
HIDDEN CAMERA CRIMES AND REVENGE PORN: THE ROLE OF SOCIAL MEDIA PLATFORMS IN CONTROLLING NON-CONSENSUAL CONTENT

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ABSTRACT

The digital revolution has created new platforms for the connectivity and the communication but it has given rise to a surge in privacy violations which is particularly targeting women. Amongst one is *revenge porn* – the non-consensual sharing of intimate images or the act of posting private photos or videos without their consent. The second one is *hidden camera crimes* – unauthorised recording of individuals in private settings without their consent. These acts not only violate the right to privacy and dignity but it also inflict deep social and psychological trauma on victims. The widespread use of social media platforms has further complicated the issue, enabling rapid and often irreversible dissemination of such content. This paper examines the relationship between the digital platforms and non-consensual sexual content, with a particular emphasis on the obligations of social media companies to address and prevent this kind of abuse. It also discusses about the proliferation of Revenge porn and Hidden camera crimes in the digital age and their impact on victims. It looks at the laws currently control voyeuristic and revenge porn offenses in India and few other countries, evaluating their sufficiency and difficulties in enforcing them and court rulings. It evaluates how effectively tech companies respond through content moderation and takedown mechanisms. Using case studies and legal analysis, the paper argues for stronger laws, victim – sensitive redressal systems, and stricter regulation of online platforms to protect the privacy and dignity in the digital age.

Keywords: revenge porn, illicit content, media platforms, violence against women, hidden camera crimes.

INTRODUCTION

The advent of smartphones and social media has redefined the way people share, express and trend: the consensual capture and circulation of intimate content, often through hidden camera crimes and revenge porn. These violations of privacy have become dramatically common in the technological aging, concentrating just women, and resulting in permanent emotional, social, mental and legal consequences.

Often distributed by ex-partners seeking retribution or humiliation, revenge porn also called as non-consensual pornography, is the transmission of pictures and videos of people that are sexually explicit without their consent. In contrast hidden camera crimes require the covert recording of people in private places like hotel rooms, restrooms or changing area – often without the consent or knowledge of the participants. Although the techniques and motivations behind these two types of abuse may differ, they both lead to serious violations of bodily privacy, autonomy and dignity.

The rate and breadth at which the content can be shared on social media sites like Instagram, Facebook, Telegram, Reddit, and even pornographic websites is what make these violations even more harmful. Personal photos are nearly impossible to remove once they are uploaded because they can be copied, downloaded, shared or sold, causing victims to suffer unimaginable trauma. In recent years, social media companies' role in encouraging or managing the propagation of such content have come under expanding ethical and legal scrutiny.

Even though many nations, including India, have laws which prohibits voyeurism and obscenity, they frequently fail to properly address the particular difficulties presented by unlawful content in the digital sphere. For example in India, voyeurism and privacy violations are covered by section 354C of IPC and 66E of IT Act. However there are gaps in the law, justice is delayed, and police investigations are hampered by the lack of a clear legal statute or definition on revenge porn. Further, problems like victim blaming, social stigma, inadequate and ignorance digital forensics infrastructure which further undermine enforcement.

Social media platforms¹ which play a dual role and act as enablers of the issue and possible collaborators on its resolution in the above situation. It is essential that they are eliminate, stop and identify the spread of unlawful content. But a lot of platforms use vague community

¹ Academike - Articles on legal issues [ISSN: 2349-9796]

guidelines, have sluggish content moderation procedure, or ask the victims to submit evidence that could cause them to retraumatize. In addition many jurisdictions' laws do not hold these businesses completely liable for their absence.

The objective is not only to highlight the current system gaps but also to propose a more tech-driven and approach to curbing this disturbing trend.

IMPACT AND ROLE OF SOCIAL MEDIA PLATFORMS IN THE SPREAD OF UNLAWFUL CONTENT

In today's world social media plays a central role in how we share, interact and express ourselves. But these platforms have brought people closer together, they have also paved the door to serious privacy violations – especially when it comes to issues like *revenge porn* and *hidden camera crimes*. These types of digital abuse, which often targeting women, are deeply harmful, and social media has made it easier than ever for such content to spread wide and far.

1. When private moments become public

Revenge porn – more accurately described as *non-consensual sharing of intimate images* – involves the distribution of often personal explicit videos or photos without the subject's permission. It's often done out of jealousy, anger, or a desire to humiliate, particularly after a breakup. In Hidden camera crimes, the victims often does not even know that they have been recorded until the footage surfaces online.

What connects both of these violations is the way they deeply invade a person's sense of safety and dignity. And what make even things worse is how quickly this content can spread on these social media platforms, often before victims even have the chance to respond or to take action.

2. The Role Social media in amplifying harm

The viral social media platforms like Instagram, Facebook, Reddit, Tiktok, Snapchat, Telegram and others means that once something is uploaded, it's almost impossible to erase fully. People can download it, forward it, or repost it across multiple platforms. Victims have described the feeling as losing control – not just over their image but also over their life. The psychological image can be severe – ranging from depression and anxiety to fear of going out in public.

What makes this even more dangerous and worse is the way these platforms algorithms work.

Content that grabs the attention of public that tends to get promoted. Unfortunately, explicit content often draws high engagement, which means that even harmful posts can get pushed to wider audiences before moderators take them down – if they take them down at all.

3. Surveys Insights and Real – Word Data

Numerous surveys and studies demonstrate how pervasive and harmful non consensual content sharing has grown:

- a) One in 25 Americans had either been the threatened or the target of revenge porn , According to 2017 Data and Society report², The most targeted demographic among them was women between the ages of 18 and 29.
- b) A 2021 NRCB (National Crime Records Bureau, India) report states that cybercrimes against women increased by over 28% over the previous year with many of these crimes involving the sharing of private photos.
- c) More than 60% of Indian women who have been the victims of digital abuse that the platforms were “slow or unresponsive” in eliminating the damaging content, according to a 2019 survey conducted by the Centre for Internet and Society³(CIS), India.
- d) More than 75% of victims in a global study by StopNCII.org reported experiencing emotional trauma, and many of them said that they avoid using internet out of concern for harassment or blackmail.
- e) According to a cybercrime survey, 18.3% of women were unaware that they had been the targets of revenge porn. This is particularly true in a populous nation like India, where there is no explicit law prohibiting revenge porn, but the likelihood of this occurring is even higher. The sample for this study was selected using the purposive sampling technique. There were 200 participants in the study, who were unmarried women between the ages of 18 and 30 who lived in Tamil Nadu. More than half of respondents to our survey⁴ said they had never heard of “Revenge

² <https://datasociety.net/library/nonconsensual-image-sharing/>

³ <https://cis-india.org/>

⁴ <https://criticaldebateshsgj.scholasticahq.com/post/2711>

Porn,” and only roughly 5% said that they had ever been a victim.

f) 40% of them hold the victim accountable for the offense. Of them, roughly

43.5%⁵ were undecided about the necessity of banning websites like pornographic websites. 11% of the samples said that they were likely to upload pornographic content in retaliation. Approximately 8.5% of those surveyed think that the society blames victim for retaliatory porn because sex is taboo. Among other things, police officers must receive training in a variety of psychological handling techniques.

g) India which has the third - highest rate of cybercrime worldwide, might take stronger preventive measures. The introduction of specific laws and the creation of awareness campaigns may raise public awareness of this crime.

These findings reflect just how common and underreported these crimes are – and how urgently systematic improvements are needed.

4. A Broken System for Reporting and Removal

The majority of social media sites claim that to have the mechanisms to identify in place and elimination of the which is not consenting. However, in reality, victims may find to be emotionally taxing the process, frustrating and slow. Many platforms requires victim to identify themselves in the photo and report the post themselves. To get help, this often entails reliving the trauma.

Even when the content may not be always be reviewed right way even after it has been flagged. Additionally once something is online, it can be screenshotted or saved and shared again later. Victims frequently believe that their struggle a never-ending battle just to protect their own privacy.

5. An Appeal for Reform

Social media companies do have the tools to make a real difference. Better systems of detection have been introduced. Like using AI to flag explicit content. Others are collaborating with

⁵ 18.01.018.20231103[1].pdf

nonprofits to build and create databases that block the re-uploading of the known revenge porn material.

However, there is still a long way to go. These tools don't always work cross with other languages or geographical areas. In countries like India Victims frequently don't even know that they have the right to complain or how to do it, where digital literacy and social stigma is may be lower and higher respectively.

Ultimately, platforms can no longer afford to be neutral. They are central players in how these kind of unlawful content spreads and must be held to higher standards of accountability. By Stronger legislation, more responsible technology, and better victim support programs we can take real steps to guarantee that digital spaces uphold consent, dignity and privacy.

LAWS RELATED TO THESE OFFENCES

1) Indian Penal Code (IPC)

Section 354C – Voyeurism

Watching or capturing the image of a woman engaged in a private act without her consent.

Punishment:

- First conviction: Imprisonment of 1 to 3 years and fine.
- Subsequent conviction: Imprisonment of 3 to 7 years and fine.
- Cognizable and bailable for the first offence; non-bailable for subsequent offences.

Section 354D – Stalking

Includes monitoring a woman's activity via the internet, email, or any electronic form without her consent.

Punishment:

- First conviction: Imprisonment up to 3 years and fine.

- Second or subsequent conviction: Imprisonment up to 5 years and fine.

Section 509 – Word, Gesture, or Act Intended to Insult the Modesty of a Woman

Covers obscene gestures, acts, or words aimed at a woman's modesty (can apply to video circulation).

Punishment: Simple imprisonment for up to **3 years** and **fine**.

2) Information Technology Act, 2000 (IT Act)

Section 66E – Violation of Privacy

Capturing, publishing, or transmitting images of a person's private parts without consent.

Punishment: Imprisonment up to 3 years and/or fine up to ₹2 lakh.

Section 67 – Publishing or Transmitting Obscene Material in Electronic Form

Applies to anyone who shares or transmits obscene images/videos online.

Punishment:

- First conviction: Up to 3 years and/or fine up to ₹5 lakh.
- Second conviction: Up to 5 years and/or fine up to ₹10 lakh.

Section 67A – Publishing or Transmitting Sexually Explicit Content

Deals with sexually explicit materials, including revenge porn and leaked sex tapes.

Punishment:

- First conviction: Up to 5 years and fine up to ₹10 lakh.
- Subsequent conviction: Up to 7 years and fine up to ₹10 lakh.

3) The Indecent Representation of Women (Prohibition) Act, 1986

Prohibits the indecent representation of women through advertisements, publications, writings,

or in any other manner.

Punishment: Imprisonment up to 2 years and fine up to ₹2000 (first offence); 5 years and fine up to ₹5000 for subsequent offences.

Note: The Act is considered outdated but can be used in tandem with IPC and IT laws.

FOREIGN LAWS

United Kingdom

- Criminal Justice and Courts Act, 2015 – Section 33
- Criminalises revenge porn (disclosing private sexual photographs and films with intent to cause distress).
- Punishment: Up to 2 years' imprisonment.

United States

- Laws vary by state, but 48 states have specific laws criminalising revenge porn.
- Penalties: Range from fines to imprisonment up to 5 years, depending on the state.

Australia

- Several states have revenge porn laws under the category of “Image-Based Abuse”.
- Punishment: Up to 7 years' imprisonment (New South Wales, Victoria).

LANDMARK CASE LAWS

i. Suhas katti v State of Tamil Nadu (2004)⁶

After a women rejected his proposal of marriage, the accused posted obscene and defamatory remarks about her on a Yahoo message group. Court applied Section 67A of IT Act (publishing obscene material in electronic form) and Sections 469,

⁶ *Suhas Katti v. State of Tamil Nadu*, Metropolitan Magistrate, Egmore, Chennai (Nov. 2004)

509 of IPC (forgery, insulting the modesty of women). This case was the first cyber harassment conviction in India under the IT Act. This case established as the first successful prosecution in India for online sexual harassment setting as a significant precedent.

ii. Kalandi Charan lenka v State of Odisha (2017)⁷

A girl was stalked online and her morphed, pornographic photos were circulated or went viral on Facebook. Court applied Sections 354D, 506 IPC (stalking, criminal intimidation) and Section 66E, IT Act (violation of privacy). Because of the gravity of the cybercrime, the accused was not granted bail. This case brought attention to the seriousness of cyberstalking and online image manipulation.

iii. Animesh Boxi v State of West Bengal (2018)⁸

The accused posted private sexual videos of his ex-girlfriend in online without her consent or permission. Court applied Section 66E, 67, 67A of IT Act and Section 354C of IPC. He was found guilty and this case was one of the first revenge porn convictions in India. This was India's first recognition and punishment of a revenge porn case.

iv. People v Barber (2014)⁹ – US Case

The accused posted sexually explicit images of his ex-girlfriend on Twitter and sent them to her workplace and family. Legal provision that was applied in this case - NY Penal Law § 240.30 (Aggravated Harassment). Although the case was dismissed on a technicality, it sparked public outrage and pushed for stricter revenge porn laws in New York state. This case brought national attention to the loopholes in revenge porn laws in the U.S.

v. R v GS (2019)¹⁰ EWCA Crim 1621

The accused posted explicit videos of his partner on a public website without getting

⁷ *Kalandi Charan Lenka v. State of Odisha*, 2017 SCC OnLine Ori 229.

⁸ *State of W.B. v. Animesh Boxi*, District Court of West Bengal (Mar. 2018)

⁹ *People v. Barber*, No. 2013NY059761, 2014 WL 641316 (N.Y. Crim. Ct. Feb. 18, 2014)

¹⁰ *R v. GS*, [2019] EWCA (Crim) 1621 (Eng.).

her permission. Section 33 of the Criminal Justice and Courts Act is the legal provision in this case. Found guilty and given a prison term in accordance with the UK's revenge porn law. One of the earliest successful applications of the UK's new revenge porn legislation.

vi. Wilson v. Ferguson (2015)¹¹ – Australia

A man posted explicit videos of his former partner on Facebook after their breakup. The legal basis in this was Breach of trust and improper use of personal data. In order to compensate the victim the court awarded \$48,404 in damages to the victim for emotional distress and breach of confidence. This case establishes a civil precedent for damages in Australian revenge porn cases.

IDEAS AND THE WAY AHEAD

A growing concern in today's hyper-connected world is the abuse and misuse of technology to exploit individuals especially women through revenge porn and hidden camera crimes is a growing concern. Although India has some legal provisions in place, there are gaps remain in terms of clarity, application and assistance for victims. A multi-dimensional, victim-centred plan is urgently needed. Below are some important suggestions:

1. A Standalone Law on Non-Consensual Pornography¹²

India currently addresses these types of crimes through various provisions of the IPC and IT Act. These laws, however, lack specificity and frequently fall short in addressing the unique emotional and digital aspects of sharing content without consent.

A specific law ought to:

- clear definition for words like "consent" and "private sexual imagery."
- Address vulnerabilities which is gender - specific

¹¹ *Wilson v. Ferguson*, [2015] WADC 15 (Austl.).

¹² <https://www.thetimes.com/uk/law/article/online-safety-act-is-a-good-start-but-its-efficacy-remains-to-be-seen-fxm6crhs0>

- Establish timelines for the trial and investigation and mandate victim anonymity.
- Seek information from nations such as the Australia and United Kingdom, which have enacted targeted legislation to address the images of sexual – abuse.

2. Learnings from Global Best Practices

The UK's **Criminal Justice and Courts Act, 2015**, retaliates revenge porn which carries a maximum with up to 2 years' imprisonment. Australia's state-level legislation¹³ imposes a maximum with up to 7 years imprisonment for image - based abuse. These jurisdictions offer victim-first models that India can adopt by modernizing its criminal and cyber laws to satisfy the needs of the digital age.

3. Ensuring Accountability of Social Media Platforms¹⁴

Social media platforms frequently become vehicles for spreading the non-consensual content, they often face indifference, delays or even retraumatisation when trying to get such content removed.

To deal with this:

- Platforms must be required to legally bound to remove such content within 24 to 48 hours.¹⁵
- It is necessary for the redressal system should be set up independent or separate from the platforms.
- To stop re-uploads the use of AI and hash-matching technologies must be required.
- Platforms that fail to act with the **Digital Personal Data Protection Act, 2023** should be penalized under this Act or under relevant amended laws.

¹³ <https://www.imagebasedabuse.com/the-laws-in-australia/>

¹⁴ <https://www.esafety.gov.au/newsroom/media-releases/platforms-and-individuals-face-tougher-rules-over-image-based-abuse>

¹⁵ <https://www.thinkuknow.org.au/find-advice/understanding-image-based-abuse>

4. Rehabilitation and Support for victims ¹⁶

Legal remedies alone are insufficient. Victims often experience serious emotional social and mental consequences.

Supporting mechanisms should include:

- Free mental health counselling during and after court.
- Cost-free and stigma free barriers.
- Plans for compensation schemes to help in monetary recovery.
- Rehabilitation programs and support systems, especially for marginalised people and minors.

We also need campaigns for public awareness to combat victim-blaming and promote empathy.

5. Fast-Track Justice and Better Police Training

Many cases go unresolved or drawn out trials due to inadequate police response. Victims are frequently discouraged from seeking justice out of embarrassment or fear.

To address this:

- Establish specialized fast track courts for digital sexual crimes.
- Train police and cybercrime units in both gender sensitivity and technical skills.
- Introduce digital literacy initiatives for judiciary and legal enforcement to handle better in such cases.

Conclusion:

Retaliation porn¹⁷ and hidden camera crimes are not legal just issues - they are also extremely personal transgressions that deprive individuals, women in particular, of their dignity, peace of

¹⁶ <https://www.lw.com/admin/upload/SiteAttachments/UK-Online-Safety-Act-2023.pdf>

¹⁷ <https://restthecase.com/knowledge-bank/revenge-porn-or-non-consensual-pornography>

mind and privacy. It is obvious that in today's digital era¹⁸, where one click has the power to ruin someone's life. And it is obvious that our systems, laws, and attitude must evolve.

Although India has made progress and strides, but there is much a long way to go. We need more transparent laws, speedier justice and support networks which is victim-centric. Social media companies need to act much faster and not only in answer to pressure but also because it is the right thing to do.

At the heart of the issue is simple but powerful idea is upholding dignity and respecting consent. An internet and a society can be kinder, safer and replace empathy for silence and holds enablers accountable if we centre victims in our approach.

¹⁸ <https://juriscentre.com/2023/10/16/we-arent-ready-for-this-assault-deepfakes-and-revenge-porn-laws-in-india/>