

CYBERSTALKING AND ITS IMPACT ON WOMEN AND MINORS

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“Unless and until our society recognizes cyber bullying for what it is, the suffering of thousands of silent victims will continue”.

-Anna Maria Chavez

INTRODUCTION

Cyber stalking is the practice of following someone through the Internet and other digital communication. It is already widespread and is most likely to spread more as Internet usage rises. There are some distinctions between the traits of cyber stalkers and their targets and those of an offline stalker. Although we don't know much about the impact on victims, we can assume that it is comparable to offline stalking. Concerns about brand-new phenomena known as cyber stalking have grown as personal computers with Internet connectivity have proliferated over the past ten years.¹ Online harassment and cyber stalking are both interchangeable terms. "A cybercriminal does not directly threaten a victim, but instead monitors the target's online activities to gather information before making threats or using other verbal intimidation techniques," according to the FBI.² The goal of cyber stalking is to intimidate, alarm, terrify, or torment the subject and/or the families of the victims, partner, and/or friends through a succession of observable behaviors over time. These actions and behaviors include—but are not limited to—overcrowding the victim's inbox with emails, posting frequently on the victim's social media pages and websites, making repeated phone and/or text calls, leaving voicemails, and sending friend and follower requests, as well as joining all online groups and communities the victim is a part of and following the victim's posts on the social media accounts of acquaintances, coworkers, students, family members, and friends. On online and/or offline spaces, offenders can continuously watch, observe, and monitor victims with or without the victims' awareness. According to the cyber stalker's behaviors, the victims' family, lovers, and

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¹ Debra A. Pinals (ed.), *Stalking: Psychiatric perspective and practical approach* (Oxford Scholarship online, 2007)

² Jaishankar, K. and Sankary, U.V. (2006). *Cyberstalking: A global menace in the information super highway*. All India Criminology Conference. 16-18 2006. Madurai: India Madurai Kamaraj University.

friends may also be concerned about the security and the well of the victims due to the cyber stalker's behavior and actions.³

REASON FOR CYBERSTALKING

Insane narcissism, anger, rage, retaliation, envy, obsession, psychiatric illness, authority and privilege, nonconsensual fantasies, sexual predation, internet addiction, or religious fanaticism are just a few of the psychological factors that can lead to stalking. Below is a discussion of a few of them:

Erotomania: This is a type of delusion that the stalker has assumes the victim, who is typically a stranger or well-known anybody, who loves him. There is always sexual content a propensity to like someone. It involves sexual inclination.

Sexual harassment: It is allegedly the primary reason for cyberstalking. This is true because actual life is reflected on the internet. Revenge and hatred: Even though the victim is not the source of the stalker's feelings of anger and retribution, he or she nevertheless remains the focus of the stalker. Based on the aforementioned reasons for stalking, a stalker may be obsessed, furious, psychotic, or otherwise insane. There are three types of stalkers, specifically: Obsessive stalkers are those who are motivated by an obsession with sexual harassment and occasionally with love; deluded stalkers are those who feel the need to assert their dominance; and vengeful stalkers are those who seek retribution.⁴

LEGISLATIVE PROVISIONS

The Indian Penal Code of 1860, the Information Technology Act of 2000, and Cyber Tort must receive special attention. Since there are no specific laws that deal with cyber stalking, the relationship between the laws and the crime has been explained using provisions from the Indian Penal Code of 1860 and the Information Technology Act of 2000. Since there are no laws that specifically address cyber stalking, these laws have been used as a point of reference. The laws with respect to cyberstalking in India are discussed below:

The Indian Penal code, 1860 Section 354D of IPC⁵

³ United Nations Office On Drugs And crimes, E4J University Modules Series: Cybercrime

⁴ Leroy McFarlane & Paul Bocij, "Cyberstalking: The Technology of Hate", 76 POLICE JOURNAL 204 (2003).

⁵ Indian Penal Code, 1860, No.45, Acts of Parliament, 1860

Section 507 of IPC"⁶

Information Technology Act, 2000

Section 66E of IT Act, 2000 and Section 354C of IPC"⁷

INTERNATIONAL CONVENTION

The only legally binding global treaty tool to combat cybercrime is the Budapest. The Budapest Agreement has the significant problem that the convention on cybercrime has also come in for harsh criticism for both its general insufficiency to maintain a cyberspace free of illegal activity and its specific provisions that fail to respect the rights of individuals and States.⁸

IMPACT ON WOMEN AND MINORS

Depending on the victim's traits, prior experience, current situation, and knowledge of the stalker, the impact of stalking may differ. The impact of a stalking episode on the victim may vary depending on how other people react to the victim's circumstance, including how law enforcement handles the stalking. Despite the complexities that may vary an individual's experience and reaction to being stalked, research has demonstrated common patterns of response. Although female victims usually report greater levels of fear, studies have found that males subjected to stalking experience similar symptoms to those reported by their female counterparts.⁹ The two types of online abuse that women are subjected to are textual abuse and graphical abuse. An example of graphic victimization is the creation, creation, or dissemination of obscene, offensive, or pornographic materials, particularly revenge pornographic photos. There is no doubting that historically, women have been seen as a disadvantaged and downtrodden segment in society. The patriarchal nature of Indian society has resulted in women being treated as second-class citizens, despite the fact that the Indian Constitution guarantees equal rights to men and women. When a woman declines to enter into any type of relationship with a man, men frequently use stalking as a vindictive technique. Today, the situation is much more worrisome as online trolls target women activists, journalists,

⁶ Indian Penal Code, 1860, No.45, Acts of Parliament, 1860

⁷ Section 67 of the Information Technology Act, 2000

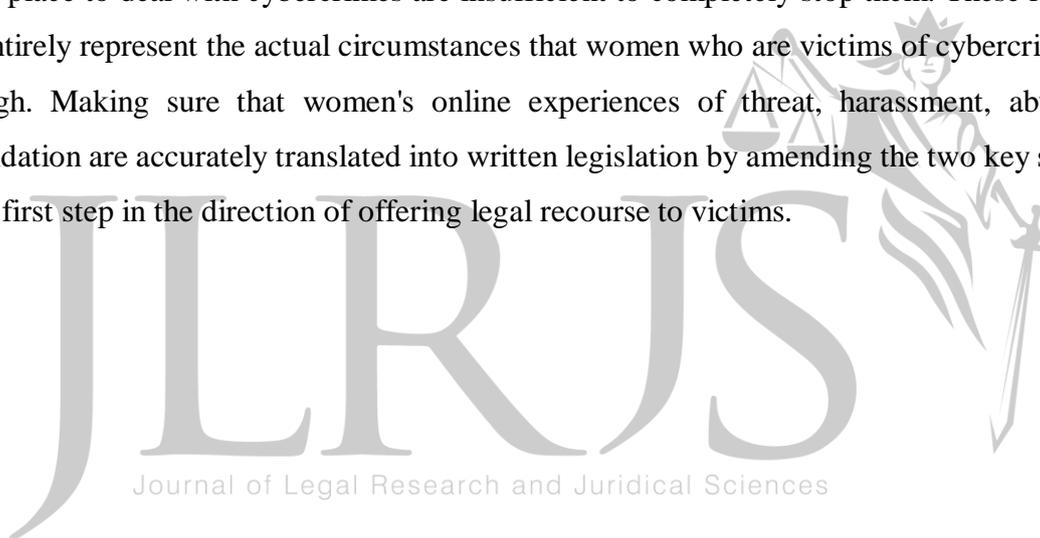
⁸ van der Aa, S. (2011). International (cyber)stalking: Impediments to investigation and prosecution. In R. M. Letschert, & J. J. M. van Dijk (Eds.), *The new faces of victimhood: Globalization, transnational crimes and victim rights* (pp. 191-213). (Studies in Global Justice; No. 8). Springer

⁹ K. Mohit Kumar and Aswathy Rajan, "A Critical Study on Stalking and its Impact on Vulnerable Group of Women and Minors", Volume 119 No. 17 *International Journal of Pure and Applied Mathematics*(2018)

celebrities, academicians, and others to incite hatred against them in the larger community for their own sadistic amusement. They do this by using social media websites and instant messaging apps like WhatsApp.¹⁰

CONCLUSION

The current state of cybercrime against women in India includes a number of different kinds. The necessity of the internet and its significance has elevated it to a crucial position in everyone's life. The internet is used by people of all ages, and it has both advantages and disadvantages. Cybercrimes against women are a worldwide problem, not just in India. It is also a major source for concern for nations due to its ongoing rise. The legislative measures put in place to deal with cybercrimes are insufficient to completely stop them. These rules do not entirely represent the actual circumstances that women who are victims of cybercrimes go through. Making sure that women's online experiences of threat, harassment, abuse, or intimidation are accurately translated into written legislation by amending the two key statutes is the first step in the direction of offering legal recourse to victims.



¹⁰ Pratham Gupta, "What is Cyber Stalking? What are its perspectives in India?", *Law Insider*, available at <https://www.lawinsider.in/columns/what-is-cyber-stalking-what-are-its-perspectives-in-india>