who can help you in this time of need. Incidents like these can occur anytime, anywhere and with anyone
- Keep a list of important phone numbers handy in your phone and preferably put them on speed dial as well
- Try to approach the cops as well
- Try and help in the process of identifying the culprits, before it gets too late
- Be alert in changing rooms, hotels, public washrooms etc.
- Remember, if someone in your batch has been harassing you, the Sexual Harassment Committee (SHC) gives you the option of changing your batch or removing the perpetrator either from the university permanently, temporarily or changing their section.
- Try and remember some basic details regarding the offence like date, time, place, nature of harassment etc. and write it down in case you need it in the future. You could even email yourself!
- If you have been sexually assaulted or raped, try to go to a police station as soon as possible, without bathing or changing. Ask for and ensure a female constable accompanies you, and take a pair of clothes to change into when you are there. If your clothes have bodily fluids on from an attack they will be taken for sampling as part of the evidence collection procedure.

What not to do:
- Do not blame yourself time and again for the offence that has been committed against you
- Be careful not to delete the emails, SMSs, Whatsapps, FB messages and notes
**Important Phone Numbers**

**ON CAMPUS**

**Health Centre**
- Health Center Hotline: 08930110722 (This is answered 24 hours a day)
- Mr. Varun, Nurse (mob.): 08930110788
- Ms. Bina, Senior Nurse and Manager (mob.): 08930110734
- Ambulance (mob.): 08930110755

**Sexual Harassment Committee**
- Official e-mail id of the committee: shc@jgu.edu.in (They will respond to any email within 24 hours, and most of the time it will be sooner than that also)

**Student Housing**
- Mrs. Surinder Kaur, Chief Warden (mob.): 08930110916
- Ms. Sangeeta, SH4 (mob.): 08930110867
- Ms. Neelam, SH3 (mob.): 08930110975

**Counsellors**
- Ms. Shuchi Mahtta (mob.): 08930110965
- Mr. Bhanu Prakash (mob.): 08882611761

**Toll Free Helpline Number:** 1800 2121 201 (Will be operational from 8th May 2015)
- Please contact for any kind of assistance (Psychological, Sociological, Emotional, and Legal)
- Helpline Available from:
  - Monday to Friday – 4:00 pm to 10:00 pm
  - Saturday and Sunday – 8:00 am to 10:00 pm

**Around the campus**
- Manager Security – Capt (Retd) Gulab Chand Yadav (mob.): 08396907260
- Assistant Security Officer – Mr. Jitender Singh (mob.): 08396907207
- Security - Main Gate (mob.): 08930110798
- Cab Service (mob.): 09812045748, 09812045748

**OFF CAMPUS**

**Police Helpline No(s).**
- SP Office Sonipat: 01302222906
- Police Station Rai: 013022220522
- Police Chowki Akbarpur Barotha: 08053882337
- Women Helpline (Delhi): 1091
- S.H.O. Women Police Station, Sonipat: 09896018029