



CYBER-BULLYING AND RELATED LAWS IN INDIA

¹Adarsh Raj

¹4th year student

¹New Law College, Pune, India

Abstract : In today's developing and modern world, where every two out of three people is talking about digitalization and connectivity, cyberbullying has come out as one of the most significant societal concern in India. The more people are being dependent on the internet the more it is making impact on the society. Everything including communication has become so easy for everyone.

As we all are aware that everything has a positive and negative impact on the society, so does the internet has its own drawbacks. There are various drawbacks of internet which includes harassment, phishing, cyber frauds, privacy invasion, Cyber bullying and cyber stalking and many more. In India, The Information Technology Act,2000, and some of the sections of IPC provides for the punishment of Cyber bullying and related offences in the country. It is very essential and Important to make an environment to promote safety on the internet and to encourage the development of a supportive environment to take action to reduce or prevent cyberbullying. This research focuses and reviews cyber bullying, its types, impact and also gives insights on various provision of legal acts related to cyber bullying and measures which should be taken to prevent it.

KEYWORDS

Harassment, Cyberbullying, Social media

INTRODUCTION

Cyberbullying is a type of crime which generally refers to harassing, intimidating, insulting, harming any person through the use of internet via electronic communication, social media, different messaging apps and various other online platforms. In simple words, cyberbullying is insulting, defaming, or harming any individual through the use of modern technology. Spreading fake rumours, making threats, impersonating e.t.c. are also a part of cyberbullying.

The problem of cyberbullying is rapidly increasing with the development of technology and with the increase in the use of internet. Persons of all age groups including children, teenagers, and adults are also the victims of cyberbullying. Bill Belsey was the first person who defined the term "cyberbullying". Cyberbullying is somehow different from the traditional form of bullying. There are various drawbacks of internet which includes harassment, phishing, cyber frauds, privacy invasion, Cyber bullying and cyber stalking and many more. In India, The Information Technology Act,2000, and some of the sections of IPC provides for the punishment of Cyber bullying and related offences in the country.

The Supreme Court of India acknowledged cyberbullying for the first time as a problem in the famous case of Vishaka v. State of Rajasthan¹. In this landmark judgement, the Honourable Court interpreted the Indian Constitution and other laws and provided the guidelines to deal with the issue of cyberbullying that might happen with women at workplace.

HISTORICAL DEVELOPMENT

The historical development of cyberbullying can be traced with the evolution of internet and technology. Emergence of internet and commercialisation of the World Wide Web in the 90's made it possible for the people to interact online. In the earlier stages the user base of internet was relatively very small, and this was an important reason of less incidents of online harassment or cyberbullying.

As the time passed and various social media apps grew, incidents of cyberbullying also increased. With the development of Apps like FriendSter and Facebook, people found new ways to connect and communicate with each other. But, as we know that everything has its own drawbacks, similarly, the ease of communication and spreading information also opened the door to cyberbullying. In the initial cases, the victims of cyberbullying mainly faced the problem of harassment through messages, impersonating and sharing of personal information. The era of 2010 onward saw the development of many more social media platforms like, Instagram, Snapchat, TikTok, WhatsApp which also contributed to the increase in varieties of cyberbullying methods.

During the time of 2010-2020 the scale of cyberbullying achieved new heights due to increase in social media platforms and widespread use of internet. The increase in the case of cyberbullying also forced the government of many countries to enact or amend legislations to address the issue of the offence of cyberbullying. India is a perfect example to this as India amended the IT Act² to criminalise the offences of Cyberstalking and publication of sexually explicit material. But the anonymous and global nature of the interaction creates various challenges in enforcing of these laws and punishing the bully.

TYPES OF CYBERBULLYING

There are various forms of cyberbullying like harassment, trolling, flaming, cyberstalking, exclusion, impersonation, doxing and many more. Each of these forms of cyberbullying has their own unique challenges and consequences. It is very important to understand these types of cyberbullying to prevent and create awareness among the people about the same. Some of the common types of cyberbullying is explained hereunder :

- **Harassment:-** Harassment is one of the most common type of cyberbullying which mainly involves sending of hurtful, repetitive, or threatening which are usually follow a pattern with the intention of hurting someone. Harassment mainly occurs through emails, social media or through various messaging apps. Sending offensive message or threatening someone via private messaging is a perfect example of harassment as a form of cyberbullying.
- **Doxing:-** This is a type of cyberbullying which involves revealing of someone's private or personal information publicly without their consent. Revealing or publishing of someone's address, contact no., or any other crucial information with malicious intent is a perfect example of the offence of doxing as a form of cyberbullying.
- **Impersonation:-** Impersonation is also a common type of cyberbullying which is happening at a large scale nowadays. Increase in the use of social-media apps and increase in the use of smartphones and laptops has created the issue of impersonation. Impersonation involves the act of making fake identity, using fake profile pictures, using fake phone numbers with the intention to deceive, manipulate or harm the reputation of person who is being impersonated. Creating social media accounts with someone else's name and using his profile picture to engage in any type of harmful activity or

¹ Vishaka v. State of Rajasthan, AIR 1997 SC 3011 (India)

² The Information Technology Act, 2000

with the purpose of spreading false information is a perfect example of the offence of impersonation as a type of cyberbullying.

- **Flaming:-** Flaming generally is a type of cyberbullying which involves the act of sending of texts, messages, emails to the victims which are generally offensive and aggressive in nature and are sent with the main intention to provoke others. Flaming also includes vulgar or abusive words which are full of anger. Flaming also escalates into arguments or conflicts. Provoking someone by using offensive language in any heated online argument can be a perfect example of flaming as a type of cyberbullying.
- **Trolling:-** Trolling is a type of cyberbullying wherein trolls comments on someone in such a way that disturbs him/her emotionally or mentally. Trolling is sometimes also done for amusement and sometimes to disrupt discussions. Trolling has become a serious issue with the increase in the use of social media. It is mainly done by commenting on someone's post. Celebrities are often considered as a soft target of trolls due to their public figure and presence.
- **Frapping:-** Frapping is a type of cyberbullying wherein, a person uses your social media accounts to post inappropriate photos videos or information under your name with the sole intention of destroying your reputation. This type of cyberbullying can also be called as online defamation.
- **Cyberstalking:-** This is one of the most common type of cyberbullying. Cyberstalking involves monitoring or following someone without their consent. Cyberstalking is done with the intention to control, or harass a person. Cyberstalking is also considered as a criminal offence under sec. 354 of IPC, 1860³.
- **Exclusion:-** It is a type of cyberbullying which involves excluding a person intentionally from a group or activity. Exclusion sometimes can be a serious issue as it might lead to social isolation and feeling of loneliness. Excluding someone deliberately from online group or communities can be an example of Exclusion as a form of cyberbullying.

CYBERBULLYING LAWS IN INDIA

As we all know that cyberbullying is a serious offence in India and it is rapidly increasing with the increase in technology and with the increase in user base. Even though large number of people are becoming victims of cyberbullying on daily basis but, India does not have any specific law which provide protection against cyberbullying. However, there are some sections of The Information Technology Act, 2000 and IPC,1860 that deals with the the offences of cyberbullying.

Some of the sections which helps in dealing with the offence of cyberbullying are explained in brief hereunder.

- Section 66(A) of The Information Technology Act, 2000 deals with the punishment for sending messages or mails which is abusive in nature and is sent to cause inconvenience or annoyance to the victim though the various internet platforms. Under this Sec. punishment given was 3 years of imprisonment. However, this section was declared unconstitutional by the Hon'ble Supreme Court in the case of Shreya singhal⁴ as this section violated the right to free speech.
- Section 66(D) of The Information Technology Act, 2000 punishes the person who commits cheating by impersonating and using social media.
- Section 66 E of The Information Technology Act, 2000 was added in The Information Technology (Amendment) Act, 2008. This section provides protection to both men and women reducing the gender bias which was made in section 354 C of the Indian Penal Code, 1860. According to this section it is punishable to capture any video, image, or to record through any means and reveal it publicly without consent. This section of The IT Act basically deals with the offences of violating right to privacy.

³Indian Penal Code, 1860, S 354(India)

⁴Shreya Singhal v. Union of India, AIR 2015 SC 1523(India)

- Sec 67 of The Information Technology Act, 2000 deals with the offence in which any photo/ video which is obscene in nature is published or transmitted, the person publishing it can be charged under sec. 67 and can be punished with imprisonment which may extend to 3 years and fine upto 5 lakhs.
- Section 354 C of the Indian Penal Code, 1860 deals with the offence where any man who captures the image of any women who is engaged in any private act and publish it or spreads it to a third party is punishable with imprisonment of term upto 3 years and fine in first conviction and imprisonment upto 7 years and fine on second conviction. This section of IPC is a gender specific provision and females are not punished under this provision.
- Section 354 D of the Indian Penal Code, 1860 also deals with the offence of cyberbullying. This section of IPC defines stalking as an offence wherein any man who follows or monitors any women without her consent any tries to create interaction with her even after she has shows clear disinterest in him is said to commit the offence of stalking. This section also states that stalking through online platforms also constitute the offence of stalking. Sec. 354 D is also a gender specific provision and covers only women.
- Section 499 and Section 500 of the Indian Penal Code, 1860 also helps in dealing with cyberbullying where derogatory remarks and comments about someone is made using various online platforms.
- Section 507 of the Indian Penal Code, 1860 specifically address the offence of criminal intimidation through anonymous communication.

CASE LAWS

- **Shreya Singhal v. Union of India AIR 2015 SC 1523**, :- In this case the constitutional validity of Sec. 66 A of The Information Technology Act, 2000 which criminalised and allowed for the arrest of individual who made offensive comment on social media platforms. The Honourable Supreme Court in this case declared sec. 66 A of the IT Act, 2000 unconstitutional to safeguard the fundamental right to freedom of speech.
- **Ritu kohli's case**:- In this case, Ritu kohli (petitioner) complained that she was being impersonated by defendant and the defendant was using her name illegally on social media and was chatting with various people and have also used obscene words. The defendant had also circulated her number to various people due to which Ritu was getting calls from different numbers and at various unusual times. At last she was frustrated and complained about the same to Delhi Police. After the complaint and investigation the accused was booked under sec. 509 of IPC for outraging the modesty of women.

EFFECTS OF CYBERBULLYING

Cyberbullying is nowadays one of the most occurring crime in the world. Cyberbullying has a detrimental effect on the victims. Cyberbullying impacts the victim's emotional, mental and sometimes also the physical well being. Some of the major effects of cyberbullying on victims are :-

- Victims of cyberbullying who faces constant criticism and negative messages starts doubting their abilities, appearance, and self worth.
- Some of the students who are the victims of cyberbullying also faces problems like academic decline. Students gets distracted from their studies and online harassment also interferes with their ability to focus on work.
- Mental illness like depression and different health issues like stress, anxiety due to online harassment also leads to headache, and other stress related issues.
- Sometimes the victims of cyberbullying starts leaving alone and reduce their interaction with their relatives due to feeling of insult and this can sometimes lead to serious impact on the relationship.
- Students and children who are the victims of cyberbullying in their earlier age sometimes also carries emotional scars which affects their mental health throughout their life.
- In many cases, victims of cyberbullying also reach a high level of self harm thoughts and sometimes also to an extent of suicidal thoughts. The relentless nature of cyberbullying sometimes pushes individual to the feeling that there in no escape from the trauma.

CONCLUSION

Cyberbullying is a serious issue in this growing world. It is a complex and demands comprehensive solutions that extends beyond legal measures. In India, teenagers are facing the problem of cyberbullying at the highest rate. And with every passing day the cases of cyberbullying is also increasing. Victims of cyberbullying are bullied online by various online platforms through the use of internet. This also affect the mental health of the victims. Victims of cyberbullying sometimes starts losing self worth, they start doubting their own abilities, some of the users of cyberbullying also starts leaving alone or lonely which later on becomes the reason of depression. In India, there are not any specific law which deals with the problem of cyberbullying. However, some of the provisions or IPC and IT Act deals wiry the offences or cyberbullying. But the anonymous nature or the bullies makes it very difficult for the authorities and police to catch the offender. As India is a country with very large population, it is very important for the lawmakers to make a law which is specifically made to deal with the offences related to cyberbullying. The government of the country and also private institutions should look forward to create awareness among masses about these types of online crimes, online frauds by the way of organising of webinars and awareness programs. Teenagers and young people should be thought to navigate the digital landscape safely. As India is continuing its digital evolution, it becomes imperative to address the offence of cyberbullying.

Even the legal provisions which are existing should also be redefined with change in time. Promoting of digital literacy and responsible online behaviour can be integral to create a environment which is much safer than todays unsafe environment in the online world. The widespread use of internet in the current landscape and excessive use of smartphones by the person of all age groups should be checked and intersection of cyberbullying with issues like online hate speech, trolling, doxxing, and spread of misinformation also underscores the need of huge efforts in legislation, education and platform moderation to restrain the harmful acts.

REFERENCES

https://blog.ipleaders.in/overview-of-concept-of-cyber-bullying-in-india/#Section_354_D_of_the_Indian_Penal_Code_1860

https://sociallawstoday.com/cyberbullying-and-laws-related-to-it-in-india/#CYBERBULLYING_CASES_IN_INDIA

<https://www.legalserviceindia.com/legal/article-2358-cyber-bullying-a-disregarded-issue-in-india.html>

