

## **Beware of Cyberbullying in the Digital Age**

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### **What is Cyberbullying?**

A survey conducted by Ipsos International in 28 countries states that Indian children are the most cyberbullied in the world.<sup>1</sup> Cyberbullying occurs when an individual uses electronic technology and communication platforms to repeatedly and intentionally harm the reputation of another individual. The primary motive of such an act is to disturb the well-being of the victim. One of the major characteristic features of cyberbullying is that the perpetrator can anonymously perform the crime in the presence of a wider public, without getting identified.<sup>2</sup>

Communication platforms like social media, emails, group chats, web pages are used, where people generally view and share their opinions. It is carried out using computers, laptops, tablets, and smartphones. Most often, the adolescents are involved, either as perpetrators of cyberbullying or as victims. The recent 'Boys Locker Room' incident should act as a tale of caution and it is important to impart sex education and promote awareness regarding cyberbullying among children.<sup>3</sup>

### **Forms of Cyberbullying**

The offenders can use various disguised forms of cyberbullying to victimize the target persons. This makes it very crucial for everyone to understand and know about the following types of cyberbullying:

1. **Flaming:** Flaming is a kind of online bullying where the abusive messages are sent directly to the victim, provoking them to enter into online fights.<sup>4</sup> More often the language used during these fights is offensive. Flaming is close to trolling but usually includes a direct attack on the target.

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<sup>1</sup> *New Report shows Indian kids are the most cyberbullied in the world*, NEWS18 (Oct. 26, 2018), <https://www.news18.com/news/buzz/new-report-shows-indian-kids-are-the-most-cyberbullied-in-the-world-1920013.html>.

<sup>2</sup> Mairead Foody Et Al., *A review of cyberbullying and suggestions for online psychological therapy*, 2 INTERNET INTERVENTIONS, 235-242 (2015), <https://www.sciencedirect.com/science/article/pii/S2214782915000251>.

<sup>3</sup> Sidharth Ravi, *Bois Locker Room, a reflection of an existing mindset*, THE HINDU (May 22, 2020), <https://www.thehindu.com/news/cities/Delhi/bois-locker-room-a-reflectionof-an-existing-mindset/article31638044.ece>.

<sup>4</sup> Rakesh Chandra, *Cyberbullying, and Indian Legal Regime: An Overview*, 4 ASIA PACIFIC LAW & POLICY REVIEW (2018), <http://thelawbrigade.com/wp-content/uploads/2019/05/Rakesh-Chadra.pdf>.

2. Harassment: Harassment includes sending constantly menacing and inappropriate messages, with an intention to damage the welfare of a person.
3. Exclusion: Exclusion is an act of purposely leaving somebody outside of a group. It can be both online and offline. Uninviting someone for parties or activities is a typical example of an offline exclusion.
4. Cyber Stalking: Cyberstalking is a dangerous form of cyberbullying, leading to threats of physical damage to an individual. It includes following and monitoring someone repeatedly over a communication platform. Cyberstalking is considered to be a serious offense.
5. Impersonation: The perpetrators pretend to be someone else in order to hide their identity and bully the victim.<sup>5</sup> Mostly in these types of cases, the bully is often someone the victim knows already. They create fake identities and profiles on social media to trap the victims.
6. Doxing: Doxing is commonly known as the outing. It is an intentional act of posting or sharing private information including photos, videos of a person, without their consent in order to insult them publicly.
7. Trickery: Trickery is an act where the bully gains the trust of the victim, inciting them to share their personal information.<sup>6</sup> Once the information is shared with the bully, they reveal it openly over social media platforms. Deception is an important component of trickery.
8. Denigration: Denigration involves criticizing someone online in order to mock someone through texts over social media, web pages, etc.
9. Fraping: The bully pretending to be the victim uses his social networking sites to post improper subjects.<sup>7</sup> Fraping, though done for fun, leads to grave consequences, harming the reputation of the person.

### **Anti-bullying laws in India**

The Apex Court of India, in its historic decision of *Vishaka v. State of Rajasthan*,<sup>8</sup> reviewed bullying for the very first time and issued directions to restrain bullying and harassment in the

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<sup>5</sup> Sherri Gordon, *6 Types of Cyberbullying*, VERYWELL FAMILY (Jan. 26, 2020), <https://www.verywellfamily.com/types-of-cyberbullying-460549>.

<sup>6</sup> *Types of Cyberbullying*, PURESIGHT (Jun. 14, 2020, 01:05 PM), <https://www.puresight.com/Cyberbullying/types-of-cyberbullying.html>.

<sup>7</sup> *The 10 Types of Cyberbullying*, SECURLY (Oct. 04, 2018), <https://blog.securly.com/2018/10/04/the-10-types-of-cyberbullying/>.

<sup>8</sup> *Vishaka v. State of Rajasthan and Ors.*, (1997) S.C.C. 3011(India).

place of employment.<sup>9</sup> Though India doesn't have any specific anti-bullying laws, remedies are available under various provisions of the Indian Penal Code and Information Technology Act.

### **Legal remedies under Indian Penal Code**

- Section 354A: This section explicitly refers to sexual harassment, and punishes any man committing the offense with fine or imprisonment up to 3 years or both. However, there is a separate law, Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, has been passed, that addresses sexual harassment of women in the workplace.
- Section 354D: After the amendment of the IPC in 2013, cyberstalking has been included as an offense under section 354D with imprisonment extending up to 3 years and fine for the first conviction, 5 years and fine for a subsequent conviction.<sup>10</sup>
- Sections 499 & 500: Causing damage to the reputation of another person is also a crime. Defamation has been defined under section 499 and punishment for defamation is given under section 500.
- Section 507: Any person who criminally intimidates another individual by an anonymous communication or takes precaution to conceal the name of the person from whom threat comes shall be punished. Trying to hide one's own identity to commit a crime is an offense.
- Section 509: Outraging the modesty of a woman is a grave crime. This section states that whosoever utters any word or makes any gesture intending to insult the modesty of a woman shall be punished with imprisonment for 3 years and fine.

### **Legal Remedies under the Information Technology Act**

- Section 66C: Identity theft is considered to be a serious offense and this section expressly describes the punishment for fraudulent theft of another person's identity without their consent.
- Section 66D: An impersonation is also a form of cyberbullying. This section states that, any person who cheats by personation using computer resources shall be punished with fine and imprisonment extending up to 3 years.

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<sup>9</sup> Shrashank Tripathi Et Al., *Cyberbullying and the law: A review of loopholes in the Facebook Anti-bullying and content removal policy*, 6 LAW MANTRA, (2019), <https://journal.lawmantra.co.in/wp-content/uploads/2019/09/8.pdf>.

<sup>10</sup> B.S Shivashankar & Aswathy Rajan, *A Critical Analysis of Cyber Bullying in India-with Special Reference to Bullying in India*, 119 International Journal of Pure and Applied Mathematics, 1811-1822 (2018), <https://acadpubl.eu/hub/2018-119-17/2/146.pdf>.

- Section 66E: According to this section, any person who captures, transmits, or publishes private images intentionally, violating the privacy of another person shall be punished.
- Section 67B: This section provides special protection to children by punishing anyone for publishing or transmitting material portraying children in a sexually explicit act which is available in an electronic format.

The Protection of Children from Sexual Offences Act (POCSO) and Juvenile Justice Act, 2015 also provides a special legal framework to protect minors from cyberbullying and other sexual offenses.

### **Conclusion**

In the present era, the access to the internet and digital services has exposed the majority of people to several perils in disguised forms. With the rapid technological advancements all over the world, new forms of crimes are emerging. The existing legal framework in India dealing with various forms of cyberbullying, will prove to be inadequate anytime soon. There has to be a separate law to contend with cyberbullying exclusively.

If there are instances where someone is bullying you, then do not respond, as most of the bullies seek reaction. Most of the social networking sites have options to either block or report the person. Utmost importance is given to the evidence while trying to prove the offense, so saving the evidence would be beneficial. Always take the help of parents and interact with them. Never share your passwords and private information with anyone. These are a few measures to ensure safety and prevent cyberbullying.

Stay safe and stay alert!