



CYBERBULLYING AND ANALYSIS

Rituparna Basu *

ABSTRACT

The main aim of this article was to deliver a brief overview of the concept of Cyberbullying. There have been various recent articles on this very topic but not all the articles can uphold the factors that lead to this kind of bullying. This article will also provide the primary factors that contribute to cyberbullying and the preventive measures taken to avoid this. Social media has become an intrinsic part of every teenager and adolescent life and this use of social media has always been one of the most important parts of Cyber Bullying which can be seen in this article. Lastly, this article concludes by providing an analysis of the effectiveness of laws to prevent cyberbullying and how effective they are in today's generation.

Keywords: Cyberbullying, Cyber Harassment, Technology, Internet, Humiliation, Threat, Anonymity, Social Media.

INTRODUCTION

A person's life has been altered by the advancement of technology. Despite, the fact that technology makes one's life a lot easier, there are always certain drawbacks that accompany it. Technology is ingrained in most facets of our everyday lives, but it is also a tool utilized by individuals who indulge in sexual assault. Cyber abuse is defined by several names, such as cyber-harassment, cyber-stalking, cyber-bullying, digital abuse, and technology-enabled abuse. Technology is used to build authority and control by inspiring fear or intimidation. The content, like other types of harassment or abuse, may be sexual or may also target a target's race, ethnicity, sexual orientation, gender identity, ability, or other traits. One of the most important aspects of cyber abuse is cyberbullying. The National Crime Prevention Council has

*TECHNO INDIA UNIVERSITY.

defined cyberbullying as “the process of using the internet, cell phones or other devices to send or post text or images intended to hurt or embarrass another person.”¹ This also happens through gaming apps. It includes posting offensive comments, and remarks that may lead to racial, religious, ethnic, and political hatred. The term “cyberbullying” was first defined by a Canadian named Bill Belse².

Online abuse and harassment, like many other offensive activities in cyberspace, is a prevalent occurrence that impacts users of various ages directly or indirectly. Some studies have proposed that “anonymity” and “publicity” are further characterized as cyberbullying. The definition of cyber harassment is when someone deliberately engages in unpleasant, uninvited activities online with the only motto of frightening, intimidating, degrading, threatening, harassing, or stalking another person. Any harassment that occurs via electronic means is thought to have an effect that is comparable to that of a conventional harassment crime. Cyber harassment also includes emailing or uploading embarrassing information or pictures while posing as the victim whose account has been hacked, as well as hacking someone else’s email or other social media accounts.

Cybercrime is not the same as other types of crime that occur in society. The reason for this is that it transcends national borders and the identity of the cybercriminals is unknown. Every stakeholder is impacted, including the government, corporations, and citizens. Cybercrime is on the rise in India with the increased use of information and communication technology.

HYPOTHESIS

The objective of this research paper is to find out what causes cyberbullying, how much damage it causes to the new generation, and whether the laws are properly applicable to the victims. By looking into various case laws, we will see how cyberbullying can be prevented. To see if the laws provide proper aid to the school-going children and adults who are victims of cyberbullying.

REASONS WHY PEOPLE ENGAGE IN CYBERBULLYING

Since it has grown more prevalent, cyberbullying a relatively new kind of bullying has been receiving greater attention. Cyberbullying may take many different forms, such as sharing humiliating images or videos on any online platform, spreading rumors through social media

platforms such as Facebook, Instagram, Threads, or Twitter, or sending threatening emails or texts with attachments containing viruses.

From young children to famous individuals, cyberbullying may affect people of any age or background. But why does cyberbullying happen? Although each bully's motivations for harassing people online are different, several fundamental reasons account for many cyberbullying incidents.

SOME REAL CAUSES OF CYBERBULLYING

1) **Mental Health Challenges** – One of the most common causes of cyberbullying is mental health challenges. Bullies frequently act out of insecurity or low self-esteem. For instance, a guy who is secretly gay could abuse a gay classmate as a way of voicing his internalized homophobia. Teens may harass other teenagers online on gaming platforms if they are worried about their gaming skills. In cases like this, cyberbullies often try to distract others and themselves from things they privately feel insecure about, this may be conscious or unconscious behavior. However, one of the less well-known but less important causes of cyberbullying is a lack of empathy for other people. People are more inclined to engage in cyberbullying when they are unaware of the effects that their actions have on other people.

2) **Online Anonymity** – The internet has become a popular tool for bullying because people can hide behind anonymous usernames. As a result, many cyberbullies feel empowered to say and do things they would not have the nerve to do in real life. For instance, a college student may post an embarrassing photo of someone during a party on Snapchat.

He believes that since Snapchat photos “disappear” after 24 hours, it does not matter if his peers are aware that he shared the photo. These "temporary" posts, however, might be screenshotted and shared by any user. Many cyberbullies use their victims as an outlet for their rage or frustration because they believe the Internet to be an anonymous space where things can go undetected. After all, how can bullies face consequences if no one traces their behavior or content in real life?

3) **Social Media Addiction** - For several reasons, social networking addicts may be more inclined to indulge in bullying. At least 36.9% of Indians face social media addiction today. Spending too much time on social media exposes users to negative content, which cyberbullies may try to imitate. Those who are bullied, harassed, or "trolled" online may repay the favor by

bullying others online. Cyberbullies with the help of social media seek validation, power, confidence, popularity, or other qualities they may be lacking in the real world.

4) **Homophobia, racism, and sexism** – Unfortunately, a prevalent reason why people engage in cyberbullying is hate towards a certain group of people. A perfect example of this is the cyberbullying that Star Wars: The Last Jedi actress Kelly Marie Tran experienced in 2017. Thousands of people blamed Kelly Marie Tran's role for the film's negative reception. She was subjected to a barrage of online remarks and posts that attacked her due to her gender, color, and looks. The actress ultimately deleted all her Instagram posts and left social media due to the mass cyberbullying she faced.

THE OUTBURST OF CYBERBULLYING

Cyberbullying has become a possibility once a child logs into the digital world. According to the 2016 Norton Cybersecurity Insights Report, 48% of parents worldwide believe that online bullying is more likely than offline bullying³.

India unfortunately has emerged as the global capital of cyberbullying. In a 2012 Microsoft Corporation Survey of 25 countries, India came in third place for the highest number of reported cases of online cyberbullying. According to the research conducted by McAfee, an internet security company, "Half of the youth in India have had some experience with cyberbullying."

How to prevent cyberbullying?

One of the most well-known methods of preventing cyberbullying is to raise awareness of this risk among children. Because most kids today have social media accounts on sites like Facebook or WhatsApp, schools should host workshops on cyberbullying. If it is evident or parents suspect that their child is being cyberbullied, the matter should be reported to the concerned authorities. Here is what a parent can do:

- 1) First identify and then block the bully's phone number to prevent him/her from sending any messages.
- 2) Save each message, post, and email the bully sent so it can be shown as evidence.

3) Notify the service providers of all social networking sites of the bully's phone number or account details.

4) If the bullying continues, it must be reported to a cybercrime unit of any local police station.

Anti-cyberbullying laws in India

However, there are no specific laws in India that protect against cyberbullying. On the other hand, transmitting rude, insulting communications via any digital and information communication technology is punishable under Sec. 66A of the Information Technology Act. According to Sec. 67 of the IT Act, posting or sending any kind of pornographic content digitally carries a punishment of imprisonment of five years and a fine of up to 10 Lakhs.

In the following some other laws used to tackle cyberbullying have been discussed:

1) Publication and electronic transmission of sexually explicit content- Section 67A of the IT Act addresses the penalties for posting or sending any electronic content that comprises sexually explicit content.

2) Punishment for publishing or transmitting material depicting children in sexually explicit acts etc., in electronic form – Sec. 67B IT Act states that Any person who creates text, advertisements, or images, or records anything which depicts children in a vulgar or obscene manner, is punishable under this Section 5.

3) A woman's modesty can be insulted by words, gestures, or any act- According to Sec. 509 of IPC, anyone who intentionally offends a woman's modesty by saying something, making any sound, or displaying any object to outrage her modesty will face serious punishments.

4) Defamation – Sec. 499 IPC states that it is illegal to transmit or publish defamatory emails or texts about someone with the intention to damage that person's reputation or to defame them, knowing or having grounds to believe that such a remark will do so.

5) Stalking or attempting to contact a woman – The punishment for this is outlined in Sec. 354D of the IPC. It contains the penalty for anybody who is found guilty of stalking and receives a punishment of imprisonment.

6) Violation of Privacy – According to Sec. 66E of the IT Act, anybody who willfully or deliberately clicks, publishes, or transmits photographs of any person's private parts without their consent in conditions that violate that person's privacy shall be punished.

7) Punishment for cheating by impersonating someone by using computer resources – Sec. 66D IT Act stipulates that anybody caught impersonating anyone using social media must face penalties.

JUDICIAL OUTLOOK FOR CYBER BULLYING

The prevalence of cyberbullying in India has increased significantly in recent years as a result of increased and ongoing use of social media platforms. Due to fear, most children don't discuss such events with their family, resulting in such situations, therefore the reported number of cases is not equivalent to the real number of incidents. According to a report by the National Crime Records Bureau, the number of cyberstalking and cyberbullying cases in India has increased by 36%.

CASE LAWS

1) Ritu Kohli vs Rajesh Kohli, 2001⁶

The first cyberstalking incident in India was documented in 2001. Mish Kathuria was harassing an Indian woman named Ms. Ritu Kohli by using her name to engage in unlawful online chats on www.mirc.com, using foul language, and sharing her landline number to call her. People were saying nasty things to the woman as a result of the obscene phone calls she was receiving from different states as well as from abroad. She reported this incident to the Delhi Police while in a state of shock. Because Ritu Kohli's modesty was outraged the police registered a complaint under Section 509 of IPC. Because Ritu Koli's case did not disclose the circumstances, such as the usage of cell phones, this case alarmed the government, causing it to pass legislation against such crimes to safeguard victims⁴.

2) State of West Bengal v. Animesh Boxi⁷

In this case, they obtained certain private and obscene photographs of the victim by hacking into her phone, blackmailing her by threatening to upload the stolen pictures and videos to the internet, and uploading the private pictures and videos to an obscene website. The defendants were convicted by the West Bengal District Court under Sections 354A, 354C, 354D, and 509

of the Indian Penal Code, as well as Sections 66C and 66E of the Information Technology Act. The court found the woman was stalked online and subjected to ‘virtual rape’ every time a user viewed the video on a public website, proving the offense under section 354D of the IPC. The court emphasized the need for deterrence in convicting the accused, stating that an inadequate punishment would undermine public trust in the severity of the issue, rather than proving justice.⁸

3) **Prakhar Sharma v. The State of Madhya Pradesh**⁹

The offenders created a bogus Facebook account using Nidhi Taneja’s name and phone number, causing discomfort and harassment for the victim, resulting in an FIR against them. The victim requested a second investigation under Section 173(8) of the CRPC, which resulted in the matter being sent to the Metropolitan Magistrate for further consideration. The Delhi High Court refused the appeal to dismiss charges under Section 66A of the IT Act and 509 of IPC. The investigating officer was instructed not to provide any final report until the Magistrate handled the victim’s pending application. The Hon’ble court observed the investigating officer’s other option was to submit a report based on the investigation completed up to that point while retaining the right to submit a follow-up challan or report in response to the victim’s pending application under Sec. 173(8) of CROC for additional investigation.

4) **Hareesh v. State of Kerala**¹⁰

To provide strangers access to the victim, the applicant set up a false Facebook page, uploaded indecent photos of the victim that had been altered, and wrote the victim’s phone number under the offending post. The petitioner anticipating arrest for offenses punishable by Section 354(D) of the Indian Penal Code and Sections 67 and 67E of the Information Technology Act thereafter filed a request for anticipatory release. The applicant’s involvement in the case was proved by the evidence on file, and the High Court of Kerala denied the motion for anticipatory relief, stating that the court should not meddle in the inquiry.

Though there are very few provisions in our judicial system to act against cyberbullying, the few laws that are present try to protect the victims of cyberbullying. If one comes forward and reports the incident with accurate evidence their rights can be protected by the laws.

CONCLUSION

Cyberbullying is a terrible crime, and those who do it should face harsher penalties. Cyberbullying-related laws are desperately needed in our country. Additionally, as young children are more susceptible to cyberbullying, knowledge about this horrible criminal act and strategies to avert and protect them from it needs to be provided in schools, colleges, or other institutions. Additionally, parents must keep an eye on how their kids use technology and the internet and must guarantee that they do the same. Changes in a child's behavior must be detected by parents for instance reduced participation with others, social media accounts being deactivated, hiding certain things and avoiding any kind of conversations, displaying depressive features, and so on. Parents must take notice of such unnatural changes and determine if they arise as a result of the child's participation in online activities. A proper record of the bullying should be kept. Screenshots or other methods should be used to gather sufficient evidence. Bullies must be reported immediately. Additionally, social communication networks can be asked to delete objectionable content. These sites have policies in place to prevent cyberbullying.

Initiatives taken by the Indian Government

- 1) Cybercrime Prevention against Women and Children Scheme (CCPWC Scheme)¹¹ - Under this scheme, various units are established to analyze cybercrime reports and investigations related to cybercrimes. These units are also responsible for reporting cyberbullying with the aim of preventing cybercrime. Under this financial assistance has been provided to all states and UTs for implementing the schemes.
- 2) Scheme for the Indian Cybercrime Coordination Centre - This plan focuses on the problems and victims that women and children encounter online. It aids in raising young people's consciousness. It thoroughly addressed every type of cybercrime.
- 3) The Nirbhaya Fund Scheme - This scheme was set up by the Government for the safety and security of women and children. The Ministry of Home Affairs has also generated a single number to cope with the emergency. This is under the Emergency Response Support System (ERSS).

4) National Database on Sexual Offenders – The purpose of this program was to support the surveillance and investigation of sexual offenses. Only law enforcement agencies have access to the NDSO portal.

REFERENCES

- 1) Cyber Bullying, <https://www.ijfmr.com/papers/2023/5/6417.pdf>.
- 2) Bill Belsey is the president of Bullying.org. Which is the world's most visited and referenced website about bullying, <https://billbelsey.com/?cat=12> (last visited February 2nd, 2025)
- 3) What is cyberbullying and what are the warning signs, <https://us.norton.com/blog/kids-safety/what-is-cyberbullying>
- 4) What If You Discover Your Child Is a Victim of Cyberbullying? Here's What You Must Know and Do, Prabhjyot Kaur, <https://www.parentcircle.com/how-to-protect-child-from-cyberbullying/article>.
- 5) Vakul Sharma, Information Technology Law and Practice, Seventh Edition 2021, 206-254, Lexis Nexis, 2021
- 6) Cyberstalking and Online Harassment: A New Challenge for Law Enforcement, Dr. Sapna Sukrut Deo, Bharati Law Review, July – Sept., 2013, <https://docs.manupatra.in/newline/articles/Upload/FDF5EB3E-2BB1-44BB-8F1D-9CA06D965AA9.pdf>
- 7) State of West Bengal vs Animesh Boxi, GR: 1587/17.
- 8) Anti-Cyber Bullying Laws in India - An Analysis, <https://www.mondaq.com/india/crime/989624/anti-cyber-bullying-laws-in-india-an-analysis>
- 9) Prakhar Sharma v. The State of Madhya Pradesh, MCRC No. 377 of 2018.
- 10) Hareesh v. State of Kerala, Bail Appl. No.5381 OF 2020.
- 11) Legal Challenges of Cyberbullying and Online Harassment: A Comparative Analysis, Shashank Mittal.