

Digital Misogyny as Hate Speech: Exploring Legal Implications

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Introduction

“I will rape you until you bleed from your ass and beg for mercy.” With these words began a 24-year old engineer’s comment on the profile picture of a woman on Facebook he had never met. His graphic threat of brutal sexual violence last October, which sparked enough outrage on social media to lead to his arrest in Kolkata, apparently followed the deletion of an emoticon that he had earlier posted on the woman’s profile picture (Miharia, 2017). Although the arrest of a person responsible for such technology-mediated gender based violence is rare, the actual incidence of this form of violence is not. In fact, such instances of violence seem to have become an almost inevitable part of many women’s experience online.

Despite the apparent prevalence of this phenomenon, there seem to be few studies on the subject that are specific to India. A couple of notable exceptions are the Internet Democracy Project’s study of women and verbal online abuse in India (2013) and feminisminindia.com’s study of cybercrimes against women and minorities on social media as part of their *Digital Hifazaat Campaign* (2016).

Our paper attempts to contribute to the growing scholarship on online abuse and harassment of women and sexual minorities by framing it within an explicitly feminist paradigm that situates such violence within a continuum of violence- both online and offline. We begin with a brief review of technology facilitated sexual violence (TFSV), its nature and prevalence, and its impacts on Internet users. We subsequently discuss the legal category of hate speech and explore the possibilities of applying it to TFSV whether the Law Commission of India’s recommendations on hate speech are adequate to address these.

Delineating Digital Misogyny

The internet was expected to democratize public space and allow for more egalitarian relationships to emerge between people who would otherwise be under the influence of various forms of social control (Castell 1997; Warschauer 2004). Clearly, the full potential of this possibility has not been realized; in fact, in the context of gender-based violence, “the unprecedented power of new technologies (has achieved) new forms of social shaming – beyond geographic borders, at vast speeds, to diverse audiences, and often with unparalleled impunity” (Henry and Powell 2013: p. 5). While the medium itself is not necessarily responsible for the perpetuation or the emergence of misogyny, it has made possible different forms of gender-based sexual violence which Powell and Henry term Technology Facilitated Sexual Violence (TFSV).

The philosopher Kate Manne (2018) defines misogyny as “social systems or environments where women face hostility and hatred because they’re women in a man’s world – a historical patriarchy.” She argues that misogyny is distinct from sexism – while sexism justifies an inferior status for women, based on an ideology of men’s superiority over women, misogyny is the arm that enforces that ideology, often violently when the status-quo of patriarchy is threatened. Digital misogyny then can be viewed as a specific form of gender-based violence mediated, and facilitated by technology that is unleashed whenever women

are seen to threaten deeply entrenched patriarchal norms, some of which also find resonance with jingoistic views and regressive beliefs against sexual and ethnic/religious minorities. Some studies argue that women could threaten the status quo simply by being women who have an opinion, and articulating it. Research by the Internet and Democracy Project has found that some topics trigger more online abuse than others – for instance, discussions of domestic violence, marital rape, casteist attitudes or violations of rights of religious minorities or violence against them, political views which are left of the spectrum and in general women having views on matters which are typically in the masculine domain.

Henry and Powell (2015, p. 3) contend that TFSV constitutes a range of different acts: 1) the unauthorized distribution and/or appropriation of sexually explicit materials; (2) distribution of images or videos of sexual assault; (3) online sexual harassment; (4) gender-based hate speech; and (5) virtual rape. These acts are broadly indicative of a culture that encourages and in fact nourishes gender-based discrimination, inequities and the acceptance of “rape-supportive” attitudes, beliefs and speech (Powell and Henry, 2017). Laura Bates, in an interview describing her project on everyday sexism, said, “To be a feminist, I have learned, is to be accused of oversensitivity, hysteria and crying wolf,”¹ again reinforcing the argument that online misogyny is an extension of offline sexism that tries to shame and silence women when they threaten the patriarchal order.

Henry and Powell’s typology is manifested in various forms in the Indian context. With respect to the unauthorized distribution of sexually explicit materials, a woman may have shared it voluntarily for a specific period of time, but not consented to its wider circulation. This form of TFSV is often carried out by a former partner and commonly termed “revenge porn.” For instance, in the case of *Vikas Garg, Karan Chhabra and Hardik Sikri v. State of Haryana*, explicit pictures of a rape survivor initially shared voluntarily with Sikri, her former boyfriend, when she was in a romantic relationship with him, was used later to blackmail her and rape her repeatedly over a two years period by all three men.² However, the Punjab and Haryana High Court granted them bail and suspended the prison sentence that the trial court had handed to all three following their conviction. The two male judges of the High Court even questioned the survivor’s testimony, and thereby the conviction itself, by offering “an alternative conclusion of misadventure stemming from a promiscuous attitude and a voyeuristic mind,” the proof of which lay in the photos that Sikri and she had shared earlier. This ended up revictimizing the survivor, this time by the state.

The second type of TFSV involves distribution of videos of sexual assault and is often used in India to intimidate victims from filing a police complaint by threatening them with public circulation of the assault.³ These digitally documented violations are meant to reinforce the shame/honor complex, in particular shaming the family and the community, because victims are often from marginalized groups such as Dalits and perpetrators are usually from higher and/or dominant caste groups. This was the case in Hisar, Haryana in September 2012, where a teenage Dalit girl was gang-raped by 12 men with a video of this assault circulated in the village to shame the girl, her father, and the community. The survivor’s father killed himself and only when her mother refused to take her father’s body, did the police make the first arrest.

1 See: <https://www.theguardian.com/lifeandstyle/2017/apr/17/what-i-have-learned-from-five-years-of-everyday-sexism>

2 See: <https://thewire.in/180083/rape-victim-shaming-hc-order/>

3 See: <http://indianexpress.com/article/india/crime/another-rape-victim-blackmailed-with-mms-video-of-crime-this-time-in-delhi/>

It should be noted that some studies have suggested that not only are women abused online for being a minority [consider that just 29% of Indian internet users are women],⁴ but they encounter more violence if they are a double or a triple minority,⁵ as the experience of Rana Ayyub, a Muslim journalist and blogger, suggests. She received 2,580 hateful tweets in just a week, tinged with anti-Muslim sentiments, as part of a campaign by Hindustan Times to document the difficulties of being an opinionated woman on the Internet.⁶ Similarly, individuals from the LGBTQ spectrum are also likely to encounter more instances of sexually violent and gendered hate speech than heteronormative individuals, sometimes three times more.⁷ Thus digital misogyny reinforces the intersectional nature of gender-based violence that women and sexual minorities are exposed to off-line as well.

In the third and fourth instance, online sexual harassment and gender-based hate speech are relatively well documented because of the textual nature of this form of violence. Consider the experience of Parul Agarwal, a journalist formerly with BBC Hindi, who published an article on marital rape in India, including first-hand accounts of horrific instances of sexual assault on wives by husbands. In an interview with one of us, and also documenting her experience in the BBC Hindi Blog (link no longer available), she revealed that she faced serious and violent threats including aspersions cast on her marital status. While Agarwal's experience may not have grabbed the headlines, in the last few years several well-known journalists and activists have been targeted including Sagarika Ghose, who receives regular threats of being gang raped and stripped on Twitter for her "anti-right wing [sickular] views," and Meena Kandasamy, a Dalit poet and activist who was threatened with "live-telecasted gang-rape and being torched alive and acid attacks" when she tweeted about attending a beef-eating festival in Kerala (Arya 2013).⁸ Kandasamy reportedly received 800 abusive tweets in a span of two hours soon after posting on this issue.⁹ Women are abused online not only for having opinions, but also for bringing "dishonor" to their religion or country through slut shaming. Cricketer Irfan Pathan's wife Safa Baig and actor Fatima Sana Shaikh incurred the wrath of Islamic fundamentalists for wearing clothes (in the latter's case) and nail polish (in the former's case). Priyanka Chopra received media flak for draping a tricolor lookalike as a *dupatta*. The list of actors and models, who have been body-shamed and slut-shamed for their choice of clothes and bodies are long, with depressingly similar patterns.¹⁰

Powell and Henry argue that addressing TFSV is particularly complex, and difficult to penalize because the internet allows for anonymity which diffuses responsibility, and reduces accountability and decreases inhibitions, allowing victim blaming and individuating the problem. Secondly, the legal and social registers of several countries do not take threats of violence as seriously as acts of violence because of the Cartesian mind-body dualism. Thus, psychological harm caused by TFSV is not viewed as real or tangible (2015: p. 5).

However, this harm is real. Amnesty International, in their recent eight-country study on the impact of online abuse on women, found that at least 41% of women abused online

4 Source: <https://www.statista.com/topics/2157/internet-usage-in-india/>

5 Source: <https://thewire.in/131224/trolling-women-journalists-threatens-free-press/>

6 Source: <https://thewire.in/131224/trolling-women-journalists-threatens-free-press/>

7 Source: <https://www.glsen.org/press/study-finds-lgbt-youth-face-greater-harassment-online>

8 Source: <https://thewire.in/131224/trolling-women-journalists-threatens-free-press/>

9 Source: Arya, Divya 8th May 2013. "Why are Indian women being attacked on social media?", *BBC, Hindi* <http://www.bbc.com/news/world-asia-india-22378366>

10 <https://www.indiatimes.com/news/india/11-women-who-were-mercilessly-shamed-on-social-media-for-choosing-to-wear-well-clothes-329342.html>

feared their physical safety, 24% feared for their family's safety, 63% had trouble sleeping, 55% experienced panic attacks, stress, or anxiety, 61% reported loss of self-esteem and confidence, and 76% changed the way in which they used social media (Amnesty, 2017). The study also found that in 59% of cases the perpetrators were strangers, but significantly, 15% of attacks were carried out by a former partner.

A landmark British study focused on women discussing feminist politics found that 35% of high users, 24% of medium users, and 16% of low users of social media platform were exposed to constant abuse (Lewis, Rowe and Wiper, 2017). The study also revealed that as with other forms of real-world victimization of women, there was a continuum of violence from unpleasant gender discriminatory remarks to hateful and extremely violent including sexually violent comments and tweets. High users not only experienced more abuse but also more violent abuse, perhaps a deliberate strategy to intimidate users into shutting up and leaving. Such efforts of silencing may succeed in eventually reducing the numbers of women who freely share their opinions, especially when these are non-normative, for fear of similar reprisals, ultimately making the digital world a more masculine, and illiberal space.

There are few precedents of arrests in the Indian context to address this issue. One well-known example is of singer Chinmayi Sripada who received rape, acid attack and other violent threats on Twitter four years ago. The three perpetrators were arrested under sections 66 and 66A of the Information Technology Act, 2005 and section 4 of the Prevention of Women Harassment Act,¹¹ and in the first such incident in India, imprisoned for ten days as well. Sripada has launched a petition on change.org to get Twitter to institute a policy of immediate and large-scale shut down of the accounts of those making such threats.¹² Journalist Sagarika Ghose (2012) recommends, "What is needed is for social media stakeholders, legal experts and government to come together and create a detailed code of hate speech and the punishment each offence will carry. In some cases FIRs must be registered and convictions must happen (Ghose, 2012)." Kovacs, Padte and Shobha (2013) of the Internet Democracy Project have rightly criticized Reddit's and Facebook's failure to react to misogynistic and violent comments against women including rape threats because Facebook did not categorize them as being "genuinely harmful" (p. 6). They also contend that although internationally, there is no consensus that gender-based hate speech should qualify as hate speech but "... in reality, hate speech is an incitement to violence based on a historically marginalized aspect of an individual's identity, and can target gender, sexual orientation, disability and various other facets of a person's being" (p. 7). However, this is not currently under the ambit of national or international laws.

Digital Misogyny as Hate Speech

"There is no general legal definition of hate speech," pointed out the Law Commission of India [LCI] in its report on *Hate Speech* (2017, p. 15), an observation that has been made elsewhere too (Weber 2009, p. 3; Gender Equality Unit, 2016, p. 4). Nevertheless,

¹¹ Source: <http://archive.indianexpress.com/news/prof-arrested-for-sexual-harassment-of-singer-chinmayi-sripada-on-twitter/1020945/>

¹² <https://www.deccanchronicle.com/entertainment/bollywood/080317/singer-chinmayi-sripada-asks-twitter-to-clean-up-its-act-shut-offenders.html> and <https://www.change.org/p/jack-large-scale-shut-down-of-accounts-which-tweet-rape-threats-against-women-rapethreatsnotok>

hate speech “has been recognized as an exception to free speech by international institutions and municipal courts” (LCI, 2017, p. 18).

Among the international institutions is the United Nations (UN) itself, which adopted the International Covenant on Civil and Political Rights (ICCPR) in 1966. Article 20(2) of the ICCPR permits the prohibition by law of “any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence.” The ICCPR’s permitted prohibition follows from the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) that the UN had adopted the year before. Article 4(a) of the ICERD called upon state parties to

declare an offence punishable by law all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, as well as all acts of violence or incitement to such acts against any race or group of persons of another color or ethnic origin, and also the provision of any assistance to racist activities, including the financing thereof.

Based on the ICERD, among others, the Council of Europe (CoE)’s Committee of Ministers (CoM) offered a definition of the term. In their recommendation to member states on hate speech in 1997, the CoM declared that

the term “hate speech” shall be understood as covering all forms of expression which spread, incite, promote or justify racial hatred, xenophobia, anti-Semitism or other forms of hatred based on intolerance, including: intolerance expressed by aggressive nationalism and ethnocentrism, discrimination and hostility against minorities, migrants and people of immigrant origin. (p. 107).

While the CoM’s definition rightly identifies ethnicity, nationality, and religious identity as grounds for identifying hate speech, it does not recognize gender as a ground for doing so. The CoM’s silence is not unique. It mirrors that of the ICCPR, which also does not recognize gender-based hate as a permissible ground for enacting prohibitive law. Even the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), which is comparable to ICERD, does not contain anything analogous to Article 4(a) of ICERD, meaning that CEDAW does not require states to criminalize dissemination of ideas that are based on sexism, misogyny, or incitement to gender discrimination or gender based violence.

However, the CoM’s deficient definition of hate speech was rectified by the European Commission against Racism and Intolerance (ECRI) – which the CoM itself had created in 2002 – eight years later in 2015. Recognizing “the particular problem and gravity of hate speech targeting women both on account of their sex, gender and/or gender identity . . . coupled with one or more of their other characteristics,” the ECRI, in a general policy recommendation on combating hate speech, gave hate speech arguably its most comprehensive definition yet by including for the first time, among others, the grounds of sex and gender. For the ECRI, hate speech

entails the use of one or more particular forms of expression – namely, the advocacy, promotion or incitement of the denigration, hatred or vilification of a person or group of persons, as well any harassment, insult, negative stereotyping, stigmatization or threat of such person or persons and any justification of all these forms of expression – that is based on a non-exhaustive list of personal characteristics or status that

includes “race”, color, language, religion or belief, nationality or national or ethnic origin, as well as descent, age, disability, sex, gender, gender identity and sexual orientation. (p. 16)

The ECRI also acknowledged the role of technology in increasing the apparent incidence of hate speech and magnifying its impact (p. 4), thereby implying that digital misogyny, as delineated in the earlier section, constitutes hate speech as well.

Now that gender and its cognates, whether in their online manifestations or offline, are finally being included among the recognized grounds for hate speech, the question then is whether they should be criminalized, and if yes, what form should it take. A compelling argument in favor of criminalization comes from the Supreme Court of Canada. Ruling on the case *Saskatchewan Human Rights Commission v. William Whatcott* in 2013, the Court declared, (p. 470) “hate speech is an effort to marginalize individuals on the basis of their membership in a group.” As such, “hate speech seeks to delegitimize group members in the eyes of the majority, reducing their social standing and acceptance within society.” Therefore, hate speech “can have a societal impact” that goes “beyond causing distress to individual group members.” Not only that, hate speech also “lays the groundwork for later, broad attacks on vulnerable groups.” But, what is arguably worse is the effect hate speech has on “a protected group’s ability to respond to the substantive ideas under debate, thereby placing a serious barrier to their full participation in our democracy.” Over and above the merits of the argument itself, this particular passage is relevant to the discussion at hand because it was singled out by the Supreme Court of India, in its 2014 judgment on *Pravasi Bhalai Sangathan v. Union of India* (p. 8), to highlight “the ‘human rights’ obligations” that would require restricting hate speech. In the same judgment (pp. 21-22), the Supreme Court also requested the Law Commission to examine the issue of hate speech, which is what led to the publication of its report on the same last year.

What the Canadian Supreme Court highlights as the effect of hate speech is exactly the effect that, the last section showed, digital misogyny has on the women who are victimized by it. As the Amnesty International study discussed earlier shows, almost one-third (32%) of the women who were subject to digital misogyny reported that they “stopped posting content that expressed their opinion on certain issues.” Another study, specific to India, found that more than a quarter (28%) of the women who were similarly subjected to digital misogyny reported, “that they had intentionally reduced their online presence” (Pasricha, 2016). In other words, the hate speech that women – and this is even true of sexual minorities – are subject to online not only has a chilling effect on their ability to express themselves freely on a variety of issues, but also endangers their very presence online, thereby preventing their full participation in a democracy. In India, under the Constitution, that is not only a violation of their constitutional right to freedom of speech and expression [Article 19(1)(a)], but also a violation of their constitutional right to equality [Article 15(2)]. Such a widespread violation of the fundamental rights of women, a class of citizens for whom the Constitution actually permits the making of special provisions [Article 15(3)], has made criminalization of such gender based hate speech critical.

Seized, it seems, of the need for such legal provisions, the Law Commission has recommended to the government the addition of two new laws to the Indian Penal Code (IPC), section 153C to “prohibit the incitement of hatred” and section 505A to prohibit “causing fear, alarm, or provocation of violence in certain cases.” Both their proposed additions to the IPC include “sex,” “gender identity,” and “sexual orientation” among the recognized grounds of hate speech, although the report that precedes the recommendations

make no mention of gender based hate speech. To that extent, the Law Commission appears to have adhered to ECRI's definition of hate speech, although neither the definition nor the ECRI's general policy recommendation is cited anywhere in the report.

Within six months of the Law Commission's report, an expert committee constituted by the government to address technology mediated hate speech, recommended changes to the two new laws that the Law Commission had proposed. While the committee retained the grounds of hate speech that the Law Commission had identified, including "sex," "gender identity," and "sexual orientation," they recommended the inclusion of the phrase "any means of communication" to make sure that technology mediated hate speech is also criminalized by these laws. Why technology mediated hate speech would not be included without the phrase "any means of communication," though, is not explained. The laws also define the types of speech that would be criminalized, be it in the Law Commission's draft or the expert committee's version. And this is where the laws begin to veer away from hate speech.

The Law Commission's draft recommends criminalizing "gravely threatening," hate-advocating, and "derogatory" speech, but only if "the intention (is) to cause, fear or alarm" or "to provoke the use of unlawful violence" or the incitement to violence as the consequence of speech can be demonstrated. Like the Law Commission's draft, the expert committee's draft also recommends criminalizing "gravely threatening" and hate-advocating speech, but unlike the Law Commission, the expert committee also recommends criminalizing "highly disparaging, indecent, abusive, inflammatory, false or grossly offensive information." Similarly, while the expert committee retains the requirement of demonstrating intent or incitement to prove the crime, including the intent "to provoke the use of unlawful violence," the intent to "cause fear or alarm" is sought to be changed to "cause fear of injury or alarm."

The incitement to be demonstrated is also sought to be changed from "incitement to violence" to "incitement to commit an offence," which is one of the grounds identified in Article 19(2) of the Constitution to restrict the right to freedom of speech and expression. The Supreme Court, in its 2015 judgement on *Shreya Singhal v. Union of India* that struck down section 66A of the Information Technology Act, 2000, had already declared some of these types of speech like "grossly offensive" as "undefined terms which take into the net a very large amount of protected and innocent speech." The Court had then pointed out that the "chilling effect on free speech would be total" if such vague terms were allowed into criminal law (p. 87-88). To then recommend the return of these types of speech within the ambit of criminal law, albeit with different names and with a different rationale, calls into question the expert committee's commitment, and even the Law Commission's commitment, to effectively address hate speech.

Even if the government were to reject these proposed laws against hate speech, the Law Commission (2017, pp. 5-8) and the Supreme Court (2014, pp. 11) would have one believe that there are already a number of laws on the statute book criminalizing hate speech. Yet, a perusal of those laws would reveal that almost none of them criminalize gender based hate speech, but many of them, especially those of colonial origin like the ones in the IPC, criminalize far more than hate speech. In fact, any prohibition of hate speech is incidental to their legislative intent, which had once been to silence colonial subjects of the British Empire and which is now to silence independent citizens of the Republic of India. Therefore, it is not that India does not need laws against hate speech, but maybe it needs laws like South Africa's Promotion of Equality and Prevention of Unfair Discrimination Act, 2000. For such laws are rooted in the recognition that hate speech is about discrimination, which "causes or perpetuates systematic disadvantage," "undermines human dignity," and "adversely affects the equal enjoyment of a person's rights." But, for that to happen, the Law Commission and

expert committees, not to mention governments, have to stop looking at colonial laws as models for criminalising hate speech, which is what appears to have inspired the proposed laws discussed above. Until that time, though, it seems like women and sexual minorities will have to continue deploying non-legal tactics to deal with technology-mediated gender based hate speech as they have been until now.

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Appendix I

Draft of sections 153C and 505A of the Indian Penal Code proposed by the Law Commission:

Prohibiting incitement to hatred

153C. Whoever on grounds of religion, race, caste or community, sex, gender identity, sexual orientation, place of birth, residence, language, disability or tribe -

(a) uses gravely threatening words either spoken or written, signs, visible representations within the hearing or sight of a person with the intention to cause, fear or alarm; or

(b) advocates hatred by words either spoken or written, signs, visible representations, that causes incitement to violence

shall be punishable with imprisonment of either description for a term which may extend to two years, and fine up to Rs 5000, or with both.

And the latter, to be section 505A, will read:

Causing fear, alarm, or provocation of violence in certain cases

505A. Whoever in public intentionally on grounds of religion, race, caste or community, sex, gender, sexual orientation, place of birth, residence, language, disability or tribe -

uses words, or displays any writing, sign, or other visible representation which is gravely threatening, or derogatory;

(i) within the hearing or sight of a person, causing fear or alarm, or;

(ii) with the intent to provoke the use of unlawful violence,

against that person or another, shall be punished with imprisonment for a term which may extend to one year and/or fine up to Rs 5000, or both.

Appendix II

Draft of sections 153C and 505A of the Indian Penal Code proposed by T. K. Viswanathan Committee:

Prohibiting Incitement to Hatred

153 C. Whoever on grounds of religion, race, caste or community, sex, gender identity, sexual orientation, place of birth, residence, language, disability or tribe, uses any means of communication to -

(a) gravely threaten any person or group of persons with the intention to cause fear of injury or alarm; or

(b) advocate hatred towards any person or group of persons that causes, or is likely to cause, incitement to commit an offence

shall be punishable with imprisonment of either description for a term which may extend to two years or a fine up to Rs. 5000, or with both.

Explanation: In this section,

(a) “means of communication” shall include any words either spoken or written, signs, visible representations, information, audio, video or combination of both transmitted, retransmitted or sent through any telecommunication service, communication device or computer resource;

(b) “telecommunication service” shall have the meaning assigned to it in clause (k) of subsection (1) of section 2 of the Telecom Regulatory Authority of India Act, 1997;

(c) “communication device” shall have the meaning assigned to it in clause (k) of subsection (1) of section 2 of the Information Technology Act 2000;

(d) “computer resource” shall have the meaning assigned to in clause (ha) of subsection (1) of section 2 of the Information Technology Act, 2000.

Causing Fear, Alarm or Provocation of Violence in Certain Cases.

505A. Whoever, intentionally, on grounds of religion, race, caste or community, sex, gender, sexual orientation, place of birth, residence, language, disability or tribe, uses any means of communication to communicate –

(a) highly disparaging, indecent, abusive, inflammatory, false or grossly offensive information with the intention to cause fear of injury or alarm; or

(b) gravely threatening or derogatory information with the intent to provoke the use of unlawful violence, against any person or group of persons,

shall be punished with imprisonment for a term which may extend to one year and with fine up to Rs. 5000, or both.

Explanation: In this section,

(a) “means of communication” shall include any words either spoken or written, signs, visible representations, information, audio, video or combination of both transmitted, retransmitted or sent through any telecommunication service, communication device or computer resource;

(b) “telecommunication service” shall have the meaning assigned to it in clause (k) of subsection (1) of section 2 of the Telecom Regulatory Authority of India Act, 1997;

(c) “communication device” shall have the meaning assigned to it in clause (k) of subsection (1) of section 2 of the Information Technology Act 2000;

(d) “computer resource” shall have the meaning assigned to in clause (ha) of subsection (1) of section 2 of the Information Technology Act, 2000.