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DIGITAL DHARMA Versus ALGORITHMIC BIAS: SAFEGUARDING CULTURAL PURITY AND PRIVACY IN THE DIGITAL ERA

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ABSTRACT

After the COVID-19 outbreak, India's digital market has grown rapidly, leading to the emergence of a deadly lust economy, which devalues intimacy and shifts conventional sex work online. This colossal shift has revealed legal and regulatory gaps in the Immoral Traffic Prevention Act-1956, Information Technology Act-2000, Bharatiya Nyaya Sanhita-2023, which fail to address unauthorised video calling services, unauthorised digital recordings, online romance scams, and algorithmic flaws. This article critically highlights how high-engagement seductive content materialised for cheap profit, put both the consumers and providers in danger, and eroded India's rich culture. Thorough study of Indian jurisprudence indicates the challenge to balance between privacy and dignity while preventing the exploitation of sexual offence laws. Ultimately, the author upholds proactive algorithm accountability, systematic revocation of "safe harbour" protection to non-compliant digital intermediaries, and the promotion of "digital dharma" to safeguard vulnerable individuals from organised digital victimisation.

Keywords: Algorithmic Accountability, Digital Dharma, Lust Economy, Online Regulatory Deficit, Safe Harbour

¹ The author is currently working as Principal in-charge at Erode College of Law. (Part of the inspiration for this legal article is drawn from the courageous work of the YouTubers Ms.Keerthika Govindasamy (Keerthi) and Mr.Nanda Kumar (A2D Channel). Their concern about the society and the technology and its implications for all of humanity is deeply appreciated.)

INTRODUCTION

The fast growth of digital economies and the changes in how humans deal with each other have shown that current legal and regulatory systems are deeply flawed and not strong enough worldwide. This analysis provides a critical examination of the prime legal challenges and regulatory deficiencies of internet use in India. The emergence of convergence of economic incentives, gender relations, and digital platforms with a specific emphasis on the commercialisation of intimacy and vulnerability in the post-COVID-19 context. Because of unfortunate things like the COVID-19 pandemic, the sex work industry has evolved rapidly to online platforms.² It has created instant and severe legal uncertainty regarding the application of existing penal and Information Technology laws and requires the need for new laws.

Though the online intimacy is not an innovation in the 2025 era, it is there from the inception of the photographic correspondence conducted via mail. Now the question is, what is the nexus between the exchange of photos and cultural destruction? The answer to the question

must be seen from the lens of the internet evolution. In its early stages, the internet was used to share, communicate, and access services, which had many protocols to follow, making the usage a tough process for a common man. In turn, only the educated or literate minds were using the internet. The situation has changed significantly, today, a common person does not need to understand the definitions and terminologies of the internet to use it.

Generally, humans are born with a deep sense of imitation of fellow living things. It is a proven fact that a human learns a habit through his/her circumstances. The simultaneous rapid growth of technology and the internet use on and after COVID-19 make the common man learn and live a shadow life, escaping from legal liability. For example, gone are the days the sex workers were conspicuously identified based on their locality, language, etcetera. However, the proliferation of mobile phones and other portable devices has made it easier than ever to share or convey human feelings and emotions. At one point, these human feelings and emotions contributed to the development of fake intimacy.

² Shraddha Gaikwad, "The Changing Nature of Sex Work in the Post-COVID-19 Pandemic Era" 5

The point to note is that the sex workers are now charging extortionate charges for online prostitution using unauthorised and unregulated online communication platforms. It consequently damaged the savings of men and the sanctity of women. How are the characters of the good women getting spoilt? The reason is very simple the chameleon behaviour of the existing sex workers who are already occupied in the streets of villages and cities who induce the neighbouring good women to get involved in the immoral activity for easy money.³ But the ethical women, without knowing the real implications of indulging in online prostitution, becomes Online Sex Workers (OSW), lost their reputation, morals, character, and even, in some of the worst cases, their lives.

OSW due to lack of legal knowledge, hesitate to seek assistance from law enforcement due to fears of arrest and, in some cases, attract physical assault and harassment from the local pimps and lechers, indicating that existing regulations are insufficient.⁴ The digital realm presents significant safety and privacy concerns that

current legal setup fail to address. Such as the clients recording virtual interactions without consent and circulating them without authorisation. The lack of awareness among individuals about online intimacy and related fraud negatively impacts their safety and financial well-being.

To highlight, the rapid shift of intimate economic activity to digital platforms has created an acute legal ambiguity regarding the application of existing laws, often leaving innocent individuals vulnerable to exploitation. While existing Indian laws such as the Information Technology Act, 2000 (ITA) and Bharatiya Nyaya Sanhita, 2023 (BNS) addresses the related crimes and cybercrimes such as the voyeurism and sexual harassment, dissemination of obscene material, cheating by personation in electronic form. There is no comprehensive legal framework made to the specific challenges of the modern lust economy. Such as the digital safety of innocent individuals, sex workers and the intricacies of large-scale online romance fraud.

³ Niranjana Saggurti, Shagun Sabarwal, et.al., "Harsh realities: Reasons for women's involvement in sex work in India" 3 *Journal of AIDS and HIV Research* 172-179 (2011), p.no.178.

⁴ Chelly Maes and Laura Vandenbosch, "Adolescents' Use of Sexually Explicit Internet

Material Over the Course of 2019 - 2020 in the Context of the COVID-19 Pandemic: A Three-wave Panel Study" 51 *Archives of Sexual Behavior* 105 (2022).

This scholarly article is a maiden attempt in preserving the values of Indian culture addressing the core ethical issues of modern web era. It also examines the persistent inefficiency of laws and the resulting regulatory deficits in mitigating both economic and psychological harm in the networked age. The intellectual work is structured into Three Units: Unit I titled as “The Objectification of Intimacy and Regulatory Inefficacy in Virtual Sex Work” deals with the legal ambiguity arising from the digital migration of sex work, analysing existing laws and the resulting economic vulnerability and digital safety concerns. Unit II titled as “Victimisation Techniques: Conspiracy, Crime, and Criminological Deficits” deals with how both consumers (men) and providers (women) are trapped in the lust economy, and critically analyses the theoretical limitations of current frameworks addressing online romance fraud. Unit III titled as “Dismantling the Desire Economy: Legal Guidelines for Algorithms and Digital Platform Ethics” deals with necessary legal and policy remedies, advocating for protection-focused regulation, alongside measures to enhance digital literacy and reform online platform accountability for psychological harm.

Unit I - The Objectification of Intimacy and Regulatory Inefficacy in Virtual Sex Work

The convergence of criminal intent gain and the content creation on digital platforms have compelled to look into the efficiency of laws especially with OSW. The traditional forms of sex work including local brothels, bars, and clubs had structurally changed after the COVID-19 pandemic. It acted as a catalyst. As a result of this unprecedented confusion along with economic difficulties several sex workers are forced to indulge in the hazardous and covert working circumstances. Thus, the sex industry coupled with the speed up of the digital technology has witnessed a remarkable upward shift from in-person sex work to OSW. The risk of this widespread migration of sex work to online platforms is, it has a negative impact on the innocent and economically weak women. Since, the online sex work happens within four walls of a normal domestic setup, it is easy for the providers (women) to cheat on their family members. In addition, many providers are not habitual sex workers, actually, in many instances they are seduced by their fellow neighbour by luring them with the promise of high income. The reason for rapid growth of the online sex work among men and women is because of the social media advertisements and its acceptance by the

numerous consumers (men) and providers (women). This transition of in-person prostitution to online voyeurism encourages the consumers and providers primarily on the following factors namely health, safety, and reputation concerns.⁵

The online digital platforms became essential due to lockdowns and social distancing measures and the extensive use of smartphones and the internet made them accessible. For instance, webcam modelling and subscription-based nudity content platforms such as online dating applications originated from this environment. This fast digital transition of sex work has created an immediate threat and a legal ambiguity regarding the applicability of laws for the regulation of OSW.

The jurisprudential enquiries and the legal ambiguities are: What is our Indian culture? What is the standpoint of marriage and prostitution in the lens of Indian culture? What are the applicable laws that protect Indian culture? Are the existing laws strong enough to regulate the brothels? What are the regulations for social media advertisements? Who is regulating the

social media advertisements? Why 18Plus content are being advertised in the social media? What is the punishment for the breach of regulations? How many violators are punished for breach of social media regulations? What are the effective welfare measures taken for the welfare of the sex workers (mostly women)? Is India becoming a vulnerable nation due to cultural destruction? The enquiries reveal that there is a legal gap and there is a need for new legislation to address the specific challenges associated with internet commerce involving personal content.

Our current legal framework is inadequate and does not effectively manage the digital setup that supports this online sex industry. Further, the absence of *lex specialis* constricts sex workers by worsening their innate economic conditions. The current legal setup is often viewed as inadequate since it discourages sex workers from availing legal aid from government officials and the judiciary. The present scenario revealing a critical lack of safety measures to this marginalised community. Thus, the sex workers severely experience a financial stress and increased rivalry in the ever-busier virtual market. This situation is much more dangerous for

⁵ Shraddha Gaikwad, "The Changing Nature of Sex Work in the Post-COVID-19 Pandemic Era" 5

illiterate sex workers who lack digital skills to access technology and adversely impacts the earnings of prostitution.⁶ Hence, it disproportionately affects the wage equalities in the networked economy. Is it appropriate to call sex workers as “workers”? If they are workers who are the employers? Are the sex workers entitled to all social security benefits under labour law? Is it apt to call sex industry as “industry”? Notably, the dating app developers made it difficult to withdraw the money earned by the providers (women) from the online sex industry. The local pimps retain the money and disburse it in instalments to the OSW, who are also exploited by them. Therefore, the government must take a stand to protect the OSW by decriminalising the roaming of dating apps and ease the online payments in the Indian social media and digital app stores in order to protect the OSW from the clutches of the app developers and local pimps, but at the cost of the Indian culture. The primary safety issue linked with the

online sex industry is the unauthorised recording of virtual conversations by the users. Often results in the sharing of sensitive content. It constitutes to sexual abuse and blackmail. The existing Indian penal, telecom and internet regulations fail to handle the digital exploitation associated with the lust economy.⁷

An overview of the digital and criminal law provisions available under ITA and BNS against crimes related to the lust economy and gender-based digital harm. Section-66D of the ITA penalises computer-based impersonation, especially the creation of fake accounts. Section-66E penalises the persons who shoot, store, and circulate of other persons’ intimate body parts without consent. Sections-67 and 67A prohibit the uploading of pornographic content through electronic formats. Sections-75 and 78(1)(ii) of the BNS explicitly punishes sexual harassment and stalking, especially monitoring the use of her mobile phone,

⁶ “Earnings of prostitution”, This is the formal phrase used in Indian law (Immoral Traffic (Prevention) Act, 1956, Section-4 to describe money obtained through sexual exploitation. Students of International Law must understand that the practise of an act determine whether a State permits or prohibits it. The practise is classified into two: 1) Physical act and 2) Legal act. If the acts of the State satisfy either one, that practise qualifies as that State’s practise. In other words, that particular State acknowledges that particular act. When it comes to ‘prostitution’, India’s stand is not on a total ban rather, it is based on ‘abolitionism’. Abolitionism means selling sex is legal, but buying, organising,

and trafficking are prohibited and illegal. Also, refer: Abhijit Saha, “Prostitution: A Dark Patch on Women Empowerment in India: A Review Based Analysis” 13 *International Journal of Creative Research Thoughts* 192-202 (2024), p.no.193.

⁷ There are no age restrictions on using WhatsApp, Instagram, Messenger and other video calling apps. Also, these phones applications lack continue monitoring by the service providers and the government. HT News Desk, “Children below 18 will need parents’ consent to create social media account: Draft Rules”, *Hindustan Times*, Jan. 04, 2025.

internet, and email. Also, Section-77 defines and punishes the offence of voyeurism even if the concerned woman gives consent to film her.⁸ Also, all the above-mentioned offences are punishable for a term not less than three years. The above-discussed legal provisions demonstrate the nature of the offence and its punishment, but it fails to show its consistency in terms of prevention. There exist a legal ambiguity and constant digital risk involved for the protection of privacy for both the consumers and the providers, they remain vulnerable and become the victims of digital life. Thus, there is a need for effective protective laws which are vital and necessary in preventing the exploitation of the commercialisation of the lust economy.

The judicial struggle demonstrates a balance between preserving the women's bodily integrity and protecting the men's dignity with regard to the usage of sexual offence laws through its verdicts as follows. In *State of Maharashtra vs. Madhukar Narayan Mardikar*⁹ it's an important verdict against the police officer who had falsely charged a woman as unchaste. In 1965, one Madhukar Narayan Mardikar (MNM) a police inspector on duty without

any warrant or any other legitimate reason to enquire, visited the victim's home named Banubi. While visiting, MNM tried to molest her and attempted sexual assault. To escape from the situation, Banubi sought help from her husband and the neighbours. But the inspector MNM to manage the situation and to hide his intention before the crowd, falsely charged the victim Banubi for illegal liquor sale. The MNM also forced his junior police officers to put an FIR against her and also arrested her for the same offence. Parallely, a departmental enquiry was initiated against him and he was proven guilty and he was immediately removed from service. Before the High Court his main defense was, he undertook a regular raid in that area where the accused Banubi was caught red-handed, and to escape from the clutches, it is only the Banubi falsely accusing him. He also added that the accused Banubi is also a woman of easy virtue, adding that she also had an extramarital affair, and requested the High Court not to entertain her submissions. Considering MNM's argument, the High Court quashed his termination and ordered his immediate reinstatement to service.

The question of law before the Supreme Court on appeal was whether a woman's

⁸ Refer: Explanation 2 of Section 77 of Bharatiya Nyaya Sanhita, 2023.

⁹ *State of Maharashtra v. Madhukar Narayan Mardikar*, CDJ 1990 SC 635.

sexual history or social reputation can be used to deny her legal protection and her right to privacy. The SC reversed the HC's rulings, stating that the appellate court failed to incorporate the departmental findings with the Banubi's submissions. The esteemed Supreme Court ruled that an unchaste woman cannot be forced into sexual activities against her will.¹⁰ The SC added, it is improper to judge a woman's character on the worst situation she has faced, and the court holds that even an unchaste woman has her right to privacy.

In some instances, the law permits the trivialisation of harassment by powerful authorities as mere, negligible harm. But the *Rupan Deol Bajaj* case affirms the legal principle *rex non potest peccare*. Even the powerful people who hold the highest authority are accountable for outraging a woman's modesty. In *Rupan Deol Bajaj vs. Kanwar Pal Singh Gill*,¹¹ the facts of the case are as follows that Mr. Kanwar Pal Singh (DGP, Punjab) behaved improperly with Mrs. Rupan Deol Bajaj (IAS officer, Punjab) at a dinner party. Specifically, to mention it, it was alleged that the DGP twice pulled the IAS's chair toward him. Furthermore, the DGP was standing so close to the IAS that his legs were touching

her knees and ultimately, he slapped her on the backside. These acts were considered severe enough to be legally classified as outraging her modesty. The question of law before the SC was whether the series of acts done by the DGP constitute a criminal offence under Sections 354 and 509 of the IPC and whether the High Court had authority under Section 482 of the Cr.P.C to quash an FIR by conducting its own enquiry. Now, the court had to ascertain how these insensible acts might deeply affect the women's sense of decency. Additionally, it had to determine whether such kind of behaviour was regarded as an infringement of the women's personal dignity or a negligible incident to be dismissed.

The DGP had taken defense under Section 95 (Trivial Act) of the IPC. But the Honourable SC viewed Section 95 seriously. It examined in detail the legal principle of *de minimis non curat lex*. The court clarified that harm under Section 95 encompasses not only physical harm but also includes mental injury. The court elucidated that the act of the DGP must be seen from the angle of the nature of the injury, the societal position of the parties,

¹⁰ *State of Maharashtra v. Madhukar Narayan Gardikar*, CDJ 1990 SC 635, para.9, p.no.5

¹¹ *Rupan Deol Bajaj v. Kanwar Pal Singh Gill*, CDJ 1995 SC 048

and the intention of the offender.¹² The SC held in this case that any disturbance to the dignity of a woman and her decency cannot be treated as a trivial act. Notably, the act was committed by someone holding authority. The SC ordered the Chief Judicial Magistrate to take cognisance of this case against Kanwar Pal Singh and later he was proven guilty and removed from the service, and the court sentenced him to probation with fine.¹³

In *Attorney General of India vs. Sathish*¹⁴ the SC set aside the impugned judgement of the High Court of Bombay, Nagpur Bench for its narrow and bookish mindset in interpreting the law in a POCSO case. In this case, accused Sathish invited a 12-year-old girl to his home with the intention of giving her fruits, but misused the situation to try to sexually assault her. Specifically, to describe, the accused pressed the girl's breast and attempted to remove her salwar. Hence, Section 7 of the POCSO was invoked, leading to Sathish's arrest for his actions. The accused appealed to the High Court for his release. The accused admitted that he touched her breast over the dress and his main defense was there was no physical

contact which means no skin-to-skin contact. The pedantic High Court bench accepted the argument and ordered his release from the case. The *ratio decidendi* of the HC was purely academic and held it did not satisfy the strict criteria under POCSO, as the accused touched the victim without removal of her garments, and also, he placed his hand not beneath the victim's top but over it.¹⁵ The aggrieved party went to appeal to the SC, it vehemently criticised the flawed HC judgement that had acquitted the accused of sexual assault, stating lack of physical contact. It rejected the HC's approach which is too narrow and may result in absurd outcomes. For instance, perpetrators will start giving excuses after molesting a girl that they used only gloves and there is no physical or skin to skin contact. Thus, the SC held that the sexual intent is the vital element and reaffirmed that touching through clothing is legally recognised as physical contact under the Indian criminal law jurisprudence.¹⁶

The lust economy exploits the bodies for sexual gain as well as motivates a few malafide women to extort material gain from innocent men. The sexual offence

¹² *Rupan Deol Bajaj v. Kanwar Pal Singh Gill*, CDJ 1995 SC 048, para.19

¹³ *Id.* at para.29

¹⁴ *Attorney General for India v. Satish*, CDJ 2021 SC 922

¹⁵ *Id.* at para.6

¹⁶ *Attorney General for India v. Satish*, CDJ 2021 SC 922, para. 32, 33

laws are now used adversely to settle non-sexual and some civil disputes. Crimes like voyeurism and insulting modesty now have become commodities, losing their legal and societal weightage. As stated, a few malafide women use these stringent laws against the innocent men and pressurise them with a false accusation to win a longstanding civil suit. *Tuhin Kumar Biswas @ Bumba vs. The State of West Bengal*,¹⁷ is a distinguished case law where the Supreme Court used the opportunity to protect the innocent men from the legal traps used by a few malafide women. Actually, in this case, the SC underlines how few women are misusing their privilege as women.

In *Tuhin Kumar Biswas's* case, one Ms.Mamta Agarwal, who had lodged a complaint against Mr.Tuhin Kumar for recording and taking photos of her when she was entering his premises to enquire about a house for rent. The police, while believing her statement blindly filed an FIR against Tuhin Kumar under Sections 341, 354C, and 506 of the IPC. The Calcutta High Court upheld his arrest for voyeurism and rejected his arguments. Tuhin Kumar's

main defense was that a long-standing civil dispute existed, in which Ms.Mamta had a vested interest, and that she made a false accusation solely to resolve this civil dispute. Ms.Mamta impliedly or explicitly blackmailed Tuhin kumar to withdraw the civil dispute through the criminal complaint. But the High Court did not accept the argument and dismissed his petition.¹⁸ On appeal, the SC reversed the erroneous High Court judgement and held that there was no direct evidence that the accused was engaged in recording the private act of the complainant where she had an expectation of privacy. Further, the Apex Court determined that there was no prima facie case of wrongful restraint because the complainant was just a future tenant and the accused, the owner of the property has every right to stop her from accessing the premises. Thus, Sections 341 and 354C were not attracted.¹⁹ The esteemed SC strongly condemned the filing of an FIR against an innocent lacking strong evidence and addressed how these kinds of practices are a clog to the judicial system.²⁰

¹⁷ *Tuhin Kumar Biswas @ Bumba v. The State of West Bengal*, CDJ 2025 SC 1846

¹⁸ *Tuhin Kumar Biswas @ Bumba v. The State of West Bengal*, CDJ 2025 SC 1846, para.2

¹⁹ Id. at para.25

²⁰ Id. at para.27

Unit II - Victimisation Techniques: Conspiracy, Crime, and Criminological Deficits

The global lust economy revolves around a multi-billion-dollar industry based on the combined monetisation of technology and human desire.²¹ The engineered desire not only put the “involved humans” in a vulnerable position but also impliedly deteriorated the nation’s culture. This faulty digital ecosystem facilitates a vicious circle of dual entrapment, affecting both the consumers and providers through its unique socio-economic and psychological mechanisms.

Often, consumers are trapped by sophisticated algorithmic software that is designed to optimise platform engagement by provoking addictive dopamine hits. The chief achievement of these online platforms run through software written by humans is systematic societal isolation and the declination of traditional interpersonal human relationships. It substitutes real-time human connection for screen-based interactions. The implications of this social isolation and lack of real interpersonal human communication result in substantial mental and physical health loss, including

anxiety, depression, stress, suicidal thoughts, cardiovascular disease, early ageing, hair loss, and genital dysfunction.

In contrast, the providers (primarily women) are frequently attracted into this worst economy due to digital illiteracy, economic instability, poverty, and unemployment. This online sex industry exploits these bitter facts by normalising the commercialisation of human weakness, transforming sensitive personal content into a luxury product driven by lust for cheap profit. Several studies indicate that significant amount of the women, due to the influence of many isms and unemployment issues, believe in independent income, which is also a factor that motivates them to take up online jobs such as social media influencers and content creators. Not all influencers and creators end up in online voyeurism, but majority of the economically weaker due to the attraction of substantial income from the digital platforms such as dating application fall in the traps of the OSW. It is high time for the Union and the State Governments to take vital steps and devise meaningful employment to liberate women from the

²¹Art Carden, “The Simple Economics of Pornography” *Econlib*, Jan. 7, 2020, available at:

<https://www.econlib.org/> (last visited on May 22, 2025).

shackles of poverty and personal income traps.

Another significant aspect of digital victimisation is online romance fraud. Criminologically speaking, the offenders (including providers) use a unique technique which deliberately creates an emotional bond for financial gain. Mostly, the offenders other than the providers are local agents, pimps, a few visual media specialists, and corrupted officials. They use digital technology to create deepfake videos and morphed photos to blackmail and threaten the consumers extorting large sums of money and exploiting providers for their bodies. The fraudsters always use an identity deception to establish emotional trust through extensive manipulation. For instance, some fraudsters, after establishing a bond with the victim (mostly men), create a fake situation, requesting them for financial assistance for their health issues and compelling victims to make fast money transactions. In some of the worst cases, the offenders use the video recording of the victim's personal content and extort them.

The recent sophisticated scam in 2025 in Bihar, India, is another perfect example of crimes revolving around the lust economy. This modern heist targeted the financially desperate men by offering a tempting combination of free sex and free money. The fraudsters trapped their victim by posting on social media an advertisement called "All India Pregnant Job Service" that offered the vulnerable men a huge amount of 5 lakh Indian rupees for impregnating childless married women and an additional bonus amount of 3 lakh Indian rupees for successful childbirth.²² For this purpose, scammers deployed a unique step-by-step strategy to earn trust and put them in a trap. Firstly, with the advertisement, they started with a registration amount of 799 rupees. After successful registration from thousands of victims. Secondly, they asked each victim to pay 12600 Indian rupees as refundable deposit for the fake offer. And lastly, a 3000 Indian Rupees was charged as GST. The factors used by the scammers to trap and to gain trust over the victims are 1) usage of high and trustworthy profile like Indian army, 2) a proper forged legal document namely 'Baby Birth Agreement', and 3) visual deception through WhatsApp such as good-looking photos of women and children. Also, the fake legitimacy and

²² Geeta Pandey, "All India Pregnant Job service: Indian men conned by 'impregnating women' scam" *BBC News*, Jan. 10, 2024.

legality convinced the victims psychologically. The factors that made victims fall into this trap are 1) economic desperation, 2) early riches, 3) an easy-money attitude, 4) illiteracy, and 5) blind belief in digital advertisements. The Bihar State police found eight guilty and they are looking for more than twenty persons involved who have absconded. Also, the scholars in different domains have opined that this scam-cum-crime is part of the 'golden age of cybercrime' that misuses digital illiteracy.

In summary, the dynamics of victimisation in the digital lust economy entail a perilous amalgamation of engineered desire and economic desperation. The modern criminological behaviour indicates that perpetrators have a cruel mindset, treating their victims as 'game animals'²³. This web of deception ensnares the victims and renders them unable to pursue legal retribution due to a sense of shame.

²³ Cybercriminals use this term to refer to their victims negatively. They often view their victims as their prey and they treat themselves as 'hunters'. They never treat their victims as human, rather the victims are treated as objects and pack animals. From the lens of the cybercriminals, the usage of the term "game animals" serves as a justification technique, suggesting that the victims are greedy

Unit III - Dismantling the Desire Economy: Legal Guidelines for Algorithms and Digital Platform Ethics

The emergence of a devil economy driven by lust valued at over one hundred billion dollars yearly. This vast business depends on the exploitation of loneliness and the abuse of human urges. This unit addresses the critical need for a shift in cyber-jurisprudence from passive monitoring to proactive algorithmic accountability. The human-engineered digital platforms acting under the directions of algorithms do not act neutral but are also highly biased and dopamine-driven prioritise the high-engagement content.

What does 'high-engagement content' mean? How does it affect human behaviour? Why is it called biased? In the context of digital media, high-engagement content (HEC) is anything that aims to get their users to 'stop and stare' instead of just browsing or scrolling. In the context of the online lust economy, the explicit sexual contents, like 'bikini and half-nudity posts' on Instagram and X that triggers the

and involved in immoral activities. Therefore, the fraudsters do not feel guilty about the extracting money from them. Refer: Suleman Lazarus, Jack M. Whittaker, et.al., "What do we know about online romance fraud studies? A systematic review of the empirical literature (2000 to 2021)" 2 *Journal of Economic Criminology* 2-17 (2023), p.no.13.

humans' emotions more than a 'beautiful landscape'. When a user views this lustful content, the human brain releases dopamine, also called the happy hormone. It is a chemical responsible for addictions like gambling, drugs, smoking and alcohol consumption. These social evils are less harmful when compared to scrolling on a mobile phone and consuming digital content. Because these digital contents are free, and the continuous consumption of it leads users to feel bored with real-people interactions. Thus, it explicitly encourages aloofness. Also, the high-engagement content is so biased that it is designed in a way to prioritise the seductive content over the productive content.²⁴

The advanced version of dopamine addictions is online video calling using various platforms such as WhatsApp, Instagram, and other dating apps. The dating apps are costly and expensive. They are a trap for both men and women who are the actual consumers and providers, losing their savings and sanctity. Further, it destroys our Indian culture. Most of the online platforms are designed and

developed by the Western nations, they view bikini and half-nude posts as normal. But a nation like India, which is known for its years of rich culture, is getting spoilt due to the emergence of many 'isms'.

What is 'safe harbour protection' under Indian law? Can this obscene digital content be controlled using the present statutes in India? Section 79 of the ITA gives these online platforms an immunity called 'safe harbour protection', which means that the platforms act as an intermediary and are not responsible for the posts made by their users. This is considered a major drawback to controlling it. However, this protection is not jail-free. It is contingent and has to act diligently. If the platforms do not comply with the legal statutes, then they lose credibility and immunity and are held accountable for what users post. For instance, the current 2026 issue with Grok AI on the X platform, where it allowed their users to generate highly seductive undressed photos of real-time women and children, illustrates the critical case study in algorithmic and online platform accountability.²⁵ The Indian

²⁴ The bias is evident in two ways: a) preferential reach and b) suppression of neutral content. The study shows that more than 55% of the algorithms are promoting sexually exploitative content and suppressing the non-sexual content up to 60%. Refer: Samarth Appanna, "The Effects of the

Internet & Internet Culture on real life culture" 13 *International Journal of Creative Research Thoughts* 254-274, p.no.273.

²⁵ Amber Sinha, "India Cautiously Locks Horns with X Over Grok 'Undressing' Controversy" *TechPolicy.Press*, Jan. 14, 2026.

government strongly condemned the unauthorised use of women's and children's photos to convert them into obscene material. The government demanded a comprehensive audit of X's technical firewall and its safety measures. Although the X platform in its early stage refused to accept its mistake, it later apologised for its lacunae and responded positively to repair or restrengthen its firewall. Compliance by the X is possible because of the Indian government's use of Section 79 of the ITA. India has legally threatened X by revoking the 'safe harbour protection' against it. Yet, the law is insufficient to protect the citizens and their culture from the dissemination of exploitative online content.

In order to dismantle the structured human exploitation through technology such as a) unregulated video calling services that end-up in moral and cultural destruction, b) "All India Pregnant Job Service" scam, and c) the Grok AI controversy, the law must evolve both domestically and internationally. It is suggested that strong rules and regulations should be established to govern the algorithm which intentionally promote content designed to trigger human sexual urges for material gain. If any algorithm breaches the rules, then it will no longer be considered a passive intermediary

but will become a content creator and be held accountable. Thus, the Indian government must seriously audit the algorithms and, if it finds any violation, without any hesitation, must cancel the license of the digital platforms from further business build-up.

Conclusion and Suggestions

The multi-billion-dollar digital lust economy represents a critical intersection of legal vacuum and algorithmic abuse. It is evident that modern innovation, especially in the Digital Communications Industry, is a threat to the wellbeing of humans. Because the online platforms have shifted from neutral intermediaries to actively curating content. Thus, existing digital platforms tend to favour more explicit content using through their algorithms. Due to this bias in the mobile application design, the habitual offenders of fraud, like the Bihar pregnancy and many more scams, exploit the people's economic desperation and loneliness. The present punitive lock under Section 79 of the ITA keeps on failing to address the 'double hit' to the victims facing monetary loss and persistent mental harm caused by these structured mobile screen-engagement loops. Through this academic work, it is suggested to policymakers to mandate periodic

compulsory audits of algorithms and to strictly enforce the November 2025 IT Rule.²⁶ Any violation of these rules leads to the revocation of safe harbour protection. Notably, there is a significant legal gap that persists apropos to the video calling services. The Indian legal system, at least in theory, underlines the necessity of consent for recording calls. But there are no legal regulatory mechanisms to supervise the online dating apps unlawfully allowing their users to record the human urges, which is strongly condemned. From the lens of the rule of law, online sex workers also have constitutional rights to dignity and privacy. As virtual labourers, they have a legitimate expectation to legal aid and protection from publishing non-consensual content.²⁷ It is to be noted that, due to the lack of a non-supervisory system for the video calling services provided through the TRAI, innocent ethical good women who are economically desperate fall into the traps of online prostitution.

Lastly, it is suggested to promote digital Dharma, meaning to effectively educate the values of Indian culture through digital platforms to restore the ‘necessary shame’ required to protect the families from digital exploitation. The author also finds there is a significant double-stand by the citizens of India in terms of ‘sex’. India, being a conservative nation where discussing sex and sex work is prohibited in public, clearly lacks sex education in its educational institutions. But behind this screen of morality, India holds the top 5 rank worldwide in terms of consumption of visual adult content.²⁸ Both men and women in a digitally architected loop are constantly told that intimacy is the goal. In truth, it becomes a harsh reality, resulting in or ending up in fake intimacy sold by digital platforms for cheap profit at the cost of cultural destruction.

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²⁶ This November 2025 amendment to the IT Rule emphasises the importance of digital intermediaries acting diligently with regard to online gaming and unlawful content. Refer: The Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 (updated as on Oct. 22, 2025).

²⁷ The author, being a citizen of India, appreciates the cultural heritage and is strictly against prostitution in any form. But the Immoral Traffic Prevention Act, 1956, allows the Indian citizens to engage in consensual sex work in private. The

statute made prostitution partially illegal. The legal debate now revolves around whether or not online voyeurism qualifies as immoral activity. If so, where is the law?

²⁸ Prajanma Das, “India ranks third in porn consumption, yet 9 out of 10 parents believe kids go online for education”, *The New Indian Express*, Nov. 14, 2018, available at: <http://www.newindianexpress.com> (last visited on Feb. 16, 2025).

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