

# Virtual Vulnerability: Criminalizing Coerced Intimacy in Digital Spaces

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**Abstract:** *“The topic of virtual vulnerability finds its roots in the era of digital advancement. The emerging issue is coerced digital intimacy, which includes situations where humans are threatened, extremely pressurized, and even manipulated to be a part of the engagement in the online space for intimate exchanges. The advancement of technology and digital use cases has become a substantial part of human life, ensuring an impact on social and personal interactions. This provides significant exposure for the users to familiarise themselves with unique forms of expectation possessing legal frameworks from which they cannot address those forms effectively. This research paper defines coerced digital intimacy, examines its psychological impact on victims, and identifies significant legal gaps in protection against such coercion.”*

**Keywords:** coercion, digital intimacy, virtual vulnerability, technology, social

## INTRODUCTION

New technologies have effectively become platforms for personal communications and intimate relationships. How an individual can connect with another individual is truly balanced is a daunting feat due to the simple usage and boundless coverage of the social media product interface, most notably the signage and messaging or the video-friendly modes. The platforms made it possible to establish privacy in developing this kind of application through techniques of encryption safeguarding and building up the trust with the user that has a certain element of privacy. This also delivers the capability to influence, regulate, and business the material they use and pass on to the rest of the people. Almost all these giants of social media are now platforms that people use to share aspects of romance and intimacy and that opens possibilities of interaction that must have been impossible due to certain territorial restrictions. The sacredness of modern relationships is built to a significant extent on social networks – elements of sharing personal and communication experiences in the internet space. All explained leads directly to the correlation of raising digital intimacy with the progression of technology as ultimate digitization.

It can be seen that the concept of intimacy can be achieved in numerous ways as it is a constructive phenomenon in the digital domain. Private conversations, like direct messaging and chat, are used as the first way of connecting since they help people slowly reveal topics related to individualism. In the long run, the discussions might result in the sharing of more personal items of equally involved persons; whether they be in the form of pictures, video clips, or messages. Sometimes, people may replicate real-life forms of interactions and conduct intimate affairs by engaging in video conferences or streaming. These cases of digital sharing are normally established on trust whereby people presume that the selected online tools will protect their data and prevent unauthorized access. However, due to the basic functionality of these structures, they are simple to notice, hence popular among many people.

## Rise of Digital Intimacy

It is essential to understand the factors that led to the development of digital intimacy. People manage to coordinate the relationship despite the distance which might be important in the contemporary world where migration is widespread. Interactive mobile applications like dating applications and online social platforms became suddenly popular and more accessible due to technological enhancement, which again has provided the connection with which people can meet and connect and form relationships in an online space. Besides that, COVID-19 also contributed to the shift of digital intimacy from the normal practice of physically assembling in a hall where meetings, seminars, and conferences were conducted, social distancing and lockdown became inevitable. Thus, technology became essentially the main source of people's communication with friends and relatives, which strengthened the significance of technology even in intimate relationships.

Despite all the positive aspects of using applications for sharing intimate photos and messages, social

networks are becoming victims of ill-intentioned people. Another typical type of digital exploitation is the unauthorized distribution of intimate material, sometimes it is called revenge pornography. This happens when material that a person submits in a relationship circle goes viral without permission, especially when the actor felt his 'partner' was unfair to him, a common theme in 'revenge porn'. In more severe instances, digital coercion can escalate to threats or ransom for further nude pictures or other things as the blackmailer demands to release the people's material. The other form of exploitation is cyber-harassment or stalking; where people are pursued or threatened, relentlessly through different electronic platforms. Such behavior can be very subtle because it facilitates continuous access to the victims and this fuels feelings of anxiety as well as powerlessness. Sextortion, a practice in which offenders demand that victims send sexual content under the threat of revealing the material themselves, is also prevalent; such, often, are the actions of faceless individuals online, who seek to build relationships of trust to extract material benefits from victims.

As seen, especially the abuse of digital intimacy poses psychological, social, and sometimes professional effects on victims. When we force people or deceive them in some other way, they suffer from such things as anxiety, depression, and that feeling that they have been violated. The negativity attached to recipients of threatened and coerced content or images makes them socially isolated because of the possibility of being denied by their friends or suffering discrimination. Hence exploitation can cause significant impacts to a victim's career and professional life. The leakage of private pictures or videos can damage the actor's reputation and set up a wall toward the desired future achievements especially where visibility is an asset. Despite the increased awareness of digital exploitation, clear legal measures as a response are typically insufficient and cannot address these novelties. The problem with the current laws in operation in India is that such laws do not more often than not address the subtleties of coercion and exploitation as the new generation of Internet exploitation that is cyber harassment, revenge pornography, or blackmail largely in their simplicity. The absence of much detail in the legal descriptions of forced digital companioning does not help enforcement. Criminals involved in many of these offenses act across state and county borders, making

them challenging to apprehend and consolidate proofs to try in court. Furthermore, all the offenders normally operate behind screens hence they cannot be easily arrested or held accountable. Consequently, there is a dire need for developed legal frameworks that focus on coerced digital intimacy and that describe it in multiple details, in addition to the requirement for better protection of the victims.

These dismissed relationships foster connection, an element valued in the digital age that has now created new accesses for vulnerability. These trends of coerced digital intimacy reveal profound failures of existing laws, and forced reconsideration of current legislation, as well as the emergence of new legal norms. These frameworks should be able to help victims who are abused and exploited digitally but lack legal recourse against their offenders, and must also provide for help victims regain normalcy after such incidents, people will continue to remain vulnerable to the manipulation and harm that coerced digital intimacy brings.

Coerced intimacy in a digital context means any situation and circumstance where a person is pushed, tricked, or forced into the production of intimate interactions and content, sharing of inter-person intimacy, or engaging in inter-person intimate activities on the internet when he or she does not want to or cannot willingly consent. Such pressure may occur and develop in many ways: it begins with a subtle thought influence to make a specific action or decision, up to the actual written or verbal threats of physical violence or public disclosure of confidential information. The digital space does provide provisions for relationship and communication between distinct persons but it also creates new and complex risks because of the separation it provides between people. In such types of contexts, consent can be erased, ignored, or just crossed; therefore, the protections are insufficient.

As put by Sinclair, one of the primary touchstones of the coercion of digital intimacy is threats. This point entails threatening an individual into exposing the self for want of naked pictures or joining in naked interactions online. For instance, a perpetrator may threaten to share with the friend sensitive information and or photos unless the victim sends more of such materials. This kind of threat may involve even verbal harassment or stalking, which can be as dangerous as the former, and in case the threats are made on social media or through the ubiquitous use of technology, can be just as affluent. Humiliation or

the threat of shaming as a part of the personality of the victims is used by the abuser as a means of manipulation. At times the offenders may even scare the victim into giving in or compel her/ him to perform sexual acts via sextortion on the victim, this is where one exercises pressure and influence such that gets the victim to submit with threats of releasing their half-naked photos or even videos online.

Coercion, force, and control are other subcategories of coerced digital intimacy, with manipulation being one of them. In this form, the perpetrator employs nonviolent techniques that operate through the weaknesses connected to the victim. Thus, for example, a wrongful doer may find a trusting relationship with a dose and lure the latter into Sexual Suspicion Activation by including love, affection, or commitment in the request formulation. The perpetrator may also use a power component where they can manipulate the insecurities, fear, or desires, which are significantly developing in the victim, to ensure that the victim is feeling guilty, being obliged, or having fear that he or she may lose the relationship on a romantic level. It also includes gaslighting whereby the abuser changes the real truth or makes the victim doubt in such a way that he or she has agreed to have intimate contact when they are being forced as the intimate setup is arranged by the abuser.

Cyber exploitation refers to a situation in which the perpetrator uses the trust built between him and the victim for perceived personal gains. When it comes to forced intimacy, exploitation is reasonable to entail a scenario of abuse of power when the perpetrator uses his/her influence to compromise or tap into the target. This action might include forcing the victim to send naked pictures and or offer naked pictures in exchange for something like affection, attention, acknowledgment, and the like, and might entail taking advantage of a person's need for one to feel loved or accepted, which is a human emotion that can be created in a definite period. Culprits also may try to use personal material, such as private photos or videos of the victim, to demand more materials or other actions from this person. In sextortion cases, insists on the production of intimate content including images or video under threat of publicizing intimate information or physical harm.

The nature of such types of aggressive behaviors means additional difficulties because of digitalization. Unlike in the traditional face-to-face offense, the anonymity of the perpetrator and the tremendously long distance defensibility make it much easier for perpetrators either to avoid detection of their identity and effectively premeditate for the manipulation of the victims without the probability of immediate punishment or capture with a higher propensity not to incriminate themselves. Besides, due to the viral effect, the material rapidly spreads across the internet, and the intimate material deprives the victim(s) of control over its usage by others which increases the likelihood of harm caused by sharing intimate content on the Internet. The digital context also raises questions about consent because individuals may be forced to be engaged in online practices that under no circumstance would agree to perform face-to-face.

As will be seen later, coerced intimacy in the digitalized environment has psychological, emotional, and social dimensions that depict how the involved individuals depend on, are vulnerable, or have their privacy violated. Types of forced consent are threats, coercion, and deceit the consensual sexual act impacts the emotional aspect of the victim in such a way that they cannot say no or withdraw their consent because they have been phased with fear of being retaliated or harmed. Consequently, the steady enhancement of the parameters showing the influence and domination of digital platforms illustrates the imperative need for the certainty of legal guidelines to prevent people from being forced to share intimate digital moments.

#### 1. Section 66E, IT Act<sup>1</sup>: Violation of Privacy

The provisions of section 66E of the IT Act make it an offense for an individual to intentionally capture, publish, or transmit any private images of any other individual without his consent. This provision is useful where intimate image abuse is used to force people to surrender to their demand or else their intimate photos will be released to the public. The section respects the subject of personal privacy, with emphasis on cases where people record or post private situations, such as making love.

For instance, a perpetrator used private content that was created with consent or by disguise and betrayed

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<sup>1</sup> Information Technology Act, 2000, § 66E, No. 21, Acts of Parliament, 2000 (India)

the subject. Section 66E carries a penalty of imprisonment for a term which may extend to three years or with a fine which may extend up to ₹ 2 lakhs or with both. Nevertheless, enforcement has always had obstacles like gathering enough proof of the defendant's intention, as well as guaranteeing prompt action to prevent the proliferation of the content. This section provides the first touch on how to address the privacy violation in the context of the digital environment but has to be actively read to include the coercive scenarios fairly well.

## 2. Section 67A, IT Act<sup>2</sup>: Transmission of Sexually Explicit Content

Section 67A is inserted to target the publication or transmission of electronically made pornographic material. It recommends severe penalties for the offenders; five years imprisonment and a fine of ₹ 10 lakhs for the first offenders. This section becomes contributory when one elaborates intimate content without consent, usually as a form of an act of revenge or coercion. The provision acknowledges the grievous social costs of its electronic distribution; nevertheless, it is a crime to distribute such content electronically but also acknowledges the enhanced harm resulting from the electronic distribution of the content.

For example, if a perpetrator threatens to release intimate photos unless certain demands are fulfilled, financial, sexual, or otherwise; section 67A becomes an important tool for enforcing the law. It also points to the need for accountability in online activities in which abuses such a provision tend to thrive.

## 3. Section 354C, IPC<sup>3</sup>: Voyeurism

Voyeurism is outlawed under section 354C of IPC it generally involves looking at or making a video of a woman in a private space without her consent. This provision delimits the dissemination of such images, for the simple reason that sharing voyeuristic content using digital technology is a particularly egregious affront to personal dignity and privacy.

In coerced digital intimacy, the perpetrator is likely to make a recording, and this be used to threaten the

victim to do what he/she wants. For instance, private/closed-circle cameras always record such material without the knowledge of the victim. Section 354C provides for imprisonment to an extent of 1 to 7 years. The cuts of this section are that it is built victimology method which is due to the changing perception of the social threat of digital abuse about women's safety and freedom.

In the case of *Shreya Singhal v. Union of India*<sup>4</sup> (2015), the Hon'ble Supreme Court of India has shed considerable light on Section 79<sup>5</sup> of the Information Technology (IT) Act, 2000 which prescribes the liability of the intermediary. The judgment attempts to strike a proper constitutional harmony between freedom of speech (Article 19(1)(a)<sup>6</sup> of the Constitution of India) and measures that can be taken and actions that can be brought for regulation and apprehension of platforms of social media. In the view of the court, it was very difficult for a social media intermediary to be prosecuted for content third-party posts contributed unless it knew about the unlawful activity, which they say should be derived from a court order or any government directive.

While this ruling helped to stop arbitrary censorship, important for cases of forced sexual contact in digital environments. The victims of digital exploitation including the unauthorized sharing of intimate images had to go through complex legal procedures to gain content deletion. This burdens the victims to seek judicial orders or government directives informally and uncoordinatedly, which in turn prolongs existing suffering arising from such material. If intimate images are leaked without consent, then the victims suffer reputations loss instantly and in an obvious manner, a breakdown of emotions, and the stigma around it. In such scenarios, the very procedural protection provided in *Shreya Singhal's* case may stand in the way of a fast and efficient remedy.

The case *Mrs. X vs. Union of India and Ors.*<sup>7</sup> (2023) focuses on the social media intermediaries' mere passive responsibility and underlines the proactive measures they are obligated to undertake to prevent harm. Unlike the legal victory in *Singhal vs Union of*

<sup>2</sup> Information Technology Act, 2000, § 67A, No. 21, Acts of Parliament, 2000 (India)

<sup>3</sup> Indian Penal Code, 1860, § 354C, No. 45, Acts of Parliament, 1860 (India)

<sup>4</sup> *Shreya Singhal v. Union of India*, (2015) 5 SCC 1

<sup>5</sup> Information Technology Act, 2000, § 79, No. 21, Acts of Parliament, 2000 (India)

<sup>6</sup> INDIA CONST. art. 19, § 1, cl. a

<sup>7</sup> *Mrs. X v. Union of India*, MANU/DE/2685/2023

India that restricts intermediaries' responsibilities, the Mrs. X case extended emphasis to platforms to take down and avoid the reposting of NCII in the famed digital domain.

Here, the Hon'ble court candidly declared that intermediaries could not shield themselves behind technological plausibility for inaction in response to any offense. It mandated what social media platforms should use, hash-based filters, artificial intelligence (AI), and machine learning algorithms in the published digital space to help in the identification of re-uploaded content. This decision was a paradigm change from the notice-and-takedown regime set under Shreya Singhal, introducing the notion of 'proactive measures' to social media intermediaries for incentivizing the protection of dignity and privacy of the persons involved in the coerced digital intimacy. Such requirements necessitate the notion that laws should change to place greater obligations atop the social media intermediaries to appreciate the consequences of circulations of intimate content and the mental effects they have on the victims.

In both of the cases discussed above, the tension over privacy and freedom of expression that was built up over time is emerging as a recurring theme. Concerning free speech, the real test of Shreya Singhal's case was giving social media intermediaries limited censorship obligations so that their services would not be laden with requests that could easily be misused. On the other hand, Mrs. X's case transferred the concern to the right to privacy and dignity, especially about the NCII because the social cost of unlawful content is also high enough to warrant negligence of the censorship issue.

The focus should be made on such tension and insist that despite the freedom of expression is one of the constitutional rights, reference to which is protected under Section 19 of the Interstate Agreement, freedom of expression cannot be absolute when it is in direct violation of the right to privacy and personal liberty guaranteed by the Indian Constitution. Interstellar advocacy for such a legal regime should be appropriate that does not make the concern for the victim in such cases overshadow the freedom of speech unduly. This advocacy is to attain a balance through laws that compel social media intermediaries to establish measures aimed at identifying and preventing communicable negatives while allowing legal positives.

It only shows how much society lacks legal provisions and enforcement where the victim is

central. We can be quite sure that victims of coerced digital intimacy likely struggle greatly in the legal sphere, starting from defining the offenders and ending with guaranteeing the complete removal of the dangerous content. The works include suggesting that it might be beneficial to restore dedicated boards or divisions to attempt to address digital exploitation quickly. There is a call made that extensive victim support services, including counseling and, legal help, help in preventing or reducing the extended effect of digital coercion.

The evolution of the case from Shreya Singhal to Mrs. X demonstrates the gradual appreciation of vigilant about regulating the behavior of interaction online. On the former, while the Shreya Singhal judgment laid a strong foundation for the questions of intermediary liability, the Mrs. X judgment extended these principles to identify and respond to the newer features of the threat of coerced digital intimacy. These cases have been combined to demonstrate the imperative for legal reforms to protect victims, set exacting requirements for social media intermediaries, and employ new technologies to counter cyber abuse efficiently.

## CONCLUSION

The example of forced contact in the sphere of digital interactions is one of the most challenging concerns in the context of IT development. Even with legal measures in existence such as the IT Act and the IPC, there are still noticeable areas of lacking solutions in dealing with the psychological, social, and occupational consequences of the victims. Current laws, albeit useful at some level, need to be further developed to tackle the newer kinds of online abuse which are sextortion, cyber harassment, or the unwanted sharing and distribution of explicit material.

In order to adequately protect the persons, it becomes obligatory to redraw the legal regulations in terms of the level of detail, enhance the effectiveness of the execution, and simplify the procedure of filing a complaint. Equal or greater attention must also be given to how social media intermediaries can be compelled to be active agents in the prevention or minimization of harm through deploying better technologies such as AI and hash-based filters. Shelter, counseling, and legal services should be availed to the victims to enable them would return to a normal life and to seek justice. Banner litigation raises an important quest of defending freedom of

speech and simultaneously eradicating the prevalence of privacy invasion and dignity rights within the context of virtual interactions, the legal system must adjust and develop sufficient measures to safeguard the components of internet users' safety and rights.