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RESEARCH ARTICLE

CRIME AGAINST WOMEN AND CHILDREN OF MADHYA PRADESH IN CYBER SPACE

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ABSTRACT

Indeed, the use of internet is a most powerful medium for communication, mostly highest internet data consumed by the Indians in all over the world. It can be use for constructive influence as well as destructive influence, certainly an increase in technological advancements and industrialization, the world of cyberspace saw an exponential growth in possibilities and features of the internet. The distance was gravely reduced and any remote corner of the world became readily available on our fingertips. However, developing technologies also became a medium of cyberspace violence, or in general words, cyber crime. Cyber crimes pose great difficulty in tracing the source, owing to its ambiguity, hence a popular choice of criminals for the same reason. Jurisdiction lines get hugely blurred in cyberspace violence and the lack of knowledge and familiarity leads to an increase in the number of victims. The majority of cyber crimes are directed towards women and children and other such vulnerable groups of people. Pornography, blackmailing, child grooming, financial exploitation are some common examples. Such crimes are controlled by the IT act of 2000 (Amended 2008). This paper will provide current state of cyber crimes against women and children of Madhya Pradesh with special reference to Sagar district of Madhya Pradesh. The conclusions drawn in this paper are based on a research study on this subject. On the whole, it needs to be investigated as to the mechanics of committing cyber crimes and suggest some concrete measurements to prevent and controlled cyber crime against the women and children in cyber space.

INTRODUCTION

The internet is a great development in the communication industry that allows individuals all over the world to connect with one another without recognizing the distance between them. The internet is a vast network of computers, servers, and mobile devices where you may obtain whatever information you require. It is a free resource for learning new stuff. People use the internet in a variety of ways, and it is not necessarily beneficial or negative. Cyber bullying and trolls are the most widespread and widely used disadvantages of the internet. With the rapid-fire advancement of technology, crime has initiated its way into the form of cyber crime. Because the crime will be committed via any medium of communication or the internet, the term cybercrime isn't defined. "Cyber Crime" is a crime related to information and technology. With the advent of modern technology of information, the menace of cyber crime affecting many people at a time has recently emerged which has become a challenge to legislators, law enforcing agencies and Judges. The U. N. General Assembly adopted a resolution in 1996 on the report of the Vth Committee a Model Law on Electronic Commerce adopted by the United Nations Commission on International Trade Law (UNCITRAL).

Violence against women is defined by the United Nations as "any act of gender-grounded violence that results in or is likely to affect in, physical, sexual, or internal detriment or suffering to women, including pitfalls of similar acts, compulsion, or arbitrary privation of liberty, whether being in public or private life" (Empowering women against cyber-violence 2011).

REVIEW OF LITERATURE

P.K. Vanita (2012), focused on various issues related to Indian law enforcement authorities' prevention, investigation, prosecution, and punishment of cybercrimes in the first level, and on creating awareness and technical knowledge about cybercrimes in the second level for detection, prevention, and investigation of cybercrimes against women. N. Aggarwal (2014), touched on photo morphing and female victimization. Women and children are particularly vulnerable since cybercrime has arisen as a serious concern that law enforcement organizations are attempting to address in INDIA. Offenders commonly utilize online platforms to harass and abuse women and children for voyeuristic purposes. Equipping police officers with skills and expertise can help to prevent and regulate cybercrime. V. A. Panse (2016), to illustrate the current landscape of cybercrime against women in India.

According to the author, there are inherent issues in the fields of information technology, security, and service delivery via persons and essential infrastructure. In the introductory phase, the author suggests developing a security and awareness training paradigm for public security. Virendra Kumar (2018), examined the many sorts of cybercrime perpetrated against women. According to the author, as the number of Internet users grows, so does the rate of cybercrime. According to the author, victims of cybercrime should come out and report the incident to a specific anti-cybercrime squad. According to the author, increasing knowledge of cybercrime among women, as well as their use of the Internet and social media, would assist to reduce cybercrime. Shashya Mishra (2018), Cybercrime against women is rapidly expanding, and new offenses such as trolling and gender bullying are developing as a new category of cybercrime. However, such offenses are not covered by the IT Act of 2000, therefore the investigation procedure is ineffective. The activities do not address cyber trolling or gender bullying, which is one of the act's shortcomings. The probe requires the establishment of a separate cell. Officers must get special training to deal with cybercrime against women. The country's justice system should make an effort to adequately address the issue of cybercrime against women. Sanjeev Kumar & Priyanka (Oct. 2019), crime against women is on the rise in all professions, and becoming a victim of cybercrime may be the most distressing experience a woman can have. Especially in India, where culture despises women and the law does not even recognize cybercrime. The main issue with cybercrime is the cybercriminal's method of operation and perseverance. To promptly identify the real culprit, the police, courts, and investigative agencies must remain up to date on the newest innovations in web-based applications.

Sahil Ahuja (Nov. 2021), talked about photo morphing and female victimization. Women and children are particularly vulnerable since cybercrime has arisen as a serious concern that law enforcement organizations are attempting to address in INDIA. Offenders commonly utilize online platforms to harass and abuse women and children for voyeuristic purposes. Equipping police officers with skills and expertise can help to prevent and regulate cybercrime. Ministry of Women and Child Development (March 2022), the internet expands and more Indians go online, the number of cyber crimes against women and children rises. The difficulties of cyberspace are numerous, owing to its breadth and borderless nature. That is why the government is dedicated to laws and measures that ensure the Internet in India is always open, safe, trustworthy, and accountable to all Indians. The National Crime Records Bureau (NCRB) gathers and publishes crime statistics in its journal "Crime in India." The most recent report is for 2020. According to NCRB data, 305 and 1102 incidences of cybercrime against children were reported in 2019 and 2020, respectively. During the same period, 8379 and 10405 cyber offenses against women were reported.

CONCEPT OF CYBER CRIME

To comprehend the notion of cybercrime, one must first comprehend the concept of crime, which is linked to computers and the internet. The notion of cybercrime is not dissimilar to the concept of traditional crime. Both involve behavior, whether deed or omission, that violates legal standards and is counterbalanced by the state. The criminal and victim may never come into close touch, which is a unique feature of cybercrime. Cybercrime is non-violent, bloodless, and perpetrated using extremely advanced ways. With the introduction of e-crime, the legal community is struggling to identify the presence of menswear in cybercrime.

WOMEN AS TARGET OF CYBER CRIME

The traditional Indian society places women in veritably high regard, the Vedas glorified women as the mom, the creator, one who gives life and worships her as a 'DEVI', 'MATA' or goddess. Still, In ultramodern times women are viewed and portrayed as coitus objects, and she is treated inferior to men in colorful ways and functions; this has created a huge gender bias between men and women where indeed the men suppose that their wrongdoing toward women cannot

be punished. Cybercrime against women becomes a common occurrence. Every minute, one woman in India becomes a victim of cybercrime. Some criminals utilize technology to slander women by sending filthy e-mails, What's App messages, following women on various social platforms and chat rooms, and, worst of all, making pornographic recordings with their agreement. In comparison to other nations, Indian women are less likely to report cybercrime quickly because they are unaware of where to report such crimes or are unable to disclose such crimes related to social humiliation. The impact of cybercrime is more mental than physical, yet Indian laws prioritize guaranteeing women's physical protection above their emotional safety. According to National Crime Record Bureau data, a total of 8379 and 10405 incidences of cybercrime against women were reported in 2019 and 2020, respectively.

MAJOR CYBER CRIME AGAINST WOMEN

For decades, women have been subjected to various forms of harassment. Women face situations such as domestic violence, sati pratha, acid assaults, rape, eve-teasing, sexual harassment, dowry death, molestation, honor-killing, female infanticide, and so on. Cybercrime has now been added to this list. Due to e-harassment, some of the most well-known cyber crimes have caused thousands of women to suffer from depression, hypertension, anxiety, and cardiac problems. The following are examples of major cybercrimes:

Cyber Stalking: Women are the most frequent victims of this form of crime. It is a method of stalking someone on the internet for online harassment and abuse. Cyber stalker poses no immediate physical threat.

Defamation: Cyber defamation includes both libel and defamation. It includes uploading false material about the person on the internet and spreading it around the victim's social and friendship circle to harm a woman's reputation by causing her severe mental torture and grief.

Morphing: An unauthorized user or a phony identity edits the original image. It has been observed that images of women are obtained by bogus individuals and then re-posted on other websites after being edited.

Phishing: Phishing is the effort to get sensitive information such as a login and password with the intent of obtaining personal information.

Harassment: Harassment includes blackmailing, threatening, abusing, and even cheating on someone via electronic means such as e-mails, social networking websites, and so on.

Cyber Pornography: Another concern to female surfers is cyber pornography, which comprises pornographic websites and pornographic periodicals created with computers and the internet.

INDIA'S CYBER LEGISLATION FOR WOMEN

Up to 2013, no legislation addressed online importunity or offenses against women in virtual worlds. The 2013 Criminal Amendment Act added Section 354A to Section 354D to the Indian Penal Code, 1860.

Section 354A:- A man who commits any of the following acts – a demand or request for sexual favors; showing pornography against the will of a woman; or making sexually multicolored reflections – is shamefaced of sexual importunity and may be penalized with rigorous imprisonment for a term up to three times, or a fine, or both. In the event of the first two, and with imprisonment of any kind for a duration up to one time, or with a fine, or with both.

Section 354C:- This provision penalizes the miscreant who views or obtains a snap of a woman performing a private act while she believes and expects not to be viewed or covered by the perpetrator or any other party. Discipline For the first judgment, imprisonment for no lower than 12 months, but up to three times, and a penalty. Alternate/posterior conviction- Jail judgment for no lower than three times, but up to seven times, and a penalty

Section 354D:- added a stalking clause that includes online stalking. Hunting has been characterized as an act in which a man pursues or connections a woman despite the woman's apparent objectiveness in similar contact, or watches a woman's cyber exertion or operation of the Internet or electronic communication. A person who commits stalking is punishable by imprisonment for over to three times and a fine for the first offense, and by imprisonment for over to five times, and a fine for each posterior conviction.

Section 499:- To defame someone is to do commodity that would hurt their character. When done to hurt a woman's character, vilification through the publication of visual representations of insinuation against her is punishable by imprisonment for a time up to two times, a fine, or both.

Section 503:- Pitfalls made to any person with detriment to her honor, either to induce fear or to make her modify her way to do on whatever she'd typically do/ not do, are penalized as false imprisonment under Section 503. The act of blackmailing someone through the internet, as was performed in the antedating illustration, can be considered within the compass of this clause.

Section 507:- This clause specifies the penalty for Felonious Intimidation committed by someone whose name is unknown to the victim. Any anonymized communication that constitutes felonious intimidation under Provision 503 is punished under this composition.

Section 509:- Any person who utters any word, makes any sound or gesture, or exhibits any object with the intent that similar word, sound, gesture, or object be heard or seen by a woman and insults her modesty or intrudes on her sequestration may be charged under this section and locked for over to three times, as well as fined. This section may correct cases of sexual commentary or statements made over the Internet, as well as other unequivocal photos and information forcefully changed over the web.

The Information Technology Act, as revised by the Information Technology Act, 2008: Identity theft is a penalized violation under **Section 66C** of the IT Act. This clause would apply to acts of cyber hacking. Under this composition, anybody who immorally or immorally uses another person's electronic hand, word, or any other unique identification specific will be punished with imprisonment of either kind for a duration of over to three times, as well as a forfeiture of over to one lakh rupees. The irruption of a person's sequestration is addressed under Section 66E of the IT Act. Recording, publicizing, or transferring a snap of a case's region against her agreement, under circumstances that violate her sequestration, is punishable by imprisonment for over to three times and/ or a forfeiture.

Section 67 outlaws and punishes the publishing, transmission, and cause of transmitting of vulgar accoutrements with imprisonment for over to three times and a fine for the first offense and five times and a fine for a current. Stag content has been defined in the same way as Section 292 of the IPC, and hence the test of profanity will be the same as under that composition.

Section 67A makes the publishing, transmission, or converting the transfer of sexually unequivocal information miscreant by over to five times in jail and a fine for the first offense, and over to seven times in captivity and a fine for the alternate offense. The publication or transmission of sexually unequivocal content portraying children is felonious under Section 67B.

CHILDREN AS TARGET OF CYBER CRIME

Children are said to as the root of human society. Human society's mental and physical well-being will define its future. Children are the nation's most valuable asset; hence, it is a national policy that child care take precedence. However, despite several national and worldwide laws and resolutions, the situation of children is far from adequate. History bears evidence of the abuse of these poor and innocent creatures. Although no family is immune to the threat that their kid could be abused and harassed on the internet, some children

are more vulnerable than others due to several variables. Older children are especially vulnerable since they frequently use the computer independently and are more prone to engage in intimate online talks. Victimization is more likely in emotionally susceptible kids who are struggling with sexual identity or are emotionally impoverished. According to NCRB data, 305 and 1102 incidences of cybercrime against minors were recorded in 2019 and 2020, respectively.

SERIOUS CYBERCRIME AGAINST CHILDREN

Children are also victims of many forms of harassment and abuse.

Children encounter challenges such as child trafficking, child labor, child marriage, child prostitution, child beggars, child pornography, and so on. Cybercrime has now been added to the list. Online exploitation of children is an increasing international problem, with technological improvements helping their exploitation. The following are some of the most prevalent cyber crime committed against Children when they are ignorant and utilizing the internet for educational purposes:

Cyber Bullying: Bullying a kid on the internet on purpose and repeatedly, as well as aiding online abuse or harassment of minors.

Defamation: Online defamation is defined as delivering defamatory remarks via email or any social media website using the internet, sending a defamatory note with the goal of putting the kid in fear, and then blackmailing.

Sextortion: The practice of extorting sexual favors and money from another person by threatening to divulge proof of their sexual conduct.

Child Pornography: Child pornography is a type of sexual exploitation of children. Children's morphed images might be found in explicit content such as films and photographs. The creation, distribution, importation, receiving, or ownership of any child pornographic image is illegal.

Cyber Stalking: A stalker who utilizes the internet to stalk someone for online harassment and abuse is said to be cyber stalking. Cyber stalker poses no immediate physical threat. They also violate the user's privacy.

Videogames: Some internet games exist solely for gambling. These games are designed to get children to play games with real money and become hooked on them. Recently, life-threatening games such as 'Blue Whale' and 'MOMO' were released on the internet. While playing these games, children attempted suicide.

LAWS DESIGNED TO PROTECT CHILDREN'S VIRTUAL PROTECTION

In India, the Indian Penal Code, 1860, the Information Technology Act, 2000, and the Protection of Children from Sexual Offences Act of 2012 are the pivotal tools for combating cybercrime.

Information Technology Act 2000: The vitals of the Information Technology Act of 2000 address numerous cybercrimes. It establishes penalties for illegal data access and computer and data on computer damage caused by cyber- attacks, including contagions. The Act also includes a special provision to cover minors on the internet. Child pornography, according to Section 67B, includes the publication or transmission of material in any electronic form depicting children engaged in a sexually unambiguous act or conduct; or the creation of the text or digital images; or the collection, trying, viewing, download lines, advertising, promoting, switching, or distributing any electronic material depicting children in an descent, immoral, or sexualized manner; or cultivating, appealing, or converting children.

The Children's Protection from Sexual Offenses Act of 2012: POCSO is a fundamental piece of legislation that governs child sexual opportunity and their safety. Sexual abuse, botheration, and obscenity involving children are all punished under the Act's vittles, as is

abetting and abetting any of the listed offences. **Section 11-** A person is said to commit sexual importunity against a child if they utters any word or makes any sound, makes any gesture, or exhibits any object or part of the body with the intent that analogous word or sound be heard, or analogous gesture, object, or part of the body be seen by the child and does so with sexual intent; or makes a child expose his or her body or any part of his or her body so that it's seen by analogous person or any other person over again or constantly follows, watches, or connections a child, whether directly or through electronic, digital, or other means; or threatens to use, in any form of media, a real or fabricated description of any part of the child's body or the child's involvement in a sexual act, whether through electronic, film, digital, or any other mode; or entices a child for pornographic purposes or gives delectation. In analogous cases, determining sexual intent' is predicated on the data of the case.

Section 12: Section 12 also specifies the penalties for the abovementioned offenses, which include imprisonment for a period of over to three times and a penalty.

Section 13: The use of a child or the interference of a child in the drug, product, sacrifice, transmitting, publishing, facilitation, and distribution of pornographic material, whether for particular use or distribution, amounts to the use of the child for pornographic purposes under Section 13 of the Act, anyhow of whether it's for particular use or distribution.

Section 14: Storehouse of pornographic information involving a child for marketable purposes in any form is likewise lawless under Section 15, which carries a maximum judgment of three times in jail, a fine, or both.

Section 19: The Act also lays out the way for reporting incidents of child sexual importunity to the Special Juvenile Police Unit or the original police, including the need that the complaint to be written in simple language so that the chick can comprehend it.

Section 20: The Act also lays out the way for reporting incidents of child sexual importunity to the Special Juvenile Police Unit or the original police, including the need that the complaint to be written in simple language so that the chick can comprehend it.

THE PRESENT STUDY

The paper mainly focuses on the cyber crime against the women and children of Madhya Pradesh in cyberspace, special reference to the Sagar district of Madhya Pradesh.

OBJECTIVES OF THE STUDY

The Study has following important objectives

- To study the nature & various aspects of cyber crime against the women and children in cyber space.
- To explore the different forms of cyber crime against the women and children.
- To assess causative factors of cyber crime against women and children.
- To understand the opinion of cyber cell officials about cyber crime against women and children.
- To examine the legal provisions of cyber crime against the women and children.
- To find out preventive measures for reduction of cyber crime against the women and children.

METHODOLOGY

The present study highlights some of the current states and different forms of cybercrime against women and children of Madhya Pradesh with special reference to the Sagar district. An attempt was made to understand the states and different forms of cybercrime, opinion of cyber crime cell officials against the women and children reported in

Sagar district, for data collection means used to primary & secondary sources. The researchers have to stay at Cyber Crime Cell, Sagar district with requisite permission through the superintendent of police, Sagar district. The method-focused, discussion with police officials of Cyber Crime Cell, Sagar district was applied in this exercise. Quota purposive sampling techniques method used in this exercise. The duration of the total data collected was 2018 to 2020 -2021.

STATISTICS OF THE CYBER CRIME AGAINST WOMEN AND CHILDREN

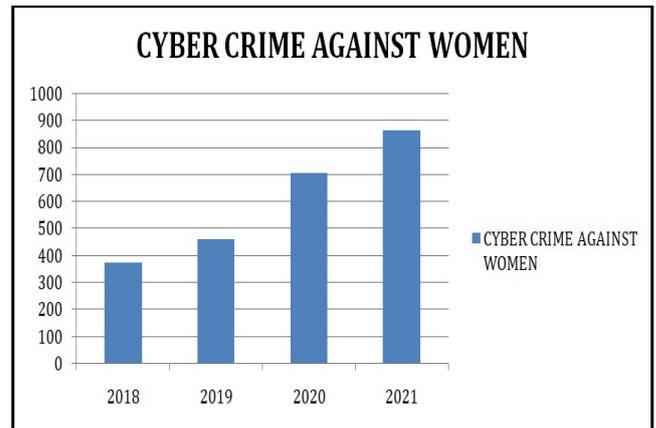


Fig.1. According to National Commission of Women, the number of cyber crime cases against women reported in the respective years are 2018 (375), 2019 (459), 2020 (704), 2021 (863)

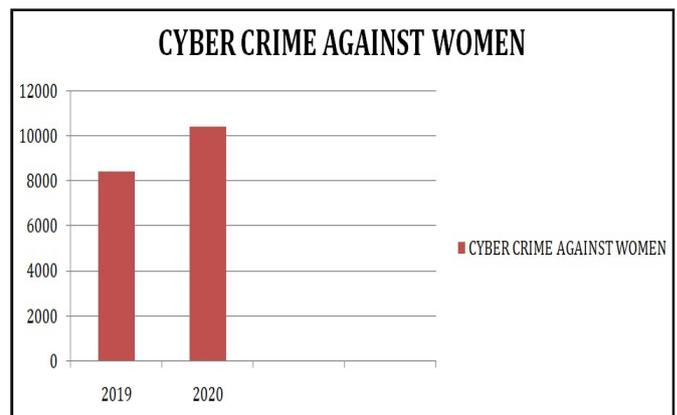


Fig. 2. According to National Crime Records Bureau the reported number of cyber crime cases against women in the respective years are 2019 (8379), 2020 (10405)

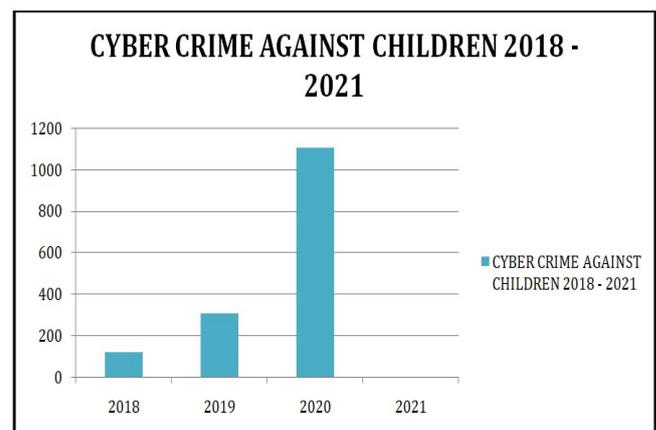


Fig. 3. According to National Crime Records Bureau the reported number of cyber crime cases against children in the respective years are 2018 (117), 2019 (305), 2020 (1102)

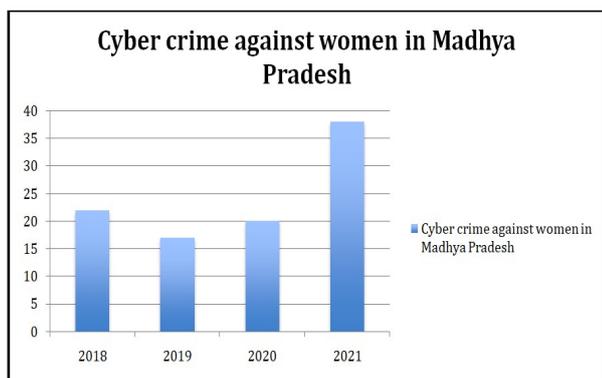


Fig. 4. According to National Commission of Women, the number of cyber crime cases against women reported in Madhya Pradesh in the respective years are 2018 (22), 2019 (17), 2020 (20), 2021 (38)

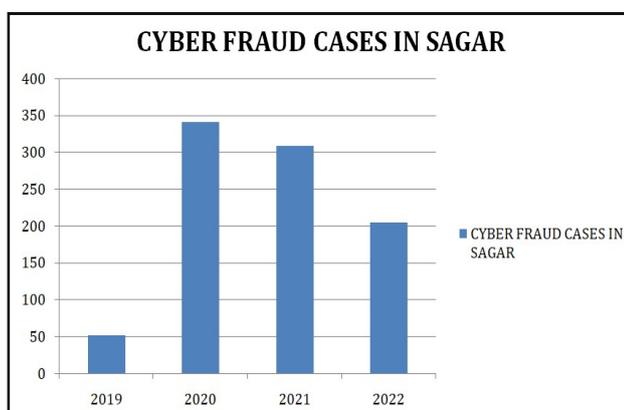


Fig. 5. According to Cyber Crime Cell Sagar district of Madhya Pradesh, the total number of cyber crime fraud cases reported women reported in Sagar district the respective years are 2019 (51), 2020 (341), 2021 (308), up to June 2022 (205)

OUTCOMES/ MAJOR FINDINGS

Some major findings of the study are summarized as under

- The cyber crime against Women and children in Madhya Pradesh as well as Sagar district are comparatively less number then in other states of India.
- Due to various factors there is an increase rate of cyber crime against women and children. Easy accessibility of internet, attraction of surfing internet without any proper knowledge are some of the major responsible factors in increasing cyber crime against women and children.
- There is a lack of specification pertaining to cyber crime against women and children is the major deficiency in the Indian IT Act 2000 & 2008. These act covers commercial and economic crimes and not covers cyber crimes against women and children.
- Finally it is observed that, due to confidential policy of the government, inadequacy of data not justified to study on empirical ground.

CONCLUSION

Cybercrime is one of the fastest increasing crimes in today's world and the most vulnerable victims to cyber crimes are women and children. India saw a spurt in cybercrime against women and children from 2018 to 2020. With increasing traffic in the virtual world, the chances of falling prey to cybercrime loom large all the while, more so in the case of women and children who are often seen as soft

targets. Social media has become good fetching ground for criminals. Personal data leakage, stalking, and honey trapping are common crimes committed online. The more time women and children spend online, without being completely aware of the pitfalls of the internet, the more vulnerable they become. From the study it is concluded that in India, the future of the internet is still up for grabs between cyber criminals and women and children users. Fear of cyber apocalypse still abound. The Indian Information Technology Act, 2000 is not effectively enacted due to some deficiency and therefore, there is an increase in the rate of cyber crimes against women and children.

SUGGESTIONS

In view of the outcomes of this study, there is an urgent need to implement effectively some preventive measures as under

- Raise knowledge Need to raise knowledge about cyber safety and security so that youthful people, particularly youthful girls, and women, take applicable care when using the internet.
- Stronger monitoring when it comes to the police, we need further structure, more cyber cells and police stations, frequent training, and ongoing engagement with cyber professionals.
- Developing forensic laboratories' capabilities can lead to a high position of substantiation of cyber bullying, hanging, morphing, and profiling in a timely fashion.
- Numerous state labs warrant the cyber moxie demanded to collect, save, and library photos of digital substantiation demanded to get a conviction in court.
- Under the Cyber Crime Prevention against women and children action, the civil government has handed cash to countries and union homes to establish " cyber forensic- cum- training laboratories."
- Prosecutors and judicial staff should be trained in dealing with internet crimes on a regular base to help speed up trials.
- Online Women's Crime Reporting Unit- Interlink with National Commission for Women should be set up so that if a woman wishes to report cybercrime to NCW, she should shoot it to MHA Crime Reporting Unit, which would honor it and give a dupe to the plaintiff. It would promote the prompt resolution of enterprises, with the help of IT specialists.
- Cyber Crimes Monitoring Unit — The monitoring unit shall produce yearly updates on the complaints entered through NCW.
- NCW acceded to it since examinations into crimes against women are delayed owing to outstanding results from forensic laboratories.
- Capacity structure for protection officers designated under the Domestic Violence Act of 2005 should be included.

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