

Journal of Multi-Disciplinary Legal Research

Extortion by Politicians, Police and Thugs, Clearly Visible and Visibly Ignored

Himani Dhar

Table of Contents

Topic	Pg. no.
Introduction	4
Punishment	5
Extortion by Politicians	7
Extortion by Police	8
Extortion by Thugs	10
Cyber Extortion	11
Sextortion	13
Spousal Extortion	15

ABSTRACT

Indian penal code, 1860 defines the offence of extortion and its punishment in the Section 383 to 389. Extortion as defined under Section 383 is putting a person in fear of grave danger and compelling that person to deliver its property and valuable security. In this article we will see different aspects of extortion and punishment prescribed for each different types of extortions. Sometimes theft is confused with extortion but there is a vast difference in both. In case of theft, the property or object is taken without the consent of owner but in the case of extortion, the delivery of property is at the will of owner though obtained wrongfully. So, in this paper I will do a thorough analysis of extortion and its essential elements.

Keywords

Introduction

The practice of extortion has been on the face of the earth since the very beginning. During the Roman era, Emperor Caligula spent lavishly on architecture and leisure during famines. He used to extort the citizens of Rome by coercion to fund his lavish lifestyle. After Rome was turned into a republic, consul Crassus, the richest man to have lived in Rome used his army to extort money from cities to fund his campaigns.

In India the first clear administrative bribery case which really is an extortion case was against Warren Hastings, the governor general of Bengal from 1772 to 1785. He was accused of embezzlement, extortion, and coercion and therefore impeached.

The laws relating to extortion are given in section 383 to section 389 of the Indian Penal Code. Extortion is defined in section 383. The penalty of extortion is given in section 384 and section 385 contains the punishment for attempting to commit extortion. Harsher punishments for aggravated forms of extortion are given in section 386 to section 389.

As per Section 383 IPC, extortion is an act to put someone in fear of injury or any other harm to obtain his property or any other valuable item. Section 383 IPC reads as follows:

“Whoever intentionally puts any person in fear of any injury to that person, or to any other, and thereby dishonestly induces the person so put in fear to deliver to any person any property or valuable security, or anything signed or sealed which may be converted into a valuable security, commits “extortion”.

Illustration: X threatens Y to pay a certain amount every month to conduct business or else X will damage the business premises.

Essential Elements

The essential elements for extortion can be enumerated as:

1. Knowingly putting a person in fear of injury: It is important to prove that the person had an intention to cause fear by threatening to cause injury. The actual delivery of the property is fundamental to prove extortion.

2. The purpose of which is to dishonestly induce the person put in fear: The objective of the Offence should have been towards the furtherance of the crime of Extortion.
3. To deliver property or valuable security: The actual transaction must have happened to have the section come into play in its entirety. If at all, for any reason.

Punishment

The punishment for extortion is given in section 384 of the Indian Penal Code. According to section 384, extortion is a cognizable offence meaning the police can arrest the accused without a warrant and is triable for any magistrate. However, usually the warrant is required to be issued in the first instance. Extortion is a non-bailable and non-compoundable offence. The jailtime for the crime of extortion can be for a term which may extend to three years or fine or both.

Section 384 reads as follows:

“Whoever commits extortion shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.”

Punishment for attempt of Extortion

The Punishment for attempt of Extortion is given in Section 385 IPC. Putting a person under the fear of injury of any kind is sufficient to conclude attempting of extortion and attract punishment under section 385. Attempt to extortion is a cognizable offence meaning the police can arrest the accused without a warrant. Attempt to extortion is a bailable and a non-compoundable offence and is triable by a Magistrate. The punishment for attempt to extortion is imprisonment for a term which may extend to two years or a fine or both.

Section 385 reads as follows:

“Whoever, in order to the committing of extortion, puts any person in fear, or attempts to put any person in fear, of any injury, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.”

From section 386 to section 389 are the more serious types of extortion meaning where a person is put into the fear of grievous hurt or death.

a) Section 386:

Here, the victim is put under the fear of grievous hurt or death. The offence under section 386 is a cognizable offence meaning the police can arrest the accused without a warrant. Also, it is non-bailable and non-compoundable. Section 386 is described below:

386. Extortion by putting a person in fear of death or grievous hurt.—Whoever commits extortion by putting any person in fear of death or of grievous hurt to that person or to any other, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

b) Section 387:

Simply attempting to extort someone by putting them in fear of death or grievous hurt will suffice to charge the culprit with section 387. The completion of extortion is not necessary for this section. The offence under section 387 is a cognizable offence meaning the police can arrest the accused without a warrant. Also, it is non-bailable and non-compoundable. Cases under this section are triable by a Magistrate of the first class. Section 387 is described below:

387. Putting person in fear of death or of grievous hurt, in order to commit extortion. —Whoever, in order to the committing of extortion, puts or attempts to put any person in fear of death or of grievous hurt to that person or to any other, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

c) Section 378:

Under this section, the extortion is made by way of threat of accusation to a person where punishment of the offence carries death penalty or imprisonment for life. The essence is an actual commission of extortion by such threat. The offence under this section is cognizable, bailable and cannot be compounded and is triable by the Magistrate of the first class.

“388. Extortion by threat of accusation of an offence punishable with death or imprisonment for life, etc.—Whoever commits extortion by putting any person in fear of an accusation against that person or any other, of having committed or attempted to commit any offence punishable with death, or with 1 [imprisonment for life], or with imprisonment for a term which may extend to ten years, or of having attempted to induce any other person to commit such offence, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine; and, if the offence be one punishable under Section 377 of this Code, may be punished with 1 [imprisonment for life].”

d) Section 389 IPC:

This section deals with an attempt to extort by putting the person in fear of accusation of offence. There is no actual commission of extortion. The offence under this section is cognizable, bailable and cannot be compounded and is triable by the Magistrate of the first class.

“389. Putting person in fear or accusation of offence, in order to commit extortion.—Whoever, in order to the committing of extortion, puts or attempts to put any person in fear of an accusation, against that person or any other, of having committed, or attempted to commit, an offence punishable with death or with 1 [imprisonment for life], or with imprisonment for a term which may extend to ten years, shall be punished with imprisonment of either

description for a term which may extend to ten years, and shall also be liable to fine; and, if the offence be punishable under Section 377 of this Code, may be punished with 1 [imprisonment for life].¹

4. Extortion by Politicians

Biggest of biggest politicians in India have headed extortion rackets. The best example is the current Home Minister of India Amit Shah. The Central Bureau of Investigation filed a 30,000-page charge sheet against Amit Shah for extortion, but eventually the case was dismissed by Supreme Court.²

In Bihar, Lalu Prasad Yadav's brother in law Sadhu Yadav was booked for extortion.³ Sadhu Yadav who was a MP in Bihar who had a case filed against him by a builder in Patna for extorting money from him. Sadhu Yadav demanded 50 Lakhs Rupees as 'protection money' and if he refuses to pay him the he'll face dire consequences. Also, Lalu Prasad's nephew Nagendra Yadav has been accused of extortion as well. A complaint was filed against Nagendra Yadav for extortion 15 Lakh Rupees from a person building an apartment. The construction of the apartment was forcefully stopped and was told the construction will not continue till he is paid 15 Lakh Rupees.⁴ Nearly 30% of the candidates contesting for election in Bihar have criminal records ranging from murder and extortion to rape.⁵

Dawood Ibrahim's brother Iqbal Kaskar was helped by two politicians from NCP in running an extortion racket that pocketed 100 crore rupees.⁶ Due to recession and demonetization, the real estate builders were in financial distress. This made Iqbal Kaskar demand flats from real estate developers in the form of extortion. The primary targets for extortion were builders and jewellers. Iqbal Kaskar had taken possession of a flat and one of the two NCP leaders who are suspected to be accomplices stood guarantor.

¹ BNB Associates, (2018) Extortion Relevant Provisions in IPC

² HT Correspondent (2010), Amit Coterie Ran Extortion Racket, Hindustan Times

³ Economic Times (2016) Lalu Prasad's brother in law Sadhu Yadav booked for Extortion

⁴ Times of India (2020), Lalu's Nephew Accused of Demanding Extortion Money

⁵ Dipak Mishra (2020), 'Murder, extortion, rape' — 30% candidates in Bihar first phase have criminal records, The Print

⁶ Vicky (2017), How Dawood's brother pocketed Rs 100 crore with the help of two politicians, One India

A FIR was launched against a BJP MLA from Pune Yogesh Tilekar for extorting 50 Lakh Rupees from a businessman. The businessman's firm laid fibre optic cable for government and private establishments in Pune. The BJP MLA demanded 50 Lakh Rupees for continuing laying fibre optic cable.⁷

In Delhi, AAP MLA Prakash Jarwal was charged with extortion and abetment of suicide after a doctor committed suicide.⁸ In the suicide letter he stated that Prakash Jarwal is extorting money from him every month and is the reason for taking such an extreme step. The doctor was in the water tanker business and was facing a loss in the business because Prakash Jarwal kept asking for money to continue his business. MLA Prakash Jarwal was granted bail by Delhi High Court.

5. Extortion by Police

Extortion by police and public officials is very widespread all over India, from big cities to small villages, extortion by police takes place on a daily basis. The victims of extortion by police officers are people from all walks of life.

One of the most notorious cases of police extortion happened in Uttar Pradesh. The extortion racket run by a sub inspector, three constables and two married women was arrested by Gautam Buddha Nagar police.⁹ They used to tell one of their female accomplices to ask for lift from people and tell them to drop her at a certain location where the others would be waiting. After reaching that place the woman would accuse the victim of sexual harassment or rape and would create commotion. Then the police would be called by the woman or they would go to the police station in Sector 44 where sub inspector in-charge Sunil Sharma would threaten to take legal action. The police used to call their accomplices posing as the relatives of the woman and her lawyer and would further threaten the victim by taking legal action. The police would then put up a play of calming down the relatives and then tell the victim that they will settle the problem if he gives them a hefty sum of money. 40% of the money would go to the sub-inspector and the rest would be distributed equally. This racket was caught when a victim had already paid them Rs.50,000 and still they were asking for more money. The victim then went to another police station. A trap was laid and two constables were caught with Rs.50,000 and the whole racket was exposed after investigation was done on the constables. The racket had duped 15 people in the last six months and had extorted at least Rs. 20 lakhs.

Another common form of police extortion that takes place all over India is extortion truckers on highways. The highway police personnel extort money from truck drivers by charging them for "entry" into the state. All India Motor Transport Congress (AIMTC) truckers have

⁷ Special Correspondent (2018), BJP MLA from Pune booked for extortion, The Hindu

⁸ HT Correspondent (2020), Delhi doctor found hanging, family alleges extortion by AAP lawmaker, Hindustan Times

⁹ IANS (2019), Extortion racket involving cops busted in Noida, 15 arrested, Business Standard

again and again made requests for protection from extortion to the state government but have seen no results. Even during the times of pandemic, truckers who are given the title of 'corona warriors' are facing rampant extortion. The Ministry of Home Affairs has ensured safe passage for the movement of essential commodities and goods but still the situation is not improving. All India Motor Transport Congress (AIMTC) which has a strength of 95 lakhs truckers has made several requests to the Home Ministry, if the Home Ministry does not take strict action then AIMTC could go on strike which would heavily disrupt the supply chain of goods.

IPS officers often extort businessmen. The IPS extortion came to light when Indrakant Tripathi, a businessman in the explosives trade in Uttar Pradesh was ambushed by IPS Officer Mahoba SP Mani Lal Patidar and was threatened to pay him 6 Lakh Rupees per month or else he would have him killed and make it look as if it's a suicide.¹⁰ A few days later Indrakant Tripathi was found shot in the neck in his car. According to a government spokesperson IPS Mahoba is accused of extorting money from truck drivers transporting *gitti* (loose rock) and harassed vehicle owners.

Another incident which involved an IPS officer was the IPS betting scam in 2013.¹¹ IPS officer Sampath Kumar was alleged to extorting and receiving bribe from bookies. According to a special report by CB-CID stating that he extorted 60 Lakh Rupees from bookies. He conspired with Mahendra Singh Ranka, a bookie who extorted money from other bookies. But IPS Sampath Kumar was acquitted from the extortion and bribery case by special court for the lack of evidence.

An interesting trend in the extortion ring has been on a rise of people 'posing' as IPS officers or police officials and extorting money from people. A 31 year old man was arrested for posing as an IPS officer and trying to extort 70 Lakh Rupees from a jeweller.¹²

Same incident happened when a 38 year old man impersonating as an IPS officer, kidnapped a Surat-based businessman and extorted around 20 Lakh Rupees from him.¹³ According to police, garments trader Mohammed Naviwala received a call last week from a person who identified himself as IPS officer SS Sharma attached to the Directorate of Revenue Intelligence (DRI). The businessman is facing a DRI probe and, hence, didn't suspect anything amiss. Sharma offered to solve the matter by mediating and called Naviwala to a plush hotel at Marine Drive. "Sharma offered to settle the case for Rs 10 crore. When Naviwala told him the sum was unaffordable, the accused allegedly brandished a gun and forcibly took him to Surat. Naviwala paid him Rs 18 lakh, plus a highend mobile phone and a wrist watch.

¹⁰ Omar Rashid (2020), U.P. suspends IPS officer over corruption, extortion charges, The Hindu

¹¹ R. Sivaraman (2019), IPS officer acquitted in extortion, bribery case, The Hindu

¹² Press Trust of India (2020), 'IPS officer' tries to extort Rs 70 lakh from jeweller, held, Business Standard

¹³ Ahmed Ali, 'IPS officer' arrested for extorting Surat businessman of Rs 20 Lakh, Times of India

6. Extortion by Thugs

One of the main sources of income for gangs in India is extortion (*haffa*).¹⁴ Till the end of the nineteen eighties, extortion did not exist in Mumbai. These coming decades extortion has been one of the main concerns for Mumbai police, so much so that an anti-extortion cell is set up by Mumbai police. All the prominent gangs in Mumbai operate extortion rackets targeting business owners, builders, industrialists and even Bollywood big wigs. In the case of well-known and rich personalities, if money is not paid, an example is made of a couple of ‘targets’ who are killed in order to terrorise and secure the compliance of others. The head of the biggest extortion racket is Dawood Ibrahim which is run by his subordinates based in Mumbai while he himself frequents between Dubai and Pakistan. The names of his subordinates are Chota Shakeel, Fahim, Salim, Chiplun and Rashid Malbari

Table 6: Extortion Cases

Heads	1997	1998	1999	2000
Persons approached	360	987	947	912
Cases registered	253	367	297	344
Extortionists nabbed	442	640	626	577

Source: Crime Branch, Mumbai.

This practice predominantly exists in all big cities all over India. *Hafta* is collected as ‘protection’ money.

Role of extortion in organised crime

When organised crime in India was starting to rise, the sources of income for the gangs were traditional gang activities such as bootlegging, gambling, prostitution, contract killing, smuggling, and extortion. Now the gangs have given the control of such activities to smaller goons to control for them and take the legal and illegal risks that come with it and give the goons in control a small percentage of the income generated from those illegal activities.

¹⁴ Sumita Sarkar & Arvind Tiwari, Combating Organised Crime A Case Study of Mumbai City, SATP

New gang activities included arms dealing, drug trafficking, money laundering and contract killings.

Of all the activities done by organised crime groups to generate income the easiest one by far is extortion. Business owners would rather give some money to the thugs than live in fear of hurting their business and source of income. It basically free money for the organised crime groups as they have to put in very little effort and there are not a lot of moving parts in extortion. The risk of the victim going and complaining to the authorities is avoided as the public officials are usually bribed by the thugs and the police avoid registering an FIR on behalf of the victims.

The more rewarding part of the extortion racketeering is the extorting rich and famous personalities. The Dawood Ibrahim gang gulshan

7. Cyber Extortion

Cyber extortion is a term commonly used to classify of cyber-crime, where stolen, delicate and private information is retained or threatened to extort money. The culprits threaten to expose sensitive information, the information itself (stolen or got to without approval) isn't altered and is typically securely returned on requests of the cyber criminals being met. Basically, hackers are blackmailing companies to pay them to cease from exposing business operations – a monetary compensation to be left alone.

Two Indian organizations surrendered to having paid hackers as much as \$10 million, to shield confidential data stolen from their PC servers from exposing.¹⁵ The stolen data was criminal in nature, the hacking appears to have started in the Middle East. Cases like these have provoked a remarkable interest in comprehension of cyber extortion and its activity in India.

Cases of online extortion in India, hackers have misused the internet to extort money, by using the following methods:

1. Acquiring unapproved access to an organization's private database system and threatening to make the information acquired public or else send trade secrets to competitor firms unless they pay the hackers not to.
2. Encrypting data in order to restrict owner's access to it and demanding payment for decryption.

¹⁵ Sachin Dave (2015), Middle East hackers extort \$10 million from two Indian companies to hide information from government, Economic Times

As per an as of late delivered danger report by Trend Micro, India additionally experienced the highest number of ransomware attacks in the second quarter of 2015 and has positioned sixth in the world in doing spam. Ransomware means virus embedded in computers or servers which takes control of the device and use that information for extortion. Victims are compelled to pay "ransom" to the culprits to gain back the access to their device.

The execution of extortion, data frameworks are fit for being utilized by hackers in the ways as clarified below¹⁶:

1. Data framework as the mode for execution of the threat.
2. Data framework as the object of the malware itself.
3. Mode of payment being arranged through data frameworks.
4. Data and communications systems utilized as the mechanism for exposing, if demands for money is refused.

Hackers generally resort to the utilization of ransomware and botnets – servers that are affected by malware virus and are then controlled by a master spam/infection originator engaged to advance transmissions.¹⁷ Often times, a network of hackers work together to hack company servers to gain access to confidential and sensitive information use for extortion. Also, payments are demanded in crypto currencies such as bitcoins to stay untraceable. On account of the two Indian companies referenced above, cyber criminals avoided being reported as the information the stole was criminal in nature and would incriminate their victims, making the extortion a silent payoff. Thus, cyber extortionists from inside India, are probably going to get away from indictment under existing laws because of the difficulty of identifying the criminals as they take measures to preserve their anonymity. However, if they are identified, they may be prosecuted for the offences of extortion and criminal intimidation under S. 383 and S. 503 of the Indian Penal Code in addition to being charged with offences under the Information Technology Act.

As cyber extortion attacks have risen dramatically all over the world and legal resources proving inadequate, businesses and people must protect their data from being compromised by using anti-virus software, update their operating system and use VPN to stay safe

¹⁶ Gregory Bednarski, Enumerating and Reducing the Threat of Transnational Cyber Extortion against Small and Medium Size Organizations, Information Security Policy and Management (2004).

¹⁷ Gu, G., Perdisci, R., Zhang, J., & Lee, W. (2008, July). BotMiner: Clustering Analysis of Network Traffic for Protocol-and Structure-Independent Botnet Detection. In USENIX Security Symposium (Vol. 5, No. 2, pp. 139-154).

8. Sextortion

Sextortion, a cybercrime which started from the West now has entered India. A professional existence without the internet doesn't appear to be a possibility any more. This remains true in circumstances such as these when the vast majority of us are bound to our homes. From getting to our messages, posting reports via web-based media, perusing the news, buying supplies or simply using WhatsApp, none of our regular exercises is conceivable without the use of the internet. With various exchanges and a tremendous amount of data being traded consistently, there is a high danger of touchy data being spilled. One such wrongdoing that includes delicate data in the possession of some unacceptable individual is Sextortion. As indicated by the Delhi cybercrime police, the culprit hacks into the PC of the person in question and keeps a track on their exercises and perusing history. Assuming the casualty visits a pornography site, the programmer gathers all the information of that client and afterward takes steps to distribute it to general society if the demanded sum/favour isn't allowed. Cybercrime cells of all over India have received complaints of their people who visited a pornography site being extorted with data and online records as leveraged.¹⁸

Sextortion can be done in many ways. One of the methods is befriending someone over the internet over a social media website and chatting with the victim and getting them to send lewd pictures or video recording of themselves, which are then used as leverage for blackmailing them. A more serious form of sextortion is done when a person clicks on a website and the website takes control of the webcam and records the victim's activities. Sometimes extortion is not done for money but for sexual favours.

Sextortion can also stem from corruption, wherein the individual in a position of power or force requests sexual courtesies from their subordinate. The Ministry of Home Affairs has expressed that "Online Sextortion happens when somebody takes steps to circulate private and touchy material utilizing an electronic medium on the off chance that he/she doesn't give pictures of a sexual sort, sexual courtesies, or cash." In India, we actually don't have a law

¹⁸ Gautam S. Mengle (2018), Enter 'sextortion', now a reality in India, The Hindu

that manages the wrongdoing of Sextortion. However, the Indian Penal Code defines Extortion as "Whoever intentionally puts any person in fear of any injury to that person, or to any other, and thereby dishonestly induces the person so put in fear to deliver to any person any property, or valuable security or anything signed or sealed which may be converted into a valuable security, commits "extortion".

In India the following acts govern sexual abuse and sextortion:¹⁹

1. The Protection of Women from Domestic Violence Act, 2005, this law was enacted to provide recourse to women suffering from domestic abuse;
2. The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, this act provides protection to a woman against sexual harassment at workplace.
3. Section 354 (A to D) of the Indian Penal Code 1860, lays down punishments for different types of sexual offences.
4. Section 376(2) talks about rape due to the abuse of authority in specific situations.
5. Section 108(1)(i)(a) of the Criminal Procedure Code, 1973 has been amended to give the victim the power to contact the magistrate and file a complaint directly to the magistrate about the circulation of obscene material.
6. The Protection of Children from Sexual Offences Act, 2012, is aimed to tackle issues of sexual exploitation of children.
7. Information Technology Act, 2000 also cover certain sexual offences dealing with cyber-crime.

CASE STUDIES²⁰

A 42-year-old Delhi trader recently approached the police after he started getting extortion calls. Ten of his video chats had been recorded by criminals who were threatening to leak them online.

"I had received several WhatsApp messages from an unknown number informing me about an online escort agency. They claimed to have live chat facilities," he said.

"Initially, I ignored them. But, later they started sending pictures. I paid and tried the service for a couple of days and also recommended it to a few friends -my biggest mistake," he added.

"I soon received a WhatsApp call demanding Rs 50,000. The caller threatened that he will send the videos to my wife, other family members and friends. I made five transactions. But calls for money didn't stop. Then I decided to file a complaint," he said.

About three weeks ago, another trader went for a chat service after he received links via WhatsApp. "He paid and had a chat but was unaware that his acts were being recorded. Two days later, he got an extortion call. He paid but calls didn't stop and he approached the police," said an investigating officer.

¹⁹ Theekshna Amin (2020), Laws Related to Sextortion, Lawyered

²⁰ Chayyanika Nigam (2020), Now, epidemic of sextortion rattles Delhi, India Today

A 36-year-old IT professional from Southwest Delhi also told the police that he started talking to a woman on social media during the lockdown. Then they had video calls at night. After a few days, he got an extortion call only to realise that the social media account was fake.

There are some countries that have perceived the need to have a law that punishes wrongdoings identified with Sextortion. The Criminal Codes of the Federation of Bosnia and Herzegovina have indicated the offense of 'Sexual Intercourse by Abuse of Position.' The Philippines Anti-Rape Law of 1997 covers rape by means of 'grave abuse of authority' and the Tanzania Sexual Offenses Special Provisions Act of 1998 applies to an individual 'who exploits his official position' to carry out sexual assault.

It is important now to have a law that explicitly handles the criminal act of Sextortion and violations identified with it. Sextortion is not only restricted to the web but also happen in relationships of employment, schooling, family, and so forth. In the event that the wrongdoing of Sextortion isn't characterized then it is hard to charge the culprit and consider them responsible. It is important to have committed work force and prepared executives who can trace and arrest the culprit, and be able to offer the correct kind of assistance to the victims.

9. Spousal Extortion

“Pay me to leave or I will use every law against you”.

During a divorce, often times the line between threats to criminal extortion gets crossed. Often times this extortion is done based on secrets and other things that could incriminate a person. One such example is taxes. It is not unusual for a spouse to threaten their partner that if their demands are not met, they'll go to the income tax office and make a complaint against them. Extortions also happen when negotiating divorce settlements. The wife threatens their husband that if their demands are not met then they'll defame him by telling lies to the children about infidelity or something that than can ruin their image in front of the kids.

From a legal perspective, extortion is defined by an act of gaining something of value by any kind of force and threat of injury, damage to the property or reputation. And blackmail is defined by the act of demanding something of value by the means of threatening to expose information of the victim or his/her family members that is embarrassing in the society or criminal in nature.

An even devastating form of spousal extortion that takes place in India is by the misuse of section 498A. Provisions made for women to stop dowry deaths is now facing a dilemma of it's misuse. Dowry death is the term used to define the act of murder or suicide done by a woman who is harassed by her husband and/or the relatives of her husband over the dowry by

subjecting her to cruelty. The punishment for subjecting a woman to cruelty for dowry is imprisonment for a term which may extend to three years and also be liable to fine. For the purpose of the section cruelty means:

1. Wilful conduct by husband/relative of husband amounting to physical or mental cruelty.
2. Harassment by husband/relative of husband for purpose of meeting/failure to meet dowry demands.

Misuse of this Section in Modern World A violation of this section, its goals and its aims is on the increase with the lady frivolously creating false allegations against their husbands with the aim of obtaining eliminate them or just pain the family. The abuse of this section is chop-chop increasing and therefore the ladies usually well- educated apprehend that this section is each cognoscible and non-bailable and impromptu works on the grievance of the lady and putting the person behind bars. Like within the case of Savitri Devi v Ramesh Chand & Ors⁸, the court control clearly that there was a misuse associated exploitation of the provisions to such an extent that it absolutely was touching at the inspiration of marriage itself and established to be not therefore smart for health of society at giant. The court believed that authorities and lawmakers had to review the case and legal provisions to stop such from taking place. This section was created keeping in mind protection of the married person from unscrupulous husbands however is clearly misused by few ladies and once more this can be strictly condemned in Saritha v R. Ramachandran⁹ where the court did notice that the reverse trend and asked the law Commission and Parliament to create the offence a non-cognizable and bailable one. it's been a requirement of the court to condemn wrongdoings and shield the victim however what happens once the victim turns into the abuser. What remedy will the husband have here. On this ground, the lady gets to divorce her husband and remarry or perhaps gain cash within the form of compensation. Many women rights' teams go against the thought of constructing the offence a non-cognizable and bailable one thinking that this offers the suspect an opportunity to flee conviction. however what this might do is that it'd provides a chance to the person and especially facilitate meet the ends of justice. Justice should shield the weaker and make sure that the wronged is given an opportunity to say back his/her due. When ladies accuse their husbands below S.498A IPC by creating the offence non-bailable and cognizable, if the person is innocent he doesn't get an opportunity quickly to urge justice and "justice" delayed is justice denied'. Therefore, the lawmakers should recommend how of constructing this section non-biased to somebody specified the guilty is punished and therefore the person wronged is given justice. The position of the ladies in Bharat continues to be dangerous. They still want rights to alleviate themselves in society however many an times fail to note others' rights as long as their rights area unit ensured. The educated lady of these days should believe the mantra of equality and demand constant however the trend is slowly obtaining reversed. ladies area unit taking due advantage of the actual fact that remarked because the "weaker sex" and on the inspiration of rights ensured to them are violating others' rights.

The case studies

New York Yankees general manager and senior vice president Brian Cashman went through a divorce situation involving blackmail. For him, however, the blackmail was coming from his alleged mistress, Louise Neathway, **according to the New York Daily News**. She was stalking, harassing, and extorting thousands of dollars from the Yankees general manager. Cashman allegedly arranged for his lawyer, Eric Creizman, meet with Neathway's mother, Caroline Meanwell, and convince her that Neathway needed to be committed. Meanwell tried once, but after the operator of the 911 call refused because Neathway is an adult, Creizman tried again to convince Meanwell that her daughter needed help. That's when Meanwell refused.

Neathway got arrested for extorting money and harassing Cashman. She later struck a plea deal and was sentenced to probation, **according to the New York Post**.

Cases involving extortion are rarely easy and can often extend beyond the relationship, whether you are in the limelight or not.

In August of 2013, a woman and her brother approached Rabbi Martin Wolmark about obtaining a divorce from her husband, **according to NJ Advance Media**. Wolmark said that it could be done, possibly by violence. He recommended speaking to a colleague of his, Rabbi Mendel Epstein, who allegedly was involved in forcibly coerced divorces from uncooperative husbands.

Wolmark claimed it would cost \$30,000 to make this happen, but when his co-conspirators met at a warehouse where they were to force her husband to grant a get, the FBI agents who posed as the woman and her brother were there to secure the arrest. Nine total individuals were arrested.

Journal of Multi-Disciplinary Legal Research

CONCLUSION

In a simple words, extortion refers to an act whereby a person forces to transfer any property or valuable security under the fear of threat or an injury. Indian Penal Code defines the offence of extortion under section 383 and the punishment for the same offence is prescribed under Section 384 of IPC. As stated earlier there are few essentials parameters on which this offence is judged. There should be peace and harmony in the society and every person has every right to live in the society without any fear or threat. The chief concerns of law is to protect the fundamental values of mankind.

References

- BNB Associates, (2018) Extortion Relevant Provisions in IPC
- HT Correspondent (2010), Amit Coterie Ran Extortion Racket, Hindustan Times
- Economic Times (2016) Lalu Prasad's brother in law Sadhu Yadav booked for Extortion
- Times of India (2020), Lalu's Nephew Accused of Demanding Extortion Money
- Dipak Mishra (2020), 'Murder, extortion, rape' — 30% candidates in Bihar first phase have criminal records, The Print
- Vicky (2017), How Dawood's brother pocketed Rs 100 crore with the help of two politicians, One India
- Special Correspondent (2018), BJP MLA from Pune booked for extortion, The Hindu
- HT Correspondent (2020), Delhi doctor found hanging, family alleges extortion by AAP lawmaker, Hindustan Times
- IANS (2019), Extortion racket involving cops busted in Noida, 15 arrested, Business Standard
- Omar Rashid (2020), U.P. suspends IPS officer over corruption, extortion charges, The Hindu
- R. Sivaraman (2019), IPS officer acquitted in extortion, bribery case, The Hindu
- Press Trust of India (2020), 'IPS officer' tries to extort Rs 70 lakh from jeweller, held, Business Standard

Ahmed Ali, 'IPS officer' arrested for extorting Surat businessman of Rs 20 Lakh, Times of India

Sumita Sarkar & Arvind Tiwari, Combating Organised Crime A Case Study of Mumbai City, SATP

Sachin Dave (2015), Middle East hackers extort \$10 million from two Indian companies to hide information from government, Economic Times

Gregory Bednarski, Enumerating and Reducing the Threat of Transnational Cyber Extortion-against Small and Medium Size Organizations, Information Security Policy and Management (2004).

Gu, G., Perdisci, R., Zhang, J., & Lee, W. (2008, July). BotMiner: Clustering Analysis of Network Traffic for Protocol-and Structure-Independent Botnet Detection. In USENIX Security Symposium (Vol. 5, No. 2, pp. 139-154).

Gautam S. Mengle (2018), Enter 'sextortion', now a reality in India, The Hindu

Theekshna Amin (2020), Laws Related to Sextortion, Lawyered

Chayyanika Nigam (2020), Now, epidemic of sextortion rattles Delhi, India Today

Journal of Multi-Disciplinary Legal Research