


Sextortion as a Growing Cybercrime: A Socio-Legal Analysis in the Indian Context

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Abstract

Today technology and the internet have given people a way to express themselves, a platform for new ideas and a safe place for virtual jobs. On the one hand this has made life easier and more advanced for people. On the other hand cybercrime and its types, such as internet identity theft, revenge pornography, online child abuse, harassment of women and stalking crimes are increasing every day. The main reason for these crimes is the use of the internet such as when people share every moment and detail of their personal lives on social media without thinking about the consequences when they use social media in the wrong way and too much, when they talk to strangers online and when they send private and intimate photos and videos to people they do not know. When we use the internet in the way bad people are encouraged and they use these platforms to commit crimes. As a result innocent people become victims of cybercrime. If they refuse to do what the cybercriminals want they are threatened with more harm. Everyone knows that everything is now digital and that this can be used for crime and abuse. It is a problem that affects everyone and happens in all areas of life. Women, members of the community and teenagers are the most common targets of these crimes.

This paper will discuss the meaning and concept of sextortion crime, the history of sextortion crime analysis of laws related to it, types of sextortion and ways to prevent it with a focus, on the community. The main goal is this article to understand sextortion crime and how it affects people in the Indian community.

Key-Word-Sextortion, Extortion, sexual component, corruption component, cybercriminals.

Introduction

The crime of sextortion is not defined under any laws but it is a very dangerous and horrifying crime for people and it can happen in many ways, such as physically or non physically or sextortion with corruption. Sextortion is often done through media, sms or online video or audio calls on platforms like Whatsapp, Facebook, and Instagram. This means sextortion is a growing form of online abuse that happens through the internet and social media. The term "sextortion" is made up of two words, "sex" and "extortion". Extortion is a crime that happens when someone tries to get money, property or other valuable things by threatening to hurt someone or reveal their information. According to the law if someone intentionally scares another person and makes them give up their property or something valuable because of that fear then that is considered extortion. The crime of sextortion is similar to this. It involves sexual content. It is a crime that can happen to anyone and it is important to be aware of it and take steps to protect ourselves from it. Sextortion can be very damaging to the people who're victims of it and it is important that we do something to stop it. We need to be careful when we're online and make sure that we do not give out any personal information that could be used against us. The crime of sextortion is a problem and we need to work together to solve it. Sextortion is a form of abuse that can happen to anyone and we need to take it seriously.

We should report any instances of sextortion to the authorities. We should support the people who are victims of it. The crime of sextortion is not a problem for the people who are directly affected by it but it is also a problem for society, as a whole. We need to do something to stop sextortion. We need to do it now.¹

This is a way that some wealthy people do things. They want to get what they want from people especially when it comes to sex. If someone does not do what they want they might try to show evidence of the person's sexual activities. This could be things, like pictures or videos of the person. The wealthy person might use these things to get the person to do what they want. They might have pictures or videos that are very personal and private like pictures or videos that show the person having sex. The wealthy person might use these pictures or videos to get the person to do things they do not want to do.² It's a crime in today's digital age Sextortion is a form of abuse that uses technology and the internet. This crime is committed by someone who misuses their power or authority to force a victim to engage in activities. They do this by threatening to share intimate photos, videos or other content. The person committing the crime uses these threats to control and exploit their victim. Sextortion is an issue that affects many people. It's done through platforms, social media or messaging apps. The goal is always to manipulate and exploit the victim, for the perpetrators gain.³ It's like blackmail. A criminal demands a lot of money. They also force people to do acts take naked pictures or masturbate on camera. This is a crime, against people. It's very dangerous. A person might get threatened to send money. They might be forced to do something embarrassing on camera. The criminal might share the person's images. This crime hurts people badly. We should be careful online. The person who does this is a criminal can be punished.

Objectives

- To examine India's legal system on sextortion.
- To examine the strategies and tactics employed by criminals to carry out sextortion.

Hypothesis

The development and intricate nature of sextortion offenses are mostly caused by the lack of a clear and complete legislative structure in India, as well as the growing use of online platforms and sophisticated techniques by cybercriminals.

Meaning and Concept of Sextortion Crime

Cambridge wordbook–“sextortion is the practice of forcing someone to do commodity, particularly to perform sexual acts, by hanging to publish naked picture of the further sexual information about them⁴. ”

The International bar associations – Sextortion is a crime that involves corruption and sexual exploitation. This crime also involves an association where people exchange favors instead of money. The people who do this are basically using sex to get what they want from the person. Sextortion is a serious crime and it is a combination of corruption and sexual exploitation. In cases of sextortion the exchange of sexual favors is used to get something from the other person rather than using money.⁵

The International Association of women judges (IAWJ)-Regarding to sextortion says that it's a abuse of power to take sexual benefit or advantage. Its different form of corruption in which sex is more important from extortion and sex is the currency of fix rather of plutocrat.

Its mean there are two main elements must be present then, first is “The sexual element” and second is “The corruption element.”

The sexual element- in this element of sextortion has included undesirable sexual conditioning, exposing private body corridor, demanding film land or pornographic material unwanted touching etc.

The corruption element- in this element of sextortion has included one person who hold the authority to entertain the rights or has the right to do commodity and in the rationale of authority or right, he abuse his power and exploited someone or accepting the sexual favour in exchange for exercising the power. therefore there are three main characteristic in this element(a) by them must be abuse his power or authority, (b) he must be get some favor or advantage from victim(c) and third thing there must be cerebral coercion⁶.

Presently the state executive council of Jammu & Kashmir approved a correction in Ranbir correctional law regarding to sextortion crime. Therefore state of Jammu & Kashmir has come the first state to bring such a law on sextortion crime in enactment book. there are two proposed bill “Prevention of corruption(correction) Bill 2018 and Jammu and Kashmir Criminal Laws(correction) Bill 2018 “ it Bill will amend the section 354E of The Ranbir Penal Code and it'll include new offence name is sextortion or exploitation crime⁷.

Difference between sextortion and vengeance pornography

Generally there is difference of motive or intention in vengeance pornography and sextortion crime. In crime of vengeance pornography perpetrator has a intention or motive to harming the depicted person or their character for this reason felonious generally distribute victim raw or sexual content in public sphere and vengeance pornography generally happens in collective and romantic relationship, typically in this crime victim gives her raw prints and vids to lawbreaker with anticipation that he'll keep these private but lawbreaker release her prints and vids for the purpose of vengeance and if we talk about sextortion crime also we will realize that sextortion is a type of vengeance porn and it's a analogous to vengeance pornography but in this crime felonious demand to victim, I'll keep prints and vids private only if you pay me or give me sexual favour else I'll publish it and in other words, in this crime have a two element, first is “ The Sexual element ” and “ The corruption component⁸ ” sextortion is blackmail related to intimate content. State of **west Bengal v/ s Animesh Boxi** this is a first case of vengeance pornography, it had do in 2018 in this case had hang to distribute of raw prints and videotape to the multiple persons. so in this case the court determined five time imprisonment and 9000 Rs fine to malefactor. This case was grounded on equity, fairness, and good conscious. According to exploration on sextortion crime- in the beginning century 2000 generally assumed that sextortion crime is a western countries crime but present time circumstances has changed and sextortion crime has explored each over world. In February 2020 British experimenter (SOPHOS- cyber security establishment) has successfully traced the origin of millions of sextortion crime emails⁹. In the global list regarding to sextortion crime India rank is 5th and 3.73 of all emails related to sextortion crime. According to this exploration Brazil, Vietnam, Argentina, Italy, India, Korea, Mexico, Poland, Peru, and Columbia are most popular top countries where sexual exploitation crime is more and more being and above exploration says that teenage to full overgrown grown-up is substantially victim in this crime¹⁰. According to exploration sextortion and vengeance pornography related crime has under reported in India. According to 2010 report regarding to sextortion and vengeance porn 46.7 crime has not reported, 35 crime has reported and 18.3 people has not known he's victim of sextortion crime.¹¹

Background of the sextortion offense

This phrase emerged in 1950 in California, and since early 2009, The Institution for Responsible Online and Cell-Phone Communication has started alerting the public about sextortion crimes through live events and sites like www.sextortion.org. This crime began with sexting, and later, the sharing of images and videos became involved. As a result, individuals are sharing their private photos and videos with others or on social media, without considering the long-term repercussions. In 2009, a three-year initiative titled "stopping the abuse of power through sexual exploitation Naming, Shaming, and Ending Sextortion" was launched by the IAWJ (International Association of Women Judges) alongside other organizations (Association of Women Judges in Bosnia and Herzegovina, the Philippine and Tanzania Women Judges Association, and the Netherlands) and a presentation on sextortion crimes was made before judges in 2010¹² and during the biennial world conference of the International Association of Women Judges in 2012.¹³ In 2017, scientific studies in Europe examined the spread of sextortion crimes. In the Czech Republic, and again in 2022, the Canadian Centre for Child Protection compared cases of sextortion, revealing that incidents have tripled this year compared to last year¹⁴.

Strategy for perpetrating Sextortion offense –

Typically, people use the internet and social media, leading to a rise in online crime. One such crime is sextortion, which occurs through the internet and online social platforms, happening in the following manner-

Social media -Utilizing social media is a highly common method to perpetrate sextortion crimes. In this approach, offenders exploit social platforms or dating applications like Facebook, WhatsApp, and Instagram, among others, to carry out

sextortion offenses. Initially, in this approach, the perpetrator attempts to befriend the victims, and then seeks to obtain nude photos and videos from them. Once the perpetrator has acquired these photos and videos, he exploits them for financial gain or sexual favors.

Via email - the second most common method for executing sextortion is through email. In this approach, criminals utilize email to perpetrate the crime, sending messages to victims demanding ransom money and threatening that failure to pay will result in the public release of their private data or explicit content.

Using the compromised webcams- in this technique, the perpetrator infects the victim's webcam via malware, allowing access to the victim's camera and microphone, enabling the perpetrator to observe every move and action of the victim.

Due to account hacking—if you've interacted on social media and shared or uploaded sexual images or videos, or if he obtains your nude photos or videos in some way, then if you don't meet his demands, such as providing money or sexual favors, he may hack your account and share your nude images and videos with friends, relatives, and other family members. Other different platforms that contribute to committing sextortion crimes include messaging apps, dating apps, pornographic websites, and more¹⁵.

Legal safeguards against sextortion offenses in India

There are no specific provisions against the crime of sextortion nor is there a legal definition for sextortion, but certain clauses in the IT Act (Amended) 2008 and other laws, such as the Indian Penal Code, The Protection of Women from Domestic Violence Act 2005, and The Protection of Children from Sexual Offences Act 2012, may potentially encompass sextortion, as outlined below –

The Protection of Women from Domestic Violence Act 2005 was enacted by the parliament to safeguard women from domestic violence; however, it also offers protection to women from the crime of sextortion. Whenever a woman is impacted by sexual exploitation, she may file a complaint against the perpetrator under this Act¹⁶.

The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 - this law was enacted to safeguard women from sexual harassment in the workplace and to provide mechanisms for the prevention and addressing of complaints related to sexual harassment¹⁷.

Bharatiya Nagarik Suraksha Sanhita, 2023- section 126- This section allows the victim to reach out to the local Magistrate and inform them about any obscene content being spread by the perpetrator, after which the Magistrate can authorize the detention of the perpetrator and seize the obscene material¹⁸.

Bharatiya Nyaya Sanhita, 2023 (BNS)

Section 294 – This provision prohibits the dissemination and circulation of obscene materials and also bans the sale, rental, or public exhibition of vulgar books, images, or digital content¹⁹.

Section 74 – This section addresses assault or the use of criminal force against a woman with the purpose of violating her modesty. If someone is convicted, they could undergo incarceration and pay a penalty²⁰.

Section 75 – Anyone who engages in actions like inappropriate physical contact with sexual intent, making sexual advances, soliciting sexual favors, displaying pornography to a woman, or uttering sexually explicit comments is considered guilty of sexual harassment and can face imprisonment and a fine²¹.

Section 76– Anyone who attacks or employs criminal force against a woman with the purpose of undressing her or compelling her to be nude shall face imprisonment and may additionally be required to pay a fine ²².

Section 77– This section addresses voyeurism, which involves watching or recording a woman who is in a private situation without her consent. The perpetrator could encounter jail time and a monetary penalty²³.

Section 78– This section provides a definition for stalking. In the case of the initial conviction, the individual may face imprisonment and a monetary penalty, whereas for any following conviction, a more extended imprisonment period and a fine could be mandated²⁴.

Section 316– This section pertains to criminal breach of trust. If an individual fraudulently takes or uses property that has been entrusted to them, they could face imprisonment, a fine, or both.²⁵

Section 356– This section describes defamation, in which an individual makes or disseminates any statement aimed at damaging another person's reputation ²⁶.

Section 356– Penalties for defamation can involve simple imprisonment, a fine, or a combination of both²⁷.

Section 351 – This section pertains to criminal intimidation. If an individual intimidates another with harm to their person, reputation, or belongings, they could face incarceration, a monetary penalty, or both. In severe instances like threats of death or serious injury, the penalty can include a lengthier prison term²⁸.

Section 79– This section safeguards the dignity of women. Should an individual offend a woman's modesty using verbal insults, gestures, sounds, objects, or by invading her privacy, they could face imprisonment and a financial penalty ²⁹.

The Protection of Children from Sexual Offences Act 2012

In order to prevent children from being sexually exploited, this law was created to protect children from those who would harm them. For children, the Protection of Children from Sexual Offenses Act of 2012 is crucial.³⁰

Information Technology Act of 2000s

The Information Technology Act, 2000 was established to tackle offenses carried out via electronic communication and digital mediums. Due to the swift expansion of the internet, cyber crimes like privacy breaches, distribution of inappropriate material, and abuse of personal information have escalated. The Act includes various measures to safeguard people from such offenses and to oversee online behavior.

Breach of Privacy-Section 66E addresses the infringement of a person's privacy. This provision states that if an individual deliberately captures, distributes, or shares images of someone else's private parts without their permission, it is deemed a criminal act. This part seeks to protect the respect and confidentiality of people in online environments.

If an individual is convicted under this section, they could receive a prison sentence of up to three years, a fine of up to ₹2 lakh, or both, based on the severity of the crime³¹.

Disseminating or Communicating Indecent Material in Digital Format-Section 67 forbids the dissemination or communication of obscene content via electronic channels, including websites, emails, social media sites, or messaging apps. Obscene material encompasses items that are sexually explicit or violate public decency. An individual found guilty under this section can face imprisonment for a maximum of three years and a fine of up to ₹5 lakh for the initial offence. For a second or later conviction, the penalty could reach five years in prison and a fine of up to ₹10 lakh ³².

Distributing or Broadcasting Sexually Explicit Content-Section 67A addresses the distribution or broadcasting of sexually explicit or pornographic material in electronic format. This clause is more stringent than Section 67 as it pertains to more severe types of explicit material. Anyone who distributes or shares such content electronically may face imprisonment of up to five years and a fine of up to ₹10 lakh for the initial offense. For later offenses, the penalty can rise to seven years in prison and a fine of up to ₹10 lakh ³³.

Child Sexual Exploitation and Material with Minors-Section 67B emphasizes safeguarding children against online sexual exploitation. It forbids the generation, release, sharing, viewing, or downloading of sexually explicit content featuring minors. This section also makes it a crime to lure children into sexual activities via digital platforms. An individual who perpetrates these crimes could face imprisonment for a maximum of five years and a fine reaching ₹10 lakh for the initial offence. Stricter penalties might be imposed for repeated violations ³⁴.

Violation of Confidentiality and Privacy-Section 72 addresses violations of confidentiality and privacy by authorized individuals, especially government officials or others who obtain information as part of their official responsibilities. If an individual reveals confidential information or personal data without the consent of the individual involved or without legal permission, it is considered an offense. The perpetrator could face imprisonment for a period not exceeding two years, a penalty up to ₹1 lakh, or a combination of both ³⁵.

Indecent Representation of women (Prohibition) Act 1986 (IRWA)

it is prohibited to print or distribute books, pamphlets, and other materials that contain indecent representations of women. For a first violation, the individual may be sentenced to a maximum of 2 years in prison and a fine of up to 2, 000 Rs. If there is a second conviction, the offender will face a mandatory punishment of at least 6 months and a maximum of 5 years in prison, along with a fine beginning at 10, 000 Rs and potentially reaching up to 1 lakh Rs ³⁶.

A first offense for breaching Sections 4 and 5 of the IRWA results in a maximum penalty of two years and a fine reaching 2000; a second or further offense results in a sentence of no less than six months but as much as five years in prison and a fine of at least 10, 000 Rs up to one lakh Rs.³⁷

Measures to prevent sextortion crime

The internet remembers everything; it has stored all data. If you plan to share something online or on social media, you should reconsider many times. Firstly, no one should send nude images or videos to anyone. Sending nude pictures or videos to someone, whether familiar or not, heightens the risk of misuse. Therefore, sharing intimate photos, videos, and private chats is unwise, especially if you haven't met the person. Below are some preventive measures that should be followed

Don't respond—it's unkind if any unfamiliar email, video call, or message arrives in your inbox, so just don't reply.

Don't worry – it's serious; if you are a victim of sextortion perpetrated by someone, don't be scared and promptly report it to the relevant authorities.

Do not pay – the third and final point is to avoid payment; this indicates that certain individuals engage in unethical and illegal activities through online or offline means. They are criminals, so you should disregard them and not give any money to them or to the perpetrator³⁸.

Keep social media account private-Maintain privacy on social media accounts, never send your nude or sexually explicit images or videos via email to anyone, and avoid clicking on links or attachments from unfamiliar individuals or senders.

Don't talk to unknown person on social media-Avoid communicating with unfamiliar individuals on social media, dating sites, or other platforms, and be cautious of new online connections, especially those who send unsolicited sexual images or videos.

Keep turn off our electronic devices and webcams -We must ensure to turn off our electronic devices and webcams when they are not in use, and it is crucial to maintain the security of all social media profiles.

Maintain a record of all communication and discussions, ensuring nothing related to this crime is deleted, and refrain from conversing or chatting with the offender.

Doesn't pay-do not give any payments or ransom to blackmailers³⁹.

Don't accept video calls of unknown number-Avoid video calls from unfamiliar numbers and never allow anyone to take or capture photos of any private parts using any device.

Avoid taking intimate, nude, or semi-nude pictures on your cell phone since an attacker can access your gallery through a mobile app and may blackmail you based on these images.

Keep strong password -Maintain a robust password and employ a strong authentication method for identification while using unique passwords for each of your social media accounts.⁴⁰

Elementary Aid to Victim - this situation is serious and difficult for victim, what should victim do if he has been sextorted by perpetrator. First of all in this situation you don't afraid and one thing keep in your mind that you are innocent victim and that person is perpetrator. So victim should follow some elementary step for the rid of this situation-

- Contact to family or well wisher or someone close to you such as friends, relatives.
- Don't panic and don't respond his call or message after that cut all the communication with the perpetrator.
- Don't delete anything; Keep everything related to the crime such as photos, videos, screenshot etc.
- It is most important that victim will inform the police regarding to this crime from beginning to end and he can also lodge complaint online against perpetrator and also he can inform to cyber crime cell about the this crime or lodge FIR or online complain against perpetrator to the concern website.

- And next step, victim will meet the lawyer who is specialist in cyber crime and he knows how to behave and deal with extorted person⁴¹.

Suggestion

Requirement for Strict Regulations-Currently, sextortion has emerged as a significant and swiftly growing cybercrime in India. The current legal system is insufficient to address the complicated nature of this offense. Consequently, the legislature must pass strict and thorough laws explicitly designed to address sextortion. Robust legal measures would serve as a deterrent and aid in decreasing the occurrence of these offenses.

Establishment of a Targeted Statute Prohibiting Sextortion-A distinct law should be created that clearly identifies sextortion as an independent crime. The legislature needs to explicitly outline sextortion, encompassing its different types like blackmail with personal images, pressure for sexual favors, and threats to share private material online. The criminal laws need to be revised to incorporate definite penalties and procedural rules for the investigation and prosecution of sextortion cases.

Establishment of a Safe Reporting System- Numerous victims are reluctant to report sextortion because of fear, embarrassment, or societal stigma. Consequently, the legislature must establish a secure, private, and victim-oriented reporting system. Victims should be able to submit complaints with respect and without the fear of being judged. To encourage victims to pursue justice, options for anonymous reporting, specialized help lines, and online complaint platforms should be established.

Specialized Organizational Frameworks-The government ought to create dedicated organizations to tackle sextortion incidents. Like sexual harassment committees, specialized committees ought to be established in schools, colleges, universities, and workplaces. These organizations can assist in handling grievances, offering prompt assistance, and ensuring appropriate measures are taken. Non-governmental organizations (NGOs) ought to be motivated to collaborate with government bodies in safeguarding victims and raising awareness.

Revision and Enhancement of Current Legislation-The existing legislation on cybercrime, obscenity, and sexual harassment may somewhat address sextortion but is frequently insufficient or ineffective in tackling its unique characteristics. Therefore, current laws need to be revised and reinforced to guarantee successful prosecution and severe penalties for violators. Well-defined protocols for inquiries, collection of digital evidence, and prompt trials should be established.

Community Awareness and Learning- Understanding is among the most powerful methods to combat sextortion. The government ought to actively support awareness initiatives via advertisements, seminars, workshops, television shows, and social media channels. Schools ought to implement awareness initiatives to inform students about internet safety, safeguarding privacy, and the dangers of disclosing personal details online.

Creation of Efficient Grievance Systems and Corporate Accountability-The government needs to implement efficient complaint systems at both national and local levels. Technology firms and social media platforms should be urged to develop more robust policies against sextortion and various types of online sexual exploitation. Businesses need to create straightforward reporting mechanisms on their platforms, swiftly eliminate damaging content, and work alongside law enforcement to pinpoint wrongdoers.

Conclusion

In conclusion it is clear from the aforementioned discussion that Sextortion has arisen as a significant and quickly growing type of cyber-enabled sexual exploitation, especially within the context of India. As internet access, digital communication platforms, and social media networks expand rapidly, perpetrators are more frequently using technological tools to intimidate, coerce, and extort individuals through intimate photos or personal data. Consequently, the prevalence of sextortion is rising at a concerning and unmatched pace, presenting considerable difficulties for the legal system, law enforcement bodies, and society as a whole.

A main reason for the challenge in effectively managing this offense is the lack of a precise and thorough legal definition of sextortion in the current legal context. While some clauses in the Information Technology Act, 2000 and the Bharatiya Nyaya Sanhita might be used indirectly to tackle offenses like cyber harassment, extortion, or the dissemination of obscene content, these clauses fail to directly confront the distinct and intricate issue of sextortion. As a result, the absence of a specific legal provision frequently results in unclear interpretations, delays in procedures, and challenges in successful prosecution. Moreover, the existing legal and institutional frameworks in India are insufficient to tackle the complex issues related to sextortion. Survivors often encounter emotional distress, societal shame, and anxiety about being publicly exposed, which deters them from disclosing these events. In numerous instances, the lack of tailored investigative methods, skilled cybercrime experts, and victim assistance frameworks further diminishes the implementation of current regulations. Consequently, an immediate requirement exists for the legislature to establish a thorough and specialized legal structure that specifically criminalizes sextortion, defines its components clearly, and imposes severe penalties on violators. The legislation must include measures for victim safeguarding, private reporting systems, psychological support, and legal aid. Furthermore, appropriate modifications to the current cybercrime and criminal laws are essential for the effective investigation, prosecution, and penalization of offenders. In the end, a mix of strong laws, institutional changes, technological oversight, and public education efforts will be crucial to tackle this escalating threat. The threat of sextortion can be effectively confronted only through a collective effort that includes the government, legal institutions, technology firms, and civil society, ensuring individuals' dignity, privacy, and fundamental rights are properly safeguarded.

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