

ANONYMITY AND ABUSE IN THE VIRTUAL SPACE

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ABSTRACT

With the advancements in technologies, it has become imperative that it better be used wisely, or else it can give rise to negative situations as well. Anonymity on the internet is one such thing. It takes away the boundaries of nationality, race, caste, gender and allows a liberal means of expression. While it gives people a transnational approach, helping them escape forms of repression, it is gradually becoming a tool of online abuse. This veil of anonymity allows people to troll and harass others in the virtual space without the fear of penal actions. While in real life, one might need to be physically or socially stronger to establish that kind of behavior over others, the shroud of the internet removes that necessity. Online abuse includes harassing or bullying someone by directing abusive or offensive behavior towards others in the online space.

Keywords: Anonymity, Abuse, Technology

INTRODUCTION

The cloth of anonymity is not only enabling people to express themselves on the Internet without the fear of facing any mortal peril but also becoming a tool for directing harm at such people who are expressing themselves freely. It takes away labels of nationality, caste, race, and gender. In a way, it frees an individual from these boundaries and brings to them varied opportunities to present their art, their arguments, and their expression without the fear of being prejudiced. The same concept of 'anonymity' which feels enabling and empowering to a certain section of people becomes a tool of power for corrupt groups and individuals to harass the innocent. Through various anonymous accounts, they can spread hate, trigger protests by dispersing false information, threaten public figures for not performing as per their wishes, and abuse private individuals. "Allowing uncontrolled use of anonymous accounts presents challenges in terms of whether users can trust the posts they see. In their report into social media manipulation, the NATO Strategic Communications Centre of Excellence in 2020

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revealed just how easy it is for foreign governments, antidemocratic groups, and commercial companies to manipulate public debate through campaigns using networks of fake accounts. For just €300, they were able, via ‘social media manipulation service providers’, to generate inauthentic engagement, including 1,150 comments, 9,690 likes, 323,202 views, and 3,726 shares across Facebook, Instagram, YouTube, Twitter, and TikTok.”¹

ONLINE ABUSE

Online abuse means any form of abuse that happens in the virtual space or the internet. This includes various forms of harassment, bullying, threatening, and trolling. It can happen on different platforms, apps, or websites that are connected to the internet. Online social media platforms mean wider interactions among different people. Anyone can create a social media account and vent out their frustrations. But often without the fear of penal actions, these instances of venting out take the shape of abuse. One must not forget to regulate their behavior on online platforms. Arguing or posting on online spaces doesn't mean that one is allowed to let go of their moral restrictions and behave in a depraved, uncivil, or abusive manner to others.

Some real-life instances of online abuse are:

- A 23-year-old bright engineer who was planning a future in the US, issued rape threats to a 9-month-old girl because her father didn't perform well in a cricket match between India and Pakistan. The guy was arrested for issuing rape threats, he never imagined that he would be prosecuted for such a heinous act because he was doing it on the virtual space under a veiled identity.
- Another 5-year-old daughter of a famed cricketer received online rape threats because he didn't perform well in certain matches, by a 16-year-old boy.
- A renowned Indian cricket team player was trolled and harassed online on the basis of his religion because the team lost a match to Pakistan.
- The sexualization of various female artists on social media is also concerning. Often, lewd and offensive comments can be found under their pictures.

¹ Kinsella, S., 2021. *Curtailing anonymity is a first step to reducing online abuse* / *Aeon Essays*. [online] Aeon. Available at: <<https://aeon.co/essays/curtailing-anonymity-is-a-first-step-to-reducing-online-abuse>> [Accessed 22 December 2021].

- Male artists who do not conform to gender specified roles, and endorse make up and gender-neutral clothing by wearing nail paints, dresses, etc., have also faced incessant trolling for expressing their views.

These are only some recent instances of online abuse. These abusers can't be categorized on the basis of age, religion, gender, etc. These offenders have one thing in common which is the use of anonymous accounts and the lack of fear of any punishment for displaying such offensive behavior online. They used multiple accounts for the sake of hiding their identities and issuing these threats and moved freely in society as innocent and respectable individuals. "In 2019, the state of Maharashtra in India had the highest number of cyberstalking and bullying incidents against women and children compared to the rest of the country, with nearly 409 cases registered with the authorities. Uttar Pradesh and Haryana followed with 65 cases. Overall, the country recorded approximately 777 cases of such offences that same year."²

FIGHTING AGAINST ONLINE ABUSE

How to be safe at your end?

A few measures which can be taken on a personal level are:

- Setting up adequate privacy on personal accounts.
- Not revealing your personal information such as your phone number, home address, etc. on your profiles across different social media platforms.
- Be cautious while interacting with strangers or online friends one has never met before by not providing them with your personal information.
- Upgrading to two-factor authentication for securing accounts against hacking.
- Disabling comments to shield from trolling.
- Reporting users who post abusive or offensive statements.

² Prevention of Cybercrime. n.d. *Cyber Stalking - Prevention of Cybercrime*. [online] Available at: <https://preventionofcybercrime.com/cyber_stalking/> [Accessed 23 December 2021].

LEGAL MEASURES

There are several remedies available under the Indian Penal Code, 1860, and the IT Act, 2000. IPC is general penal legislation available and the various protective measures available under IPC are:

- Section 298 makes it illegal to make hate statements that are intended to hurt people's religious feelings.
- Section 354A describes the various forms of sexual harassment such as soliciting sexual favors and making sexually colored remarks as punishable.
- Section 354C punishes the act of voyeurism.
- Section 354D includes stalking and online stalking as penal offences.
- Section 499 criminalizes defamation which is an offence against one's reputation.
- Criminal intimidation is prohibited by Sections 503, 506, and 507. It contains the threat of serious bodily harm or, even worse, death. Threats to property or reputation, by the way, are also protected under the guise of criminal intimidation.
- Section 509 penalizes the acts which insult the modesty of a woman.

The IT Act, 2000 deals with the regulation of electronic communications. Some measures as given under the IT Act, 2000 are:

- Under section 66C, identity theft by fraudulent or dishonest means is punishable.
- Section 66E provides protection to people of all genders against the violation of their privacy.
- Section 66F criminalizes the acts aiding cyber terrorism.
- Section 67 makes it illegal to publish or transmit obscene or lascivious information over an electronic medium.
- Section 67A prohibits the transmission or publication of sexual acts or conduct on an electronic medium.
- Section 67B shields children. It makes it illegal to publish, search or download sexual acts including children.

*Jitender Singh Grewal v. The State of West Bengal*³- The appellant posted obscene images of the victim after creating a fake account in her name. He was charged under Section 354A, 354D, 500, 507 & 509 of IPC and Section 67A of the IT Act. He filed a bail application which was rejected by the trial court and the same was upheld by Calcutta High Court. Similarly, in the case of *Prakhar Sharma v. The State of Madhya Pradesh*⁴, the appellant after creating a false profile on Facebook under the name of the victim, posted certain vulgar messages and some of her pictures taken from her original account. He applied for bail after being charged under sections 66C, 67 & 67A of the IT Act. The bail was rejected.

THE ANONYMOUS ABUSER

“Bullying traditionally involved a stronger person asserting his or her superiority over a weaker person to his or her advantage. With the advent of the internet, it has become possible for a person with neither superior physical strength nor financial clout to bully another. In many cases, the bully uses a fake identity and the anonymity offered by the internet to stay away from the clutches of the victim and the law.”⁵ People using anonymous accounts feel it’s easier to navigate the realm of the internet without the threat of being traced. Accounts that are classified as anonymous usually lack both the first and last name of the user. Also, the process to create anonymous accounts is easy which paves way for such users. However, many platforms have the provisions of providing verified accounts to their users, it is not encouraged or been made mandatory.

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BANNING ANONYMITY

Banning anonymity on the internet is not a likely choice. While anonymity has its own advantages such as encouraging political activism and aiding conversations around various topics, there’s a fear that criminals and abusers also hid behind it. Therefore, the pros and cons of anonymity need to be weighed before forming an informed decision in the matter.

Pros of Anonymity:

- Freedom of speech without the threat of harm encourages people to speak their minds.

³ *Jitender Singh Grewal v. The State of West Bengal*, Criminal Miscellaneous Petition No. 7252 of 2018.

⁴ *Prakhar Sharma v. The State of Madhya Pradesh*, MCRC No. 377 of 2018.

⁵ <https://www.mondaq.com/india/crime/989624/anti-cyber-bullying-laws-in-india--an-analysis>

- Sensitive topics can be discussed by individuals without the fear of being judged in their real lives, and without the fear of being subjected to prejudices.
- Whistleblowers can reveal information easily about the mishappenings or wrongdoings happening around them without the threat of being dismissed by the authorities.
- Anonymity can be a lifeline for already marginalized populations, and taking it away could harm the same people which we are trying to protect by banning anonymity.
- One may feel more secure as their personal information is not revealed to the public.
- Data security is also a factor while using anonymous accounts.

Cons of Anonymity:

- It acts as a window for online abusers. People can become really harsh online under the ambit of anonymity.
- The chances of the spread of misinformation are increased as it becomes easier to lie.
- Only a few people file complaints against online threats, therefore, it encourages people to issue racist or religious remarks from anonymous accounts as they believe it has fewer repercussions and the chance of being arrested are minimal.
- Information from anonymous accounts can't be trusted as it's easier to lie for them.

CONCLUSION

While online people look at current posts and comments for indications about what is acceptable in a specific online forum, whether they are anonymous or not, and act accordingly. It's not just a case of anonymous people doing offensive things on social media: platform design and regulation play a big role in what kinds of behaviors are tolerated and allowed. The answer to banning anonymity is the rise of verified accounts across various social media platforms like Instagram, Facebook, Twitter. But an important point that needs to be considered before advocating verified accounts is that will it be safe enough to share one's personal details and private information to these platforms? The number of challenges that anonymity proposes is vast but by being vigilant and by introducing stronger laws that ensure prosecution and traceability of these people in cases of online abuse, these challenges can be faced. Apart from these measures, the online platforms which allow people to interact with each other also need to strengthen their regulations and issue better strategies for the protection of their users' data

and privacy. Unless these platforms come forward with stronger policies, a looming need for strict legislation penalizing anonymous abusers will always be there.

