

A ROUTINE ACTIVITY APPROACH TO UNDERSTANDING THE REASONS FOR TECHNOLOGY-FACILITATED HARASSMENT AGAINST WOMEN IN INDIA

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ABSTRACT

The rapid increase in technologies is forcing more people to be online, which is offering perpetrators to commit technology-facilitated harassment (TFH). This paper explores various reasons associated with the rise of TFH cases against women in India by employing routine activity theory (RAT). A conceptual framework is proposed to understand the reasons for technology facilitated- harassment against women (TFHW) in India. This paper adopted a qualitative methodology and observed that accessibility, anonymity, anger, revenge, and political agenda were the vital sources of motivation among perpetrators. The sharing of personal data, underreporting, lack of awareness of laws, negligence, less awareness of technology, gender perception in using the technology, and patriarchal society made women in India suitable targets. Lastly, a lack of effective laws, careless enforcement agencies, and no privacy settings materialised in the absence of a capable guardian. Thus, this paper provides a new perspective on RAT by utilising it on TFHW in India. Further, it will serve as a platform to locate how TFH incidents can be minimised by addressing the reasons in the context of a motivated offender, a suitable target, and a capable guardian.

Keywords: Technology-Facilitated Harassment, India, Routine Activity Theory, Women Harassment.

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PENDEKATAN AKTIVITI RUTIN BAGI MEMAHAMI SEBAB-SEBAB GANGGUAN YANG DIPERMUDAHKAN OLEH TEKNOLOGI TERHADAP WANITA DI INDIA

ABSTRAK

Peningkatan pesat dalam teknologi memaksa lebih ramai orang berada dalam talian, yang menawarkan pelaku beberapa kali untuk melakukan gangguan yang dipermudahkan oleh teknologi (TFH). Penulisan ini meneroka pelbagai punca yang berkaitan dengan peningkatan kes TFH terhadap wanita di India dengan menggunakan teori rutin aktiviti (RAT). Kerangka konseptual dicadangkan untuk memahami punca gangguan yang dipermudahkan oleh teknologi terhadap wanita (TFHW) di India. Penulisan ini menggunakan metodologi kualitatif dan memerhatikan bahawa kebolehpasaran, ketanpamaan, kemarahan, dendam dan agenda politik merupakan sumber pendorong yang penting dalam kalangan pelaku di India. Perkongsian data peribadi, kurang kesedaran tentang undang-undang, kecuai, kurang kesedaran tentang teknologi, persepsi jantina dalam penggunaan teknologi, dan masyarakat patriarki menjadikan wanita di India sebagai sasaran yang sesuai. Akhir sekali, kekurangan undang-undang yang berkesan, agensi penguatkuasaan yang cuai dan tiada tetapan privasi menjadi kenyataan sekiranya tiada penjaga yang berkebolehan. Oleh itu, penulisan ini memberikan perspektif baharu tentang RAT dengan menggunakannya dalam TFHW di India. Selanjutnya, ia akan berfungsi sebagai pelantar untuk mencari cara insiden gangguan yang dipermudahkan oleh teknologi dapat diminimumkan dengan menangani punca dalam konteks pesalah terdorong, sasaran yang sesuai dan penjaga yang berkebolehan.

Kata kunci: Gangguan yang Dipermudahkan oleh Teknologi, India, Teori Aktiviti Rutin, Gangguan Wanita.

INTRODUCTION

In this contemporary epoch, advancements in technology and the Internet have produced a new digital realm and transformed the manner in which people meet and communicate with each other. Thus, reforming the whole society. Despite the numerous benefits of the Internet, it is often used as a platform to spread different forms of crimes including “systematic structural discrimination and gender-based violence against women and girls.”¹ Discrimination and violence hinder women’s right to use technologies and enjoy their basic human rights. The global occurrence of witnessing or encountering online violence against women has been documented to reach up to 85 percent, with Asia having the highest prevalence at 88 percent.²

Further, international human rights law categorically has accepted the prohibition of gender-based violence as an essential principle.³ The global challenge of eliminating harassment against women and safeguarding their basic rights in the physical space remains a subject of great trepidation and is becoming worse in the digital space with the increasing use of telephones, social media sites, micro-blogging sites, mobiles, and other messaging applications since these have become an essential part in everyday use.⁴ The new global digital space offers easy access and distribution of information. All sorts of violence and gender discrimination that persist offline are often amplified in the digital world. Moreover, new forms of crimes particularly targeting women and girls are emerging that are very

¹ Human Rights Council, *Report of the Special Rapporteur on Violence Against Women, its Causes and Consequences on Online Violence Against Women and Girls from a Human Rights Perspective* (Geneva: UN, 2018), 5, <https://digitallibrary.un.org/record/1641160?ln=en>

² Bansal, Vaiddehi, Erin Leasure, Connor Roth, Mayumi Rezwan, Mithila Iyer, Poulomi Pal, and Laura Hinson. "Help-seeking behaviours of those experiencing technology-facilitated GBV in Asia: implications for policy and programming", *Journal of Gender-Based Violence* 7, 2 (2023): 352-363, accessed August 8, 2023, <https://doi.org/10.1332/239868021X16697232129517>

³ United Nations, *General Recommendation No. 35 on Gender-Based Violence Against Women, Updating General Recommendation No. 19* (New York: UN, 2017), 1, <https://digitallibrary.un.org/record/1305057?ln=en>

⁴ Human Rights Council, *Report of the Special Rapporteur*, 6.

difficult to identify and even more difficult to prevent.⁵ A life that is free from fear or harassment is safeguarded by the Universal Declaration of Human Rights.⁶ In addition, the Human Rights Council has confirmed that all the rights that are available to people in the offline world must be given to them in the online world as well.⁷

Modern information and communication technologies are often referred to as a double-edged sword.⁸ ICTs provide women a platform to advocate for their entitlement to a life free from violence. The report by GSMA highlighted that, by owning a mobile phone, 93% of women have a sense of security, and 85% of women perceive independence.⁹ Paradoxically, these technologies are exploited to perpetrate harassment against women.

The developing and underdeveloped nations in Asia and Africa are noticeably absent from the literature, while the majority of study on digital violence originates from the global North.¹⁰ Furthermore, as technology develops and changes, so does the manner in which it is

⁵ Alison J. Marganski and Lisa A. Melander, "Technology-Facilitated Violence against Women and Girls in Public and Private Spheres: Moving from Enemy to Ally," in *The Emerald International Handbook of Technology-Facilitated Violence and Abuse*, eds. Jane Bailey, Nicola Henry and Asher Flynn (Bingley: Emerald Publishing Limited, 2021), 632.

⁶ Rohaida Nordin and Abdul Rahman Abdullah, "Human Rights, its Scope and Application: An Empirical Analysis of Future Human Rights Advocated in Malaysia," *Pertanik Journal of Social Sciences & Humanities* 25, no. 2 (June 2017): 747, accessed March 2, 2023.

⁷ Human Rights Council, *The Promotion, Protection and Enjoyment of Human Rights on the Internet: Resolution/Adopted by the Human Right Council on 5 July 2018* (Geneva: UN, 2018), 3, G1821567.pdf (un.org).

⁸ Susanne Boethius, Malin Åkerström and Margareta Hydén, "The Double-Edged Sword- Abused Women's Experiences of Digital Technology," *European Journal of Social Work*, (2022): 10, accessed November 22, 2023,

⁹ GSMA Development Foundation, *Connected Women: The Mobile Gender Gap Report* (2021), 21, <https://www.gsma.com/r/wp-content/uploads/2021/06/The-Mobile-Gender-Gap-Report-2021.pdf>. T.

¹⁰ Nithya Sambasivan *et al.*, "'They don't leave us alone anywhere we go': Gender and digital abuse in South Asia' CHI'19: Proceedings of the 2019 CHI Conference on Human Factors in Computer System, Glasgow, Scotland, UK, 2019, p 2.

utilised to assist violence, making it challenging to track trends and variations over time. Despite these obstacles, research on technology-facilitated harassment (TFH) conducted with various groups of women across countries reveals that technology is widely used and is becoming more so in order to harass, threaten, silence, exploit, and abuse women. In 2020, the Economist Intelligence Unit conducted a study investigating the prevalence of online violence targeting women and girls. Among the adult women with Internet access in 51 countries, it was found that:

- 38% of respondents disclosed their encounters with online violence. 45% of younger women between the ages of 18 and 30 reported having directly encountered online abuse.
- 65% of respondents revealed that they knew other women who had been targeted online.
- 85% of people said they have seen other women being attacked online.¹¹

Women suffer a continuum of aggressions online, just as they experience in offline spaces. This includes unwelcomed approaches, racist remarks, and hurtful, terrifying, and even life-threatening abuse.¹² Liz Kelly introduced the concept of the violence continuum in 1988,¹³ which enables one to see how online harassment is not a unique occurrence, but rather just a reflection of a wider spectrum of crimes that are committed against women around the world.

Technology-facilitated harassment against women (TFHW) usually remains underreported as they feel hesitant to make a complaint of their exploitation due to the danger of social repercussions.¹⁴ There is an urgency to recognise and categorise these emerging forms of

¹¹Measuring the Prevalence of Online Violence against Women, The Economist Intelligence Unit, 2021.

¹²Subhra Rajat Balabantaray *et al.*, “A Sociological Study of Cybercrimes against Women in India: Deciphering the Causes and Evaluating the Impact of the Victims,” 19, no. 1 (January 2023): 28, accessed November 23, 2023.

¹³L. Kelly, *Surviving Sexual Violence*, Polity Press, Oxford, 1987.

¹⁴“Technology-Facilitated Gender-Based Violence,” International Center for Research on Women, accessed March 2, 2023, <https://www.icrw.org/issues/tech-gbv/>.

violence so that further courses of action can be taken against them. Further, the COVID-19 pandemic has increased the dependence on the latest technology and has supplemented the severity of the helplessness of women against online victimisation.¹⁵

In India, the cyber law was last amended in the year 2008 and social media now has a key role in people's lives. Since then, new crimes that have emerged require to be tackled by the Information Technology Act.¹⁶ In the majority of countries around the world, the right available for digital access is totally absent.¹⁷ This is evident from the increasing breaches of privacy, potential threats to freedom of speech, and the widespread occurrence of online harassment. These factors collectively threaten the potential for the Internet to promote both women's rights and human rights in general.¹⁸ The ongoing intrusions on privacy, online abuses, and jeopardy of freedom of expression are the root causes that are vulnerable to the advancement of women and threaten their overall human rights.¹⁹

METHODOLOGY

This paper adopted a qualitative methodology to legal research. The primary and secondary data were collected through library research and readily available data sources, primarily the Internet. Using the qualitative method, the paper highlights the literature based on primary and secondary sources that help in understanding the reasons for

¹⁵ Press Trust of India, "Need to Recognise Emerging Forms of Cybercrimes against Women: CBI Officer," *Business Standard*, October 22, 2020, accessed March 3, 2023, https://www.business-standard.com/article/current-affairs/need-to-recognise-emerging-forms-of-cyber-crimes-against-women-cbi-officer-120102201515_1.html.

¹⁶ Press Trust of India, "Need to Recognise."

¹⁷ World Wide Web, *Advancing Women's Rights Online: Gaps and Opportunities in Policy and Research* (2018), 5, http://webfoundation.org/docs/2018/08/Advancing-Womens-Rights-Online_Gaps-and-Opportunities-in-Policy-and-Research.pdf.

¹⁸ *Ibid.*

¹⁹ UN Broadband Commission, *Cyber Violence against Women and Girls: A World-Wide Wake-Up Call* (2015), 2, <https://en.unesco.org/sites/default/files/genderreport2015final.pdf>.

women's harassment. For the critical evaluation and analysis of the information, the paper employed the content analysis approach.

Content analysis is a technique of document analysis. The content analysis includes categorising the information according to the research questions.²⁰ From the most basic approach of word counting to theme or conceptual analysis, content analysis may take many different forms. By utilising the content analysis strategy, this paper analyses the reasons behind (TFH), concentrating primarily on the victimisation of women in India. Instead of using an inductive technique, themes were defined a priori.²¹ To further understand how the various reasons contributed to technology-facilitated harassment fall into the three components under RAT, we particularly looked at the data obtained from reports, textbooks, journals, academic writing, and case laws. The three RAT elements were our pre-determined themes. Lastly, a conceptual model is formulated from the themes in order to better conceptualise the various reasons of TFHW.

UNDERSTANDING TECHNOLOGY-FACILITATED HARASSMENT AGAINST WOMEN

Digital platforms enable a wide range of abusive actions directed at an individual or a group of users, collectively referred to as technology-facilitated harassment.²² According to Alice E. Marwick, the term "online harassment" serves as a comprehensive umbrella term widely applied across various fields to encompass a diverse set of behaviours.²³ Lindsay Blackwell *et al.* in their research, define online

²⁰ Glenn A. Bowen, "Document Analysis as a Qualitative Research Method," *Qualitative Research Journal* 9, no. 2 (2009): 29, accessed March 18, 2023.

²¹ Virginia Braun and Victoria Clarke, "Using Thematic Analysis in Psychology," *Qualitative Research in Psychology* 3, no. 2 (2006): 79, accessed March 18, 2023.

²² Julia Davidson *et al.*, *Adult Online Hate, Harassment and Abuse: A Rapid Evidence Assessment*, (UK Council of Child Internet Safety, 2019), 17, Adult Online Hate, Harassment and Abuse: A rapid evidence assessment : UEL Research Repository.

²³ Alice E. Marwick, "Morally motivated networked harassment as normative reinforcement," *Social Media + Society*, (June 2021): 2, accessed November 22, 2023.

harassment as an extensive range of abusive actions. This encompasses, but is not restricted to, activities such as flaming, doxing, impersonation, and public shaming. These behaviours are made possible by technological platforms and are employed to target either an individual user or a group of users. These strategies are frequently used, especially when a large number of people work together to attack a single person.²⁴ Further, TFH may have a long-term effect on people who are victimised, ranging from mental or emotional stress to financial loss and, in some situations, difficulties in finding work and housing.²⁵

The issue of technology-facilitated violence is not a recent one; since 2005, the Association for Progressive Communications (APC) has been compiling evidence of how information and communication technologies are used to commit violence.²⁶ Evidence, however, points to a developing problem. As more women are using mobiles and the Internet, more of them are exposed to violence committed through these tools by current and past partners, friends, and complete strangers.

The UN Committee on the Elimination of Discrimination against Women asserts that gender-based harassment is “violence which is directed against a woman because she is a woman or that affects women disproportionately, and, as such, is a violation of their human rights.”²⁷ Technology-facilitated crimes use technology to commit, threaten or assist abuse against individuals that have an impact on the physical, psychological or economic loss and damage. Online violence against women, as per the HRC report, includes the act of commission,

²⁴ Lindsay Blackwell *et al.* “Classification and its Consequences for Online Harassment: Design Insights from Heartmob.” *Proceedings of the ACM on Human-Computer Interactions*, 1 (2) (2017): 24.

²⁵ Davidson, Adult Online Hate, Harassment and Abuse.

²⁶ Eugenia Dorokhova *et al.*, *Cyber Violence against women and Girls in the Western Balkans: Selected Case Studies and a Cybersecurity Governance Approach* (Switzerland 2021), https://www.dcaf.ch/sites/default/files/publications/documents/CyberVA_WG_in_WB.pdf.

²⁷ UN Women, *Convention on the Elimination of Discrimination Against Women* (1992), 1, https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1_Global/INT_CEDAW_GEC_3731_E.pdf

assistance, or aggravating any type of gender-related harassment against women either wholly or in part by employing information and communication technologies (ICT) “such as mobile phones and smartphones, the Internet, social media platforms or email, against a woman because she is a woman, or affects women disproportionately.”²⁸

India and the Online Abuse

The issue of online violence in India is undeniably on the rise, particularly among Indian youth, given that India now ranks as the world’s second-largest internet user, and smartphone usage is steadily increasing.²⁹ According to the Household Survey on India’s Citizen Environment and Consumer Economy, a staggering 88 percent of Indian households possess a mobile phone.³⁰ Researchers estimate that approximately 100 million young individuals in India are smartphone users.³¹

According to Norton's report, India holds the highest rank in the Asia Pacific region for incidents of online harassment. The study, which surveyed 1,035 Indian adults, unveiled that eight out of ten individuals reported encountering online harassment. Approximately 45 percent of the respondents disclosed experiencing threats of physical violence, while 44 percent stated that they had fallen victim to online violence.

According to a report by the Internet and Mobile Association of India (IAMAI) and KANTAR, the count of active Internet users in

²⁸ Human Rights Council, *Report of the Special Rapporteur*, 6.

²⁹ Tanushree Basuroy, “Internet Usage in India: Statistics & Facts,” *Statista*, October 27, 2023, <https://www.statista.com/topics/2157/internet-usage-in-india/#topicOverview>.

³⁰ “88 percent of households in India have a mobile phone,” *Ice 360 Insights*, March 10, 2021, <https://www.ice360.in/media/88-percent-of-households-in-india-have-a-mobile-phone/>.

³¹ Lakshmi Lingam, Isha Bhallamudi, and Neomi Rao, *Adolescent Subcultures and Smartphones: Exploring Implications for Gender, Sexuality and Rights*, (Mumbai, 2018), https://www.researchgate.net/publication/326557312_Adolescent_Subcultures_and_Smartphones_Exploring_Implications_for_Gender_Sexuality_and_Rights.

India is projected to increase to 900 million by 2025, up from the existing 759 million.³² In the online world, women are the most vulnerable section yet they constitute only 30% of the total users.³³ Various online platforms have evolved into new spaces for interaction, yet women in these spaces are facing numerous detrimental harms. Further, there is a relentless threat to the safety of women in the digital space and as per a survey, online harassment has been faced by 76% of women who were under 30 years of age.³⁴ According to the data of the National Commission for Women (NCW), the reporting of technology-facilitated victimisation against women is very low. Only 402 complaints of cybercrimes against women have been registered during 2018-19.³⁵ The reason for lower levels of reporting behaviour among the women victims is that they are reluctant in seeking any legal recourse. In a survey, 58 % of women had undergone online victimisation in various forms such as online trolling, harassment, and bullying. Among them, around 38% of victims did not take legal recourse at all.³⁶

The harms resulting from TFH may have a detrimental effect on women. It causes damages that are not only physical, psychological, and financial but also severely infringe various human rights especially the right to exercise free expression. Moreover, it hinders women's complete contribution to "economic, social and democratic life."³⁷

³²KANTAR & IAMAI, *Internet in India 2022*, (India, 2022), https://www.iamai.in/sites/default/files/research/Internet%20in%20India%202022_Print%20version.pdf

³³ "Online Harassment and Cyber Crimes against Women: An Insidious Menace," Center for Advanced Research in Digital Forensics & Cyber Security, accessed January 24, 2023, <https://www.ardcindia.org/online-harassment-and-cyber-crimes-against-women/>.

³⁴ "Online Harassment and Cyber Crimes against Women."

³⁵ National Commission for Women, Annual report 2018-19 (India, 2019), http://ncw.nic.in/sites/default/files/FINAL%20NCW%20ENGLISH%20ANNUAL%20REPORT%202018-19_0.pdf.

³⁶ Japleen Pasricha, *Violence Online in India: Cybercrimes against Women & Minorities on Social Media* (India, 2016), https://feminisminindia.com/wpcontent/uploads/2016/05/FII_cyberbullying_report_website.pdf.

³⁷ Ronald J. Deibert *et al.*, *Submission of the Citizen Lab (Munk School of Global Affairs, University of Toronto) to the United Nations Special Rapporteur on the Violence Against Women, its Causes and*

Digital platforms are becoming toxic spaces for women as the repercussions of online abuse are very damaging. The threats that the women undergo are continued even when they are logged off and the main danger lies in the rate at which online abuse proliferates. The online space provides numerous opportunities for criminal offences and the possibility to commit conventional offences in new ways.³⁸

Various past studies have explored the problem of technology-facilitated sexual violence,³⁹ international perspectives on technology-facilitated violence and abuse,⁴⁰ and technology-facilitated domestic abuse.⁴¹ However, existing literature on the conceptual framework of TFHW in India is scarce. Moreover, the COVID-19 pandemic has ushered the significance of technology as everything has shifted online viz. jobs, education, businesses, and even commercial transactions. Thus, increasing the surge of women's victimisation in using the technologies. The question pertaining to the various factors involved in the TFHW in India remained unanswered. Whether any conceptual framework could elucidate these reasons? To the best of our knowledge, no research has been undertaken in India that has used routine activity theory (RAT) to comprehend TFHW. Therefore, the present study aims to explore the reasons for the increase in TFHW in

Consequences, Ms. Dubravka Šimonović (The Citizen Lab: Munk School of Global Affairs, 2017), 3, <https://citizenlab.ca/wp-content/uploads/2017/11/Final-UNSRVAG-CitizenLab.pdf>.

³⁸ Nazura A. Manap and Hossein Tajj, "Cyber crime: Lesson from the Legal Position of Malaysia and Iran," *International Journal of Information and Electronic Engineering* 2, no. 3 (May 2012): 404, accessed April 13, 2023.

³⁹ Nicola Henry and Anastasia Powell, "Technology-Facilitated Sexual Violence: A Literature Review of Empirical Research," *Trauma, Violence & Abuse* 19, no. 2 (June 2016): 1, accessed April 13, 2023, <https://doi.org/10.1177/1524838016650189>.

⁴⁰ Jane Bailey, Nicola Henry and Asher Flynn, "Technology-Facilitated Violence and Abuse: International Perspectives and Experiences," in *The Emerald International Handbook of Technology-Facilitated Violence and Abuse*, eds. Jane Bailey, Nicola Henry and Asher Flynn (Bingley: Emerald Publishing Limited, 2021), 1.

⁴¹ Rojan Afrouz, "The Nature, Patterns and Consequences of Technology-Facilitated Domestic Abuse: A Scoping Review," *Trauma, Violence, & Abuse* (September, 2021), accessed April 17, 2023, <https://doi.org/10.1177/15248380211046752>.

India by employing the RAT and formulating a conceptual framework for the same.

ROUTINE ACTIVITY THEORY

For analysing the changing form of the USA crime rates from the year 1947 to 1974, Lawrence E. Cohen and Marcus Felson came up with the theory of routine activity. This theory emphasised the various factors that aid criminal activities. Cohen and Felson describe the causation of crime through three elements viz. “motivated offenders, suitable targets, and the absence of capable guardians.”⁴² Essentially, he explains that the convergence of these three constituents in time and space results in the occurrence of the crime. To put it in simple words, crime happens when the motivated offender who is persuaded and capable of doing the crime comes in connection with the person or object which is referred to as the suitable target in the absenteeism of a capable guardian who has the capacity to prevent and deter the offender from committing any crime.⁴³ Further, Cohen and Felson submitted that alteration in daily routine events can be used to elucidate the variation of crime rates. They argued that the crime rates upsurge not because of the increased number of offenders but because of the criminal opportunities accessible to potential offenders.

Motivated Offender

Cohen and Felson noted that the motivated offender means any person having criminal tendencies and the ability to commit criminal acts. The ability of the offender to commit an offence is escalating due to the new technology-facilitated communications that allow individuals to communicate and interact with others instantaneously. Yar pointed out that such emerging technology functions like ‘force multipliers’ which allow potential offenders with minimum resources to produce enormous negative reverberations. Due to the spatiotemporal nature of

⁴² Lawrence E. Cohen and Marcus Felson, “Social Change and Crime Rate Trends: A Routine Activity Approach,” *American Sociological Review* 44, no. 4 (August 1979): 604, accessed April 21, 2023.

⁴³ Marcus Felson and Lawrence E. Cohen, “Human Ecology and Crime: A Routine Activity Approach,” *Human Ecology* 8, no. 4 (December 1980): 392, accessed April 21, 2023, <https://doi.org/10.1007/BF01561001>.

the online world, the RAT might have a limited application.⁴⁴ As per the RAT, while committing criminal acts often the motivated offender desires to exercise less effort and for this reason, the offender selects a target that is “obvious and proximate.”⁴⁵

Suitable Target

The existence of a motivated offender and suitable target is a *sine qua non* for the commission of any crime. While evaluating target suitability, RAT postulates four elements i.e., value, inertia, visibility, and access are important.⁴⁶ These elements are observed from the offender’s perspective instead of the target’s perspective. For comprehending the reasons for online violence that makes women a suitable target, the four elements proposed by Felson and Cohen must be looked into. The offender usually hunts for those targets which they considered to have some value or worth.

As per the theory, the value is based on the desirability of the target to the offender. In crimes committed online, the value of the target is important as the potential outcome is greater than the possible punishment.⁴⁷ Also, financial worth, as well as the possible impact of the victim, can be the valuation of targets in online crimes. The element of inertia in the RAT denotes the physical characteristics of any object or person and the ease of carrying the object. Yar noted that technology specifications and digital files can be viewed as inertia. The amount of resistance offered by the target is decided by such inertia and thus influences the target's suitability.⁴⁸ Visibility refers to the presence of targets recognised by the offender.⁴⁹ In some offline crimes, the target visibility is restricted due to physical distance but in the case of online

⁴⁴ Majid Yar, “The Novelty of Cyber Crime: An Assessment in Light of Routine Activity Theory,” *European Journal of Criminology* 2, no. 4, (October 2005): 411, accessed April 24, 2023.

⁴⁵ Cohen, “Social Change and Crime Rate,” 913.

⁴⁶ Felson, “Human Ecology and Crime,” 393.

⁴⁷ Yar, “The Novelty of Cyber Crime,” 419.

⁴⁸ Yar, “The Novelty of Cyber Crime,” 420.

⁴⁹ Richard R. Bennett, “Routine Activities: A Cross-National Assessment of a Criminological Perspective,” *Social Forces* 70, no. 1 (September 1991): 148, accessed April 24, 2023, <https://doi.org/10.2307/2580066>.

crimes the ICT networks make the visibility of the target easier.⁵⁰ The final element is accessibility. A target is said to be accessible if it influences the offender's capacity to reach the target and thereafter depart from the place.⁵¹

Capable Guardian

As per the RAT, the existence of capable guardians averts the potentially motivated offenders from committing any offence. For the prevention of crime, the appearance of capable guardianship is vital.⁵² Capable guardianship has been defined as "any spatio-temporally specific supervision of people or property by other people which may prevent criminal violations from occurring."⁵³ The notion of a capable guardian may include the presence of any person or technical tools or macro-level policies like legal mechanisms. Reynald noted that for effective prevention of crime, besides the presence of a guardian, it is important that the guardian must be willing to supervise, have the capacity to notice the offender, and must be in a disposition to intrude when required.⁵⁴

For online crimes, the physical or social aspects like the online protections can be the capable guardian. The capable guardianship in the digital space has been assessed by taking into consideration electronic protections like online privacy systems, the application of digital profile tracer as well as the utilisation of anti-virus software and

⁵⁰ Yar, "The Novelty of Cyber Crime," 420.

⁵¹ Felson, "Human Ecology and Crime," 393.

⁵² Zarina I. Vakhitova, Danielle M. Reynald, and Michael Townsley, "Toward the Adaptation of Routine Activity and Lifestyle Exposure Theories to Account for Cyber Abuse Victimization," *Journal of Contemporary Criminal Justice* 32, no. 2 (December 2015): 6, accessed April 24, 2023, <https://doi.org/10.1177/1043986215621379>.

⁵³ Felson, "Human Ecology and Crime," 392.

⁵⁴ Danielle M. Reynald, "Guardians on Guardianship: Factors Affecting the Willingness to Monitor, the Ability to Detect Potential Offenders and the Willingness to Intervene," *Journal of Research in Crime & Delinquency* 47, no. 3 (April 2010): 362, accessed April 25, 2023, <https://doi.org/10.1177/0022427810365904>.

computer hardware updates.⁵⁵ The capable guardianship can be the law enforcement agencies and authorities.

CONCEPTUAL FRAMEWORK OF REASONS FOR TECHNOLOGY-FACILITATED HARASSMENT AGAINST WOMEN IN INDIA USING RAT

To understand the various reasons for victimisation due to technology-facilitated offences, the role of RAT is very crucial. Figure 1 depicts a framework that will help in comprehending how the elements of RAT can be used to elucidate various reasons for TFHW in India.

From the exploratory studies conducted in this article, it is clear that accessibility, anonymity, anger, revenge, and political agendas elucidate the motivation of potential offenders. To perceive the rise in Indian women's cases of technology-facilitated abuses by utilising RAT, the above-mentioned reasons are vital in igniting the motivational element of the offender.

Another element of the RAT that Cohen and Felson emphasised is the presence of a suitable target. Most Indian women become suitable targets as they tend to share their personal information online. Also, underreporting⁵⁶, lack of understanding of the laws,⁵⁷ no awareness of

⁵⁵ Catherine D. Marcum, Melissa L. Ricketts, and George E. Higgins, "Assessing Sex Experiences of Online Victimization: An Examination of Adolescent Online Behaviors Using Routine Activity Theory," *Criminal Justice Review* 35, no. 4 (April 2010): 414, accessed August 8, 2023, <https://doi.org/10.1177/0734016809360331>.

⁵⁶Krahé, B., Schuster, I., & Tomaszewska, P. "Prevalence of Sexual Aggression Victimization and Perpetration in a German University Student Sample." *Archives of Sexual Behavior* 50, no. 6 (2021): 2109, accessed August 8, 2023, <https://doi.org/10.1007/s10508-021-01963-4>.

⁵⁷ Bansal, Vaiddehi, Erin Leasure, Connor Roth, Mayumi Rezwan, Mithila Iyer, Poulomi Pal, and Laura Hinson. "Help-seeking behaviours of those experiencing technology-facilitated GBV in Asia: implications for policy and programming", 258.

the safety protocols,⁵⁸ negligence,⁵⁹ gender perception on the use of technology,⁶⁰ and patriarchal society⁶¹ are the major root causes making women suitable prey for the motivated offender. Thus, the high visibility and accessibility of suitable victims before the potential offenders boost the frequency of technology-facilitated abuses.⁶²

The last component of RAT is the absence of any capable guardian. There is a paucity of effective laws, vigilant enforcement agencies, and privacy settings in India. As per RAT, the capable guardian is very crucial for the prevention of crime and its omission causes a huge rise in victimisation cases. With the absence of any capable guardian to interfere as well as to dissuade the motivated offender, crimes are committed easily against the women victims. An in-depth explanation of the conceptual framework is given below.

⁵⁸ Bb Amaral, Inês, Rita Basílio-Simões, and Gabriela Poleac. "Technology Gap and Other Tensions in Social Support and Legal Procedures: Stakeholders' Perceptions of Online Violence Against Women during the Covid-19 Pandemic." *Profesional de la información* 31, no. 4 (2022): 8. accessed August 8, 2023, <https://doi.org/10.3145/epi.2022.jul.13>.

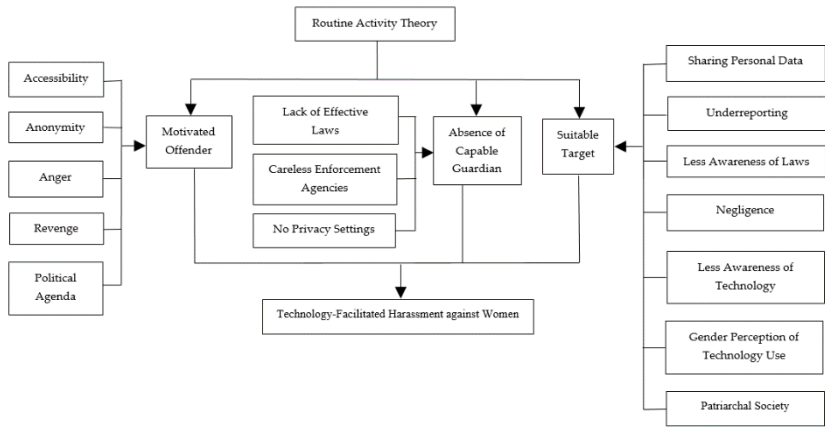
⁵⁹ Im, Jane, Sarita Yardi Schoenebeck, Marilyn Iriarte, Gabriel Grill, Daricia Wilkinson, Amna Batool, Rahaf Alharbi, Audrey Funwie, Tergel Gankhuu, Eric Gilbert and Mustafa Naseem. "Women's Perspectives on Harm and Justice after Online Harassment." *Proceedings of the ACM on Human-Computer Interaction* 6 (2022): 4.

⁶⁰ Mukherjee, Mitali, Aditi Ratho, and Shruti Jain. "Unsocial Media: Inclusion, Representation, and Safety for Women on Social Networking Platforms." ORF Occasional Paper No. 312, May 2021. Observer Research Foundation.

⁶¹ NORC at the University of Chicago and the International Center for Research on Women. 2022. *Case Study: Technology-facilitated Gender Based Violence in India*, 2.

⁶² Oksanen, Atte, Monika Celuch, Riikka Latikka, et al. "Hate and Harassment in Academia: The Rising Concern of the Online Environment." *High Education* 84, no. 4 (2022): 558, accessed August 8, 2023, <https://doi.org/10.1007/s10734-021-00787-4>.

Figure 1: *Conceptual Framework of Reasons for Technology-facilitated Harassment against Women in India using RAT*



ANALYSIS OF TFHW IN INDIA BASED ON RAT

A recent category of gender-related violence that employs digital technologies to commit offences constitutes TFHW. Technologies are becoming the routine activity of everyday life, as a result, such technology-based gender violence is increasing.⁶³ Thus, advancement in technologies itself elucidates the rise in TFHW cases, creating digital spaces the platform where the Cohen and Felson theory elements converge. With the widespread use of the Internet, women in India are at risk.⁶⁴ Because of the prevailing patriarchal culture of India, the women victims bear the sole responsibility for all the blame. This taboo extends to the online platform as well.⁶⁵ Also, there is no exclusive

⁶³ Suzie Dunn, *Technology-Facilitated Gender-Based Violence: An Overview* (Centre for International Governance Innovation, 2020), 2, https://www.cigionline.org/static/documents/documents/SaferInternet_Paper%20no%201_0.pdf.

⁶⁴ Debarati Halder and Karuppannan Jaishankar, "Cyber Socializing and Victimization of Women," *Temida* 12, no. 3 (September 2009): 6, accessed May 2, 2023.

⁶⁵ Debarati Halder and Karuppannan Jaishankar, *Cyber Crime and the Victimization of Women: Laws, Rights, and Regulations* (USA: IGI Global, 2011). 3.

legislation that protects online violence that Indian women undergo⁶⁶ and leaves the victims' grievances unheard.

In the online space, a motivated offender has to exert the least to search for a suitable target. There are approximately 687.6 million Internet users in India⁶⁷ and it has the maximum number of Facebook users in the world. As per statistics, India has 1.10 billion mobile connections.⁶⁸ Due to the easy availability of the Internet and mobile phones, users get access and the chance to misuse them, thereby making the target victims readily accessible to the wrongdoers.⁶⁹ In the digital space, the perpetrators are not physically proximate to the target victims, yet in the online world, certain spatial characteristics are somewhat congruent with the physical world.⁷⁰ The offender can commit violence even at a distance without any physical contact with his target.⁷¹

In RAT, the proximity of a suitable target implies its physical nearness to the potential offender⁷² and in the online spaces, the same can be attributed to having an online presence on different social media sites. Abaido reported that social media sites especially Facebook and Instagram are commonly used to commit online crimes.⁷³ News reports show several Indian women being victimised on Twitter and Facebook.⁷⁴ For instance, Barkha Dutt who is an Indian journalist was being routinely trolled and harassed on Twitter and Facebook for her

⁶⁶ IT for Change, *Technology-Mediated Violence against Women in India*, (2017), 5, <https://itforchange.net/Technology-mediated-VAW-in-India-draft-ITforChange.pdf>.

⁶⁷ Kemp, "Digital 2020."

⁶⁸ Simon Kemp, "Digital 2021: India," DataReportal, last modified 2021, <https://datareportal.com/reports/digital-2020-india>.

⁶⁹ UN Broadband Commission, *Cyber Violence against Women*, 23.

⁷⁰ Yar, "The Novelty of Cyber Crime," 414.

⁷¹ UN Broadband Commission, *Cyber Violence against Women*, 23.

⁷² Lawrence E. Cohen, James R. Kluegel and Kenneth C. Land, "Social Inequality and Predatory Victimization: An Exposition and Test of a Formal Theory", *American Sociological Review* 46, no. 24 (October 1981): 507, accessed May 2, 2023, <https://doi.org/10.2307/2094935>.

⁷³ Ghada M. Abaido, "Cyberbullying on Social Media Platforms among University Students in the United Arab Emirates," *International journal of adolescence and youth* 25, no. 1 (September 2019): 413, accessed May 2, 2023, <https://doi.org/10.1080/02673843.2019.1669059>.

⁷⁴ Pasricha, *Violence Online in India*.

online remarks. In her book *This Unquiet Land*, she wrote that she was being victimised and abused continuously.⁷⁵

The increased anonymity provided by virtual space makes it challenging to identify offenders of violence against women. As a result, impunity is amplified. Anonymity must be viewed as a serious threat that requires to be prevented under all conditions.⁷⁶ The online space is a space where perpetrators can easily manipulate and hide their real identities. Even in cases where the police or the authorities find the source of the commission of the crime, it is still very difficult to trace the offender. Therefore, aware of this situation the culprits take advantage and conceal themselves behind the veil of anonymity to commit online-mediated violence.

The motivated offender, as per Cohen and Felson, must have two dimensions to commit crimes viz. capacity and motivation.⁷⁷ For committing technology-facilitated crimes the capacity of the potential offender includes the knowledge and skill-sets of ICTs as well as the tools to commit the crime in the digital space.⁷⁸ Here the motivation to commit offence involves but is not limited to the following: ego, curiosity, adventure, hatred, financial gains, political movement, and sexual motives.⁷⁹ In 2014, when the Bharatiya Janata Party came into power in India, there was an increase in online victimisation of women belonging to marginalised communities.⁸⁰ Similarly, social activist Preetha G. Nair was trolled on Facebook for criticising communist

⁷⁵ Priya Ramani, "Why Everybody Loves to Hate Barkha Dutt," *LiveMint*, April 23, 2016, accessed May 2, 2023.
<https://www.livemint.com/Leisure/C3zY1Y1ycBJYDNRmNPCmHK/Why-everybody-loves-to-hate-Barkha-Dutt.html>.

⁷⁶ Zarizana Abdul Aziz, *Online Violence against Women in Asia: A Multicountry Study* (UN Women: Ministry of Gender Equality and Family, 2020), 25,
<https://www.aidsdatahub.org/sites/default/files/resource/unwomen-online-violence-against-women-asia-2020.pdf>.

⁷⁷ Felson, "Human Ecology and Crime," 393.

⁷⁸ Trong Van Nguyen, "Cybercrime in Vietnam: An Analysis Based on Routine Activity Theory," *International Journal of Cyber Criminology* 14, no. 1 (June 2020): 160, accessed May 2, 2023.

⁷⁹ Xingan Li, "A Review of Motivations of Illegal Cyber Activities," *Criminology & Social Integration Journal* 25, no. 1 (February 2017): 111, accessed May 2, 2023.

⁸⁰ Pasricha, *Violence Online in India*.

leader G. Sudhakaran and former president of India APJ Abdul Kalam. For this reason, some even tried to hack her Facebook account, while others have created fake accounts in her name and depicted her as a prostitute and even her children were abused.⁸¹

The increased visibility and accessibility of the target victims expose them to frequent TFH. In a baseline survey report conducted on 73 respondents including 60 females, it was found that about 74.0% of them share their personal data such as telephone numbers, residential addresses, personal pictures, information about their spouses, personal favourites, mood swings, etc, to their virtual friends on various social media platforms and chat groups. The sharing of personal information on various online platforms by women leads to breaches of privacy and further demeaning reputation.⁸²

According to the National Crime Record Bureau, in 2019 there was an 18.4% increase in overall cybercrime incidents. However, cybercrime cases targeting women specifically rose by 28%.⁸³ In 2020, the Chairperson of the Indian National Commission of Women, Rekha Sharma, stated that incidents of online harassment and cyberstalking targeting women in India witnessed a fivefold surge.⁸⁴ "Data showed that 10,730 incidents, or 20.2% of the 52,974 incidents registered in 2021, were reported as crimes against women."⁸⁵ In India, females expressed concerns about potential repercussions from their families when considering revealing their situations. They were apprehensive that revealing such matters might lead to their phones and laptops being

⁸¹ Aarefa Johari, "Facebook Policies Allow Trolls to Target Women, says Group Fighting Sexist Online Abuse," *Scroll.in*, August 24, 2015, accessed May 2, 2023, <https://scroll.in/article/750357/facebook-policies-allow-trolls-to-target-women-says-group-fighting-sexist-online-abuse>.

⁸² Debarati Halder and Karuppannan Jaishankar, "Patterns of Sexual Victimization of Children and Women in the Multipurpose Social Networking Sites," in *Social Networking as a Criminal Enterprise*, eds. Catherine Marcum and George Higgins (USA: CRC Press, 2014), 129.

⁸³ "Cybercrime Against Women," ClearIAS, accessed August 9, 2023, [https://www.clearias.com/cybercrime-against-women/#:~:text=Data%20showed%20that%2010%2C730%20incidents,and%20Uttar%20Pradesh%20\(958\)](https://www.clearias.com/cybercrime-against-women/#:~:text=Data%20showed%20that%2010%2C730%20incidents,and%20Uttar%20Pradesh%20(958)).

⁸⁴ Mariateresa Garrido V., *Mapping Online Gender-Based Violence* (Costa Rica: P. Digital, 2022), 60.

⁸⁵ "Cybercrime Against Women," ClearIAS.

taken away or their online actions being limited.⁸⁶ Among the group of 30 participants, 20 individuals have retreated from public engagement due to concerns about their family's safety, the anonymity of the perpetrators, and the involvement of others in their ordeal.⁸⁷

Specifically, in the Indian rural and semi-rural areas, technology is being easily misused as there is a lack of understanding of safety standards, immaturity in using electronic equipment, and a lack of understanding of privacy laws and regulations.⁸⁸ The magnitude of awareness apropos security practices of online platforms due to new technological advancements is quite low. There is a widespread insufficiency of understanding of both online and offline rights available to women and due to this insufficiency of awareness, online violence is not dealt with sternly.⁸⁹ Unfortunately, there is a lack of awareness of laws relating to online abuse among Indian women. In a survey, 80.8% of the total respondents were unaware of online crimes and their punishments.⁹⁰

The victimisation of women in the digital space is caused mainly due to their negligence.⁹¹ Research indicates that women found themselves less confident while using technologies.⁹² Various online platforms provide alternative choices for availing pseudo names and disclosing personal information is optional, but many naive users including women share their personal details without knowing its detrimental effects. This provides ample opportunity for the potential offenders to harass their targets. Likewise, the women are not fully

⁸⁶ Bansal, Vaiddehi, Erin Leasure, Connor Roth, Mayumi Rezwan, Mithila Iyer, Poulomi Pal, and Laura Hinson. "Help-seeking behaviours of those experiencing technology-facilitated GBV in Asia: implications for policy and programming", 357.

⁸⁷ Sarkar, S., & Rajan, B. "Materiality and Discursivity of Cyber Violence against Women in India." *Journal of Creative Communications* 18, no. 1 (2023): 109–123, accessed August 9, 2023, <https://doi.org/10.1177/0973258621992273>

⁸⁸ Halder, *Use and Misuse*, 13.

⁸⁹ Pasricha, *Violence Online in India*.

⁹⁰ Halder, *Cyber Victimization*, 15.

⁹¹ Halder, "Cyber Socializing," 23.

⁹² Nadera Shalhoub-Kevorkian and Tamar Berenblum, "Panoptical Web: Internet and Victimization of Women," *International Review of Victimology* 17, no. 1, (January 2010): 73, accessed May 11, 2023, <https://doi.org/10.1177/026975801001700105>.

aware of the policies and security measures while using the Internet.⁹³ This is the result of the difference in approach toward the new technology of both genders.

One of the key reasons for women being victims of cybercrime in India is the patriarchal nature of society. The reason for this is that males put the family's prestige on the honour of its female members, making women vulnerable. Also, the widespread socio-cultural norms prevalent in India are further worsening the issue.⁹⁴ The trepidations of identity disclosure, re-victimisation as well as lack of faith in authorities are some of the common reasons for victims not taking any legal recourse.⁹⁵

Law enforcement agencies act as capable guardians to prevent crimes from being committed. Similarly, in technology-facilitated offences, the law enforcement authorities should play their part in protecting the victims. About 91.7% of victims of online abuse felt safe in not taking help from police and are of the view that the police would harass more once the crime is reported.⁹⁶ Research points out that in order to tackle most of the technology-mediated gender-related crimes there is a paucity of corresponding legal provisions. Also, the existing law in the country falls short to combat holistically new emerging technology-facilitated violations.⁹⁷ Without sexually explicit content, verbal harassment and abuse online are not appropriately addressed.

Only personal threats made in trolling which deal with criminal defamation and anonymous criminal intimidation are covered under Sections 499 and 507 of the Indian Penal Code 1860. These sections do not address generic, misogynistic abuse. Various Indian laws relating to offensive communication by use of ICT, data privacy, and jurisdictional issues regarding technology-facilitated crimes are at a nascent stage⁹⁸ like Section 66E of the IT Act which places a restricted focus on physical privacy while neglecting the infringement of

⁹³ Halder, *Cyber Crime*, 41.

⁹⁴ Prasanto K Roy, "Why Online Harassment goes Unpunished in India," *BBC News*, July 17, 2015, accessed May 11, 2023, <https://www.bbc.com/news/world-asia-india-33532706>.

⁹⁵ Halder, "Cyber Socializing," 23.

⁹⁶ Halder, *Cyber Victimization*, 17.

⁹⁷ IT for Change, *Technology-Mediated*, 3.

⁹⁸ UN Broadband Commission, *Cyber Violence against Women*, 42.

informational privacy. The victimisation rates are increasing as potential offenders are aware of the ambiguous law against online-mediated violence.

The vital cause behind the increase in rates of women-related technology-facilitated victimisation is the dearth of legal safeguards. In the same vein, Halder and Jaishankar highlight that, the victimisation of women in cyberspace is caused mainly due to the governments' sluggishness in implementing gender justice and equality as enshrined under fundamental rights. Further, online gender-based harassment is not considered significant as compared to other types of offline crimes.⁹⁹ Instant messaging platforms like WhatsApp absolve themselves of content or message monitoring by putting the duty of security guidelines on users and urging victims to file takedown reports or use self-protection tools to report the incidents. Harassers or abusers take advantage of this circumstance since, in nations like India, there is a lack of information about safe WhatsApp practices.¹⁰⁰

⁹⁹ Halder, *Cyber Crime*, 56.

¹⁰⁰ UN Broadband Commission, *Cyber Violence against Women*, 34.

CONCLUSION

This article aimed to employ the RAT to comprehend various reasons behind the technology-mediated harassment among women in India. According to Cohen and Felson, variation in routine activities offers ample opportunity for the offenders to commit more offences.¹⁰¹ The rapid development of technology around the globe is creating a significant alteration in our routine activities. Thus, people are spending more time online which in turn causes online crimes to proliferate.

As accentuated by Cohen and Felson, even though lawful routine activities, unlawful activities could emanate. Therefore, the legal routine of using the technology is letting the potential offender look at women as suitable targets to cause harassment while the capable guardian is not present. Such abuse of technology coupled with various other reasons is causing technology-facilitated victimisation of women. In order to understand the reasons for victimisation by applying the RAT, a conceptual framework has been suggested. Further research could be conducted by employing empirical studies and validating the framework.

¹⁰¹ Cohen, “Social Change and Crime Rate, 589.