

## NON-CONSENSUAL INTIMATE IMAGE ABUSE AND THE LIMITS OF LAW: GENDER, TECHNOLOGY, AND REGULATION IN INDIA

**AUTHOR** – KHUSHI AWANA, STUDENT AT AMITY LAW SCHOOL, AMITY UNIVERSITY NOIDA

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### ABSTRACT

The increasing adoption of digital technologies has resulted in the creation of new ways through which people's privacy can be violated, and one such way is known as Non-Consensual Intimate Image Abuse (NCIIA), which has come to prominence as an emerging threat. This essay explores what NCIIA means and its implications in India, viewing it as a complex form of digital sexual assault that goes well beyond the simplistic notion of "revenge pornography." It also discusses the different aspects of NCIIA, such as non-consensual sharing, surreptitious filming, manipulation, and threats, with consent being a key aspect.

Moreover, the study goes further to look at the gender-based dimensions of NCIIA, considering that the deeply rooted norms of patriarchy and society's attitude affect women and marginalized groups more. The paper analyses the psychosocial and economic impacts on the victimized individuals, emphasizing the lasting impact brought about by digital media's permanency and viral nature.

Moreover, the paper evaluates the current efforts made by governments through various policies, such as reports, capacity building, cybercrime strategies, and the impact of digital intermediaries in moderating online content and preventing cybercrimes. Despite the developments that have been made, the paper notes several shortcomings.

In conclusion, the paper emphasizes the need for an inclusive and holistic strategy that involves legal measures, technology accountability, digital literacy, and social change in order to ensure that NCIIA is properly handled and that people's dignity and autonomy are maintained.

**Keywords:** Non-Consensual Intimate Image Abuse (NCIIA); Digital Sexual Violence; Privacy and Autonomy; Gender-Based Violence; Cyber Law; Intermediary Liability; Psychological

### I. Introduction

Non-Consensual Intimate Image Abuse (NCIIA) refers to any act involving the making, possessing, distributing, or threatening to distribute an intimate image or video of a person without his/her consent. It constitutes a violation of basic human rights of privacy, integrity, and personal autonomy. Unlike conventional sexual exploitation acts, NCIIA is facilitated due to advanced digital technology that allows users to immediately post content online. The concept includes a variety of behaviours and it is more

appropriate than other terms such as "revenge pornography" because they do not reflect the nature of different situations that can lead to this kind of abuse. NCIIA is not limited to acts of revenge by ex-partners but can be conducted by strangers, acquaintances, or groups for harassment and coercion purposes.

The core aspect of NCIIA can be explained by the lack of consent during all phases of the image life cycle, whether during the creation, circulation, and distribution of the content. Though the person might have given consent

initially for the production of the images or sharing them privately with another individual, it cannot constitute a justification for public distribution or even passing the images on to a third party. The non-consensual usage of such material amounts to a violation of trust and the right to autonomy for individuals who agreed to produce such images. Understanding this contrast in consent and non-consent is integral to the concept of NCIIA.

There are various ways of committing NCIIA, one of the most prevalent forms of which is when intimate images, which had been produced consensually within a private relationship, are later shared without the consent of the other party after the breakup of the relationship. The act is usually committed as a form of revenge, harassment, embarrassment, or manipulation. However, the definition of NCIIA also includes instances of non-consensual recording of sexual acts through covert filming by the other individual.

The next dimension of NCIIA involves the use of edited or "morphed" images. Namely, the image or face of the victim gets transferred via computer editing into the content with an explicit character. Thus, such photographs can be particularly damaging since they can harm a victim's reputation even if the images do not reflect any real-life situations. Finally, another recent phenomenon related to the use of digital technologies and NCIIA is deep faking which implies the fabrication of a video that features someone performing sexual actions, albeit it is completely untrue.

The next crucial threat connected with NCIIA pertains to the use of threats regarding the dissemination of the victim's intimate images. The mentioned problem is especially relevant nowadays since perpetrators use such kinds of threats as coercive techniques, blackmail, or extortion. It is essential to note that in some cases, the perpetrator may never share the images, but it can cause serious psychological harm since the very fact of its existence becomes a threat for the victim's safety and

autonomy. Further, NCIIA in this case involves the dissemination of hacked or stolen images on the victims' personal devices. In such cases, the victim becomes unwittingly involved; the offenders take advantage of the victim's private pictures for a variety of purposes including money-making, extortion, and even as a means of entertainment. The relevance of this kind of online abuse is that it demonstrates the connection between cybercrime and privacy issues.

Therefore, NCIIA can be characterized as multidimensional digital abuse, encompassing a wide range of actions, distinguished by non-consensual violation of the victims' personal integrity. The various examples of NCIIA presented above show not only the complexity of this phenomenon but also some of its challenges related to its prevention. It is therefore important to know what NCIIA is and different forms of NCIIA to formulate the most effective response strategy against this problem.

This paper will attempt to examine NCIIA from an Indian legal and socio-technological perspective. This is going to involve the examination of the gender aspects of such violence, as well as assessing the impact of such abuse on its victims socially, psychologically, and economically. In addition, the current paper will try to understand how digital intermediaries can be responsible for such abuse, as well as the ways they can assist victims. By employing a multidisciplinary approach to this problem, it will be possible to highlight a number of contradictions that currently exist in dealing with NCIIA and discuss the need for a new approach.

## II. Gendered Nature and Vulnerability Analysis

Non-consensual distribution of intimate image abuse (NCIIA) is gendered both in its perpetration and consequences, and is experienced most intensely by women and other marginalized groups. Though people of all genders can become targets, it is widely observed in studies and documented in case reports that women face the brunt of it. The

reasons for such behaviour lie in deep-rooted patriarchal traditions that govern and control women's sexuality and lives.

Honor and morality in a society like that of India are directly associated with a woman's sexuality; hence, her reputation is threatened the most in cases of exposure of her intimate pictures. Studies have shown that boys and men share intimate images of girls and women to assert and reinforce their masculinity, and thus position themselves within gendered social hierarchies.<sup>299</sup> It is evident that NCIIA is not just an online crime but a mechanism of gendered control.

Gender bias also manifests in the motivations underlying NCIIA. Individuals who commit such acts of cruelty often do so out of a desire for power or retaliation against the victim, particularly when dealing with people in an intimate relationship with them. By posting the images in question online without permission, perpetrators seek to humiliate and embarrass the targeted individual and enforce a sense of power imbalance. In this case, there is evidence that women and girls are particularly susceptible to NCIIA as a form of gender-based violence.

In addition, vulnerability to non-consensual image dissemination is influenced by a number of social determinants. Firstly, women and girls residing in conservative areas or communities are more prone to falling victim to NCIIA because they lack access to knowledge about the relevant legal instruments and the necessary digital skills to deal with such situations. Moreover, members of marginalized populations, including LGBTQ+ individuals, might be at higher risk of experiencing such abuse due to the social stigmatization that comes with being part of such a community.

Reaction towards NCIIA would also be dependent on the way people perceive other individuals with respect to the traditional gender role of each one. There will always be victim-

blaming, where questions are raised on whether victims were responsible enough to ask themselves why they acted the way they did and how they allowed themselves to disclose information that they should have kept private. The fear of being stigmatised or disbelieved can prevent victims from seeking legal or institutional support, thereby exacerbating their vulnerability.

Another significant factor affecting the vulnerability is the age of the individual and his or her exposure to technologies. The current generation of young individuals engages in internet usage and posting of their pictures and personal data without being fully aware of the implications behind these actions. Such behaviour makes them vulnerable to coercion, exploitation, and abuse. When children are involved, NCIIA takes into account the issue of child protection. Here, the issue involves legal measures against NCIIA and requires specific treatment.

One last but very important dimension that affects vulnerability is that of economics and education. Individuals who have little education or income would not find ways to seek help through legal measures or counselling. Such an injustice is likely to hinder both justice and the restoration process of victims who have more difficulties in facing the aftermaths of NCIIA. Furthermore, victims in power-imbalanced relationships like those found in domestic violence or at workplaces can be coerced or threatened to prevent them from resisting or reporting the violence. Thus, the inherent characteristics of NCIIA indicate that there is a need for a thorough and careful approach towards dealing with such an act. The fact of the matter is that NCIIA is not a genderless form of violence.

<sup>299</sup> S. Nygård et al., Identifying Drivers of Nonconsensual Intimate Image Sharing: A Mixed-Methods Synthesis of Perpetrator Research, <https://doi.org/>

### III. Psychological, Social, and Economic Impact on Victims

The consequences of NCIIA are far-reaching and multi-faceted, including not only the direct consequences of the infringement but also extending to the psychological well-being, social standing, and economic stability of the individual. Beyond just the unapproved distribution of images, there are other factors that add to the severity of the problem, most notably the permanent and uncontrollable state of digital media. In terms of mental health, NCIIA victims tend to experience deep emotional turmoil, such as anxiety, depression, fear, and shame. The realization that intimate pictures can be viewed by anyone else, even complete strangers, can result in consistent stress and an increase in vulnerability. Victims of IBSA were observed to be subjected to more social criticism, shaming, and ostracism owing to the perception of blame by their social circles.

Victims have also reported self-blame, paranoia, anger, guilt, depression, suicidal ideation and attempt in dealing with the abuse, secondary victimization, and social isolation.<sup>300</sup> Most individuals display symptoms such as those experienced by people suffering from PTSD. They include intrusion of unwanted thoughts, insomnia, and avoidance of emotions. Shame and guilt are other common emotions felt especially in societies where morality is highly associated with sexuality. The apparent permanence of online content and the ease with which images can be downloaded, reshared, and reuploaded without the victim-survivor's consent or knowledge add to the distress. This persistent fear reinforces the trauma and makes it difficult to move on.<sup>301</sup> Such psychological impacts may have long-term consequences for the mental well-being of the victim, and may even make victims turn against themselves in some cases.

The social effects of NCIIA are just as important, since victims may suffer from stigmatization, isolation, and victim blaming. In some instances, the blame for the crime is put squarely on the shoulders of the victim and not on the criminal, thus fostering negative social behaviour. This is especially the case within a patriarchal society, where women are held accountable in matters concerning honour and virtue. The victims may find themselves at odds with members of their families, friends, and coworkers. They may suffer from bullying, intimidation, and social discrimination from the people around them.

NCIIA can also have serious economic consequences for victims, affecting their employment opportunities and financial stability. In the case *X v. Union of India*<sup>302</sup> the distribution and transmission of the video of a female advocate had reached such an extent that the advocate was subjected to scrutiny about the video and its contents by various individuals including her clients and peers in the same profession. Thus, she lost her normal life, her dignity was bartered, and she was in a completely helpless state.<sup>303</sup> The public disclosure of private information might negatively affect an individual's career prospects by causing them to lose their job, face workplace harassment, or encounter challenges when searching for new employment opportunities. In certain instances, the individual might be compelled to switch jobs, move away from their present location, or even retreat from educational and career pursuits to evade any repercussions from the harassment.

However, NCIIA also affects individuals differently based on personal characteristics such as gender, age, social, economic background and culture. Vulnerable categories such as women, LGBTQIA individuals, children, or young adults are subjected to increased harm because of the already existing social prejudice or power

<sup>300</sup> The Frequency, Nature, Impact, and Coping Strategies of Nonconsensual Intimate Image Dissemination Victimization: A Scoping Review, *Trauma, Violence, & Abuse* (2025), <https://doi.org/10.1177/15248380251383940>.

<sup>301</sup> R. A. Aborisade, Image-Based Sexual Abuse in a Culturally Conservative Nigerian Society: Female Victims' Narratives of Psychosocial Costs, *Sexuality Research & Social Policy* (2021), <https://doi.org/10.1007/s13178-021-00536-3>.

<sup>302</sup> *X v. Union of India*, 2025 SCC OnLine Mad 3310.

<sup>303</sup> SCC Online, Madras High Court Orders Removal of Female Advocate's Intimate Videos (July 16, 2025), <https://www.sconline.com/blog/post/2025/07/16/mad-hc-ordered-removal-of-female-advocates-intimate-videos/>.

relations. In this case, the harm that victims experience becomes more pronounced because of social stigmatization. Thus, the problem requires a nuanced consideration of various aspects related to the protection of individuals' interests. The lack of an appropriate institutional response also adds to the problem. Individuals who suffer from the violation of their personal boundaries and privacy are not always aware of their rights. Lack of legal knowledge, fear, embarrassment, shame or other reasons do not allow them to seek help immediately. This causes delays in taking necessary legal steps. Meanwhile, poor psychological support only aggravates the problems that victims face.

In summation, it can be seen that the psychological, social, and economic ramifications of NCIIA are very closely connected. As such, these ramifications should all be taken into consideration when attempting to address the damage done. In dealing with the ramifications of NCIIA, the complexity of the problem cannot be overlooked if one is to find a solution that addresses both victim and perpetrator adequately.

#### IV. Legal Framework Governing NCIIA in India

The law concerning NCIIA does not recognize it as a distinct offense. Instead, it draws on several laws that exist in the Indian legislature in terms of statutes that apply to different aspects of the problem. The provisions in question, although helpful in some sense, deal with certain parts of the problem rather than all of its manifestations.

Specifically, according to the provisions of the IT Act, Section 66E establishes the offense of violation of privacy in case there is the intentional capturing, publishing, and transmitting of pictures showing the private areas of another person without his/her consent. In addition, Sections 67 and 67A prohibit the publication and distribution of any obscene material through electronic means. While the aforementioned provisions are used to prosecute those involved in the spread of

intimate photos, they focus more on the content rather than the relational aspect of NCIIA.

Simultaneously, certain remedial measures exist under the IPC, which may be availed based upon the act involved. For instance, section 354C of the IPC penalizes the crime of voyeurism, which involves the recording or publication of pictures of any private activity being undertaken by a woman without her consent. Provisions of criminal intimidation (Section 503), defamation (Section 499) and extortion (Section 383) could also be used in instances where there is any threat to publish intimate photos or use them in a coercive manner.

Although the aforementioned provisions provide some remedy, the application of these provisions depends greatly on the facts of each case and is, therefore, inconsistent. In essence, most of these provisions are incident specific and deal with acts like filming or publishing; they do not consider NCIIA to be a compounded and continuous crime.

Another notable drawback of the present-day legal system is the lack of provisions to cope with new types of technological violence, including morphing and deepfake pornographic materials. In some cases, where there might be no actual recording of the abused person, provisions that assume the necessity to record an image of the perpetrator might not necessarily work efficiently. The absence of recognition of the idea of ongoing or situational consent also remains problematic because of its relevance for NCIIA legislation.

From the perspective of regulation, the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 mandate certain obligations of due diligence from digital intermediaries, necessitating that such content be removed once they become aware of the violation. Although the rules have created a platform to take down content, they are ineffective in ensuring timely and consistent action from digital platforms. This is especially critical since

digital dissemination occurs swiftly and exponentially, which leaves little room for delay.

In essence, although there are various opportunities within the current legal system for dealing with NCIIA, the lack of coherence, detail, and flexibility in this framework raises serious concerns. In addition to hampering efforts to legally tackle NCIIA on behalf of the victims, this indicates a pressing necessity for the development of an integrative, technology-aware, and victim-focused legal recognition of NCIIA.

#### V. Government Initiatives and Policy Measures

Several actions and policies have been introduced by the Government of India to counter the rising issue of cybercrime, which includes NCIIA. The misuse of internet-based media platforms has increased over time, leading to a need for safeguarding individuals who may be vulnerable. With an emphasis on improving the cyber infrastructure, legal provisions, and digital safety awareness, the government hopes to ensure the safety of users online and provide adequate solutions to those affected by cybercrime.

This has been done through such an initiative like the creation of *Cyber Crime Prevention against Women and Children (CCPWC) Scheme*, where cyber-crimes committed against women and children will be curtailed. In this scheme, cyber forensic training laboratories have been established. This initiative also aims at empowering and creating awareness among law enforcement agencies about how to deal with cybercrimes. This enables them to react effectively in cases of NCIIA or any other related digital crime.

The government has also launched the *National Cyber Crime Reporting Portal*, which allows victims to report cyber offences online in a convenient and accessible manner. This portal is

an initiative of Government of India to facilitate victims/complainants to report cybercrime complaints online. It caters to complaints pertaining to cybercrimes only with special focus on cybercrimes against women and children. Complaints reported on this portal are dealt by law enforcement agencies/ police based on the information available in the complaints. It is imperative to provide correct and accurate details while filing complaint for prompt action.<sup>304</sup> It becomes highly beneficial in situations where NCIIA is reported since it provides an opportunity for the victim to file the complaint without having to visit the police station physically. The online portal has distinct classifications for reporting crimes committed against women and children.

Further, *Sahyog' Portal* has been developed to automate the process of sending notices to intermediaries by the Appropriate Government or its agency under IT Act, 2000 to facilitate the removal or disabling of access to any information, data or communication link being used to commit an unlawful act.<sup>305</sup> It aims to bring together all Authorized Agencies of the country and all the intermediaries on one platform for ensuring immediate action against the unlawful online information. The National women helpline number 181 and Cyber Crime Helpline 1930 has also been established.

To build capacity in dealing with Cybercrimes a National Cybercrime Training Centre (CyTrain0) has been established- a virtual training centre hosted by National Crime Records Bureau (NCRB). The intended trainees are officers of all ranks including senior officers from States / Union Territories as well as from Central Police Organizations/Central Armed Police Forces.<sup>306</sup>

#### VI. Role of Social Media Platforms and Intermediaries

Digital intermediaries have an integral part to play within the NCIIA eco-system as they

<sup>304</sup> Government of India, National Cyber Crime Reporting Portal – Filing a Complaint, <https://www.cybercrime.gov.in/Webform/Accept.aspx> (last visited Apr. 24, 2026).

<sup>305</sup> Ministry of Home Affairs, Government of India, Sahyog Portal, <https://sahyog.mha.gov.in/> (last visited Apr. 24, 2026).

<sup>306</sup> National Crime Records Bureau, CyTrain – National Cybercrime Training Centre, <https://cytrain.ncrb.gov.in/> (last visited Apr. 26, 2026).

represent the medium through which content can be created, distributed, and propagated. Social networking sites, instant messaging services, and other platforms of digital communication help users interact and communicate with each other. But these intermediaries do not only serve as means of communication; rather, there are possibilities for exploitation that may arise as a result of their usage. Along with responding to such threats, they have proactively utilised technology to stop the proliferation of NCIIA. The application of hash matching technology to avoid re-uploading of detected content and the implementation of artificial intelligence-based detection systems to spot dangerous content are among such precautionary tools which have been developed in anticipation of threats.

Meta has portals to report nude or sexual photos or videos of yourself or threats to share these images or videos to their apps or technologies (Instagram, Facebook, Threads, Messenger, WhatsApp) to prevent them from being reshared, with reviewing of reports 24/7 in more than 70 languages<sup>307</sup>. X, formerly known as twitter has the same policy of immediate and permanent suspension of any account that is identified as the original poster of intimate media that was created or shared without consent.<sup>308</sup> However, X does allow some type of adult content, they first evaluate that the content shared is with or without consent, which can be a time consuming process and usually damage to the victims is already done. Among the main duties assigned to the social networks, the formulation and implementation of the policies for content moderation is included. Nevertheless, the success of the implementation of these policies depends on how quickly and regularly they are implemented. Any delay in removing

the content may cause irreparable damage to the victim.

StopNCII.org an initiative of SWGfL- a not-for-profit charity ensuring everyone can benefit from technology free from harm, introduces technology that is used by tech and industry companies to protect people from the sharing of their intimate images online.<sup>309</sup> The website can be accessed without any payments and has access to over 18 platforms for removal of NCII. In 2024, the organization revealed that it was used to protect over 1,000,000 images from being shared online without consent, showcasing its effectiveness.<sup>310</sup>

Google, a widely used platform, also adopted and started using StopNCII's hashes, which are digital fingerprints of images and videos, to proactively identify and remove content which violates our policy against NCII.<sup>311</sup> It has also, like other intermediaries clearly stated a set of guidelines that discourage the dissemination of such images, "Do not store or distribute private nude, sexually explicit, or intimate images or videos without the subject's consent."<sup>312</sup> If someone has sent a private nude, sexually explicit, or intimate image or video of anyone they can report the same. Thus, Within the sphere of NCIIA, these digital intermediaries do not simply function as passive media; rather, they play an active part in facilitating or hindering the creation and distribution of content.

## VII. Recommendations and Conclusion

NCIIA can be regarded as an evolutionary shift in the definition of sex crimes and violations of personal privacy in the modern technological era. As shown in this paper, NCIIA is different from the conventional kinds of sexual and privacy violations since this type of crime is enabled by the Internet and exhibits characteristics like

<sup>307</sup> Meta Platforms, Non-Consensual Intimate Images (NCII), <https://www.meta.com/en-gb/safety/topics/bullying-harassment/ncii/> (last visited Apr. 24, 2026).

<sup>308</sup> X Corp., Non-Consensual Nudity Policy, <https://help.x.com/en/rules-and-policies/intimate-media> (last visited Apr. 24, 2026).

<sup>309</sup> StopNCII.org, About Us, <https://stopncii.org/about-us/> (last visited Apr. 24, 2026).

<sup>310</sup> SWGfL, StopNCII.org Being Used to Protect 2,000,000 Images Online in the Fight Against Intimate Image Abuse,

<https://swgfl.org.uk/magazine/stopncii-org-being-used-to-protect-over-1-000-000-images-online/> (last visited Apr. 24, 2026).

<sup>311</sup> Google, Developing a New Partnership to Combat Non-Consensual Intimate Imagery on Search, <https://blog.google/products-and-platforms/products/search/stopncii-program-partnership/> (last visited Apr. 24, 2026).

<sup>312</sup> Google, Abuse Programme Policies and Enforcement, <https://support.google.com/docs/answer/148505> (last visited Apr. 24, 2026).

scale, permanence, and swift propagation. The multi-dimensional nature of NCIIA makes it especially difficult to legislate against.

Analysis shows that NCIIA is deeply entrenched within the current social structures of stratification, particularly those involving gender-based power relations. Women and minority groups suffer disproportionately from NCIIA, both in terms of greater exposure as well as the prevailing attitudes of the society that stigmatize and victim-blame these individuals. In essence, NCIIA can be seen as an extension of violence against women in cyberspace.

The ramifications associated psychologically, socially, and economically serve to emphasize the serious nature of this crime. The permanence of digital data exacerbates the impact of these crimes, frequently creating not only initial harm but ongoing emotional damage as well as social and occupational repercussions for the victims.

Though efforts by governments and intermediaries show some positive steps being taken, they fall short in dealing with the gravity of the situation. Late content takedowns, low awareness, and non-uniform regulation weaken the impact of current policies. Also, changing technologies like deepfakes are outpacing the regulations in place.

Consequently, a complete solution to NCIIA involves a multi-faceted strategy consisting of strong and clear legal structures, fast and responsible platform management, improved digital literacy, and readily available victim support services, both psychologically and legally. Moreover, there needs to be increased focus on changing social perceptions that stigmatize and marginalize victims.

Based on the analysis, it is clear that the current Indian legal regime against NCIIA is not fully comprehensive enough to handle the ever-evolving nature of NCIIA. It is necessary to reinforce the current legal regime by making sure that there are proper implementation and interpretation of existing laws under the IT Act,

2000 and IPC, especially when non-consensual distribution, morphing, and threats are involved.

The process of deleting or removing content must be quick and efficient because any delay on the part of the intermediary makes the damage worse because digital content is both viral and perpetual in nature. Processes like the National Cybercrime Reporting Portal and the Sahyog Portal can be expedited and made accessible in order to achieve this objective.

However, while tackling the NCIIA issue from a legal perspective is important, efforts should go beyond just implementing legal measures in order to recognize the societal implications that accompany the violation of the act. It becomes crucial for us to raise digital literacy levels among certain sections of the society who are vulnerable to such offenses.

Lastly, it is critical to create a of systems of victim-oriented services like psychological counselling and legal aid to help deal with the aftereffects of such abuse. Actions need to be taken to counter the prevailing attitude in society which tends to blame victims for the abuse they endure, as otherwise, all other measures will prove ineffective.

In essence, tackling NCIIA goes beyond mere legal or technological changes; it is also about protecting the dignity, freedom, and equality of individuals in the modern digital world.

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