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# Evolution of Cyber Bullying and it's Consequences on Teenagers

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## ABSTRACT

*With the Emergence of technology, the unfolded events of cyber offences also came into day light. Out of all, one aspect known as Cyber bullying, which is an intentional aggressive act or behaviour by an individual or a group of people done repeatedly over the electronic form of contact. It is not interpreted in any law, nor there is any specific/special statutory law that deals with the Cyber bullying.*

*The manner of using of technology is going beyond the authorised manner/control and permissible limits, which certainly leads to the creation of Cyber Crimes. There are many Cyber offences which still cannot be predicted and perused due to the advancement of technology and artificial intelligence growing over the time.*

*In the case of Shreya Singhal v. Union of India<sup>2</sup>, the Hon'ble Justice of Supreme Court R.F. Nariman struck down the section 66 A of the Information Technology Act, 2000 which dealt with the punishment for sending offensive messages through a computer resource or communication device and The Supreme Court further held that, it does not come under the ambit of reasonable restrictions of Article 19(1)(a) of the Constitution of India. The Supreme Court further said that this Section was vague and ambiguous and sections 66B and 67C of the Information Technology Act, 2000 along with various provisions of Indian Penal Code, 1860 were good enough to deal with such crimes.*

*Bullying can happen online as well as offline such as when fellow students resort to bullying in schools and torture innocent soul of students. When the bullying happens online with the help of technology it is cyberbullying. However, there is a need for specific/special legislation as it would bring clarity on many uncurtail provision of bullying, it would strengthen the judicial process as well, to a better working environment.*

*In general, the term "bullying" refers to a, 'form of harassment where superior strength or influence is used to intimidate or force someone to do something which he/she would not want to do otherwise in the common way.*

**Keywords:** *Technology, Communication Devices, Restrictions, Artificial Intelligence, Judicial Process*

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<sup>2</sup> AIR (2015) Writ Petition (Criminal) No. 167 Of 2012

## **I. INTRODUCTION**

Since the Starting of Civilization of Society, man has always been motivated by the need to make progress and better the existing technologies. This has leads to tremendous development and progress which has been a launching pad for further development. Internet is believed to be full of anarchy and a system of law and regulation there seems to be contradictory. However, cyber space is being governed by a system of law called cyber law. Cyber law is a generic term which refers to all the legal and regulatory aspects of internet.

Cyber law is a constantly evolving process; as the internet grows numerous legal issues arise. One of the most important issues concerning cyber space today is that of cyber-crime. As the category of cyber-crimes, the cyber bullying is the distinct kind of crime in this category.

Cyber Bullying is nothing but bullying someone on online platforms such as Facebook, What's-app, Instagram, tweeter etc. But it is said to be bullied only when something negative is shared about someone and that can cause a huge harm to their reputation. Cyber bullying is so dangerous because it gives the ability to harass anyone in public at any time through devices and mostly students are the victims of these kinds of harassment.

The main intention of Cyber bullying is to harm a person mentally. Cyber bullying is also done by creating a website and posting atrocious pictures of a person which can cause harm to their reputation. Threatening someone on social media or in any gaming app can also result in Cyber bullying.

Cyber bullying is a form of harassment where a person hides himself behind a screen and mentally tortures the other person. It can occur over any social networking site, over SMS, Email, Instant Message Service or any other platform over the electronic world. This type of bullying can be done in various ways, some of them being:

1. Hacking personal accounts again and again;
2. Flaming, which is the use vulgar or insensitive language to attack someone
3. Sending hurtful or inappropriate messages to harass someone;
4. Sharing someone's private messages or picture or threatening/blackmailing to do so;
5. Impersonating someone and damaging their reputation;
6. Threatening someone to commit an act of violence or threats of pornography;
7. Stalking someone and sending targeted messages; etc.

Also, it is important to define the academic or legal definition of bullying. In the book 'Cyber

Bullying: Profile and Policy Guidelines’, eminent criminologist Dr K Jaishankar defines cyberbullying as “abuse/ harassment by teasing or insulting the victims’ body shape, intellect, family background, dress sense, mother tongue, place of origin, attitude, race, caste, or class using modern telecommunication networks such as mobile phones and Internet.”

## **II. DIFFERENT TYPES OF CYBER BULLYING**

Cyber bullying involves various kinds of offences, including humiliation via hateful comments or SMS or messaging. Further, it also comprises posting or sharing negative, fabricated information about an individual, in order to assassinate the individual’s character. Similar to social media, the nature and forms of cyberbullying also have a widespread sphere. They are:

- Posting hurtful, or humiliating rumours or comments about an individual online.
- Publishing an embarrassing or nude/inappropriate photo or video.
- Creating a fake or inappropriate webpage about another individual.
- Issuing online threats provoking an individual to kill themselves or hurt someone else.
- Triggering religious, racial, ethnic or political hate online by posting hate comments or videos.
- Faking an identity online with an intention to deceive or extract information.

India too has no exceptions from cyberbullying. With an increase in the availability of data services and with the presence of social media, our country has witnessed a sudden rise in the cyberbullying cases. Adults and young adults across the nation tend to become a victim of horrendous cases of cyberbullying.

In this digital era where people live in digital and online platforms, it is inevitable that a person doesn’t come across it at least once. Hence, it is important to come with measures to prevent and deal with cyber-bullying. It is possible to tackle it by using the appropriate laws to punish the perpetrators in order to discourage the act of cyber-bullying in India.

The Raghavan Committee report recommended that teachers and the principal shall be held liable if any act of bullying takes place in the school premises. This was stated in the case of *University of Kerala v. Council, Principal’s colleges, Kerala & others.*<sup>3</sup>

There are signs that one may notice, who are the victims of Cyber bullying:

- 1) Change in personality of the Victim towards the society.

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<sup>3</sup> AIR (2009) Civil Appeal No.887 Of 2009.

- 2) Loss of friends due to trust issues.
- 3) Drop in grades in their Standard Examination.
- 4) Increased isolation promotes stability in the growth.
- 5) Showing signs of emotional disturbance.
- 6) Not interested in making or meeting with friends.

### **III. HOW DO INTERNET ACTIVITIES CAUSES THREAT TO NATIONAL SECURITY?**

Encryption and cryptography, the two modes of communication, possess a threat to National integrity.

- A. The process of encryption is like sending a postal mail to another party with a code lock on the envelope, the code which is known only to the sender and the recipient.
- B. The field of cryptography deals with study of secret codes. Thus, while encryption is the actual process, cryptography involves the study of the same and is of wider connotation.
- C. The practice of encryption and its study cryptography provide individual with means of communication that no third party can understand unless specifically permitted by the communicators themselves.
- D. Such technology is however liable to be misused by individuals to carry on clandestine operations to the detriment of national security. The volume and varying nature of transactions also raise the issue of security concerns as to the political, social and economic health of the nation.
- E. Cryptography, if used to code messages containing such vital information between the individuals regarding the state security, raises security concerns
- F. Technology is a double-edged sword. On the one hand it enables to maintain privacy and freedom of speech and expression and on the other hand the same techniques can be decipherable to the integrity and soul of the nation.
- G. The other cyber offences such as hacking with computer system may cause threat to national security Computer hacking is the accessing of a computer system without the express/ implied permission of the owner of that computer system.
- H. Through the offence of hacking the govt. related information on the internet or on websites of govt. may be targeted by studying their security features and tools to gain authorized access and impair the normal functioning of a computer or computer system.

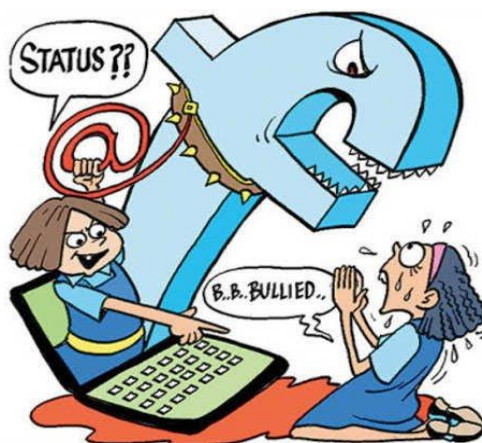
The information so received through the, illegal access to the govt. websites may be transmitted thereby, raising security concerns.

#### IV. LEGISLATIVE MEASURES TO PROTECT THE NATIONAL SECURITY

Under Article 19 (2) of The Constitution of India: Imposes reasonable restrictions on the ground of threat to sovereignty of nation but there must be balancing of rights and duties. The restrictions may be imposed only when there is a legitimate threat to nation.

Under Section 69 of Information Technology Act, 2000: The controller of certifying authority has power to encrypt or decrypt any information from the computer if it is threat to the integrity and sovereignty of nation. The possessor of the information i.e., data subject has to put across all information he has and in case, he does not cooperate - he can be punished for not following the directions of controller. The subscriber or intermediary or any person who fails to assist the agency, shall be punished with imprisonment for a term which may extend to seven years and shall also be liable to fine.

#### V. PRESENT CONDITION OF CYBER BULLYING IN INDIA



##### Types of Cyber threats to Children

Even though cyber bullying is as prevalent in society as any other form of abuse, not as much importance is given to educating people about the prevention and the care for victims of cyber abuse. Only when games like the 'Blue Whale Challenge' become popular, people are forced to acknowledge the threat that is looming in everyone's living room.

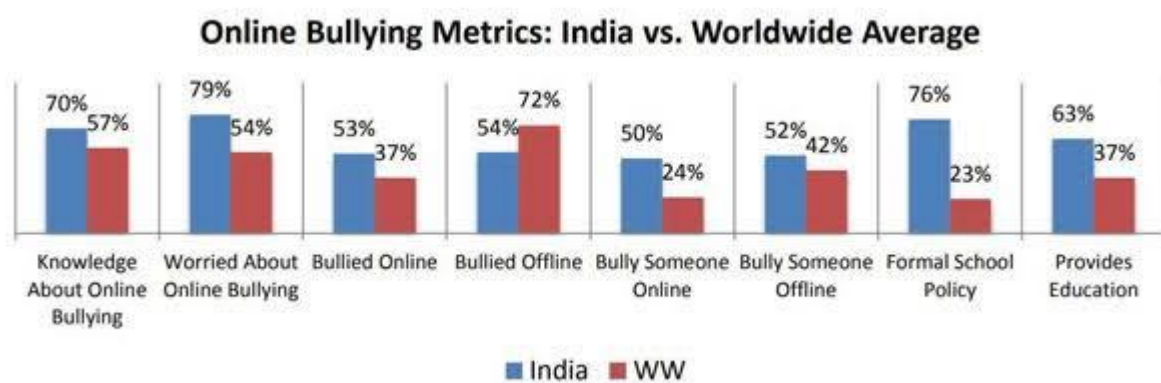
Blue Whale Challenge and other viral challenges like the Choking Game and the Cinnamon Challenge, are not the only forms of cyber threats out there. Cyber bullying can range from just a rude comment on a social media posts to outright trolling and harassment.

## Types of Cyber threats to Teenagers

A threat that many kids fall for, especially teenagers, are those coming through chat rooms. Anonymous chat rooms are popular among teenagers to make new friends, and talk to different kinds of people. However, this modern twist to pen-pals comes with grave risks. Bullies hide behind the anonymity clause of websites to often target kids, either to make sexual and lewd comments or even send inappropriate content without their knowledge. Apps like ‘Tinder’ and ‘Okay Cupid’ which help young adults meet and talk to men and women with similar interests are also teaming with dubious people. There is no way of knowing if the person a user is talking to is indeed what they say or not. Also, in such cases, there is not only a chance of cyber bullying and cyber threats, but also physical threats when the two parties do decide to meet.

Even a seemingly simple task, of posting pictures on social media websites, can turn into cyber bullying when other users post rude or insulting comments on them. In a day and age when many kids look to their social media presence for acceptance among peers, these incidents can have powerful and damaging impact.

Online scams and phishing is another cyber threat teenagers are facing nowadays. Different emails and posts around the web that claim they have won prizes lure them in, after which they are asked to provide personal information i.e., bank details, addresses, online transaction password, etc. Different viruses are also used to enter personal computers to gain access to credit card and other sensitive information.



Source: “Forget blue whale challenge, cyber bullying is more common danger for your kid” Article by Ankita Sen published in The Economic Times (ET Online)

## Cyber bullying Legislation in India

In India, there is no specific provision under any legislation to deal with the issue of cyberbullying. However, there are various provisions in the existing laws which can somehow be related to the various forms of cyberbullying. Among other existing laws the role played by

the Information Technology Act, 2000 however partial is very significant. The Information Technology Act, 2000 is enacted to primarily deal with matters related to e-commerce which is evident from its preamble. However, it has been interpreted by the courts to deal in such cyberspace issue relating to cyberbullying, cyberstalking, etc.

Some key provisions of the IT Act, 2000 which deals with cyberbullying

- A. Chapter 11 of the Information Technology Amendment Act, 2008<sup>4</sup>, consists of offences, where there is no clear definition of the offence of cyberbullying. Still, the act provides remedies against the same under Section 66 and Section 67 of the Information Technology Act, 2000.
- B. Sec. 66A of the Information Technology Act, 2000 that deals with sending offensive messages through communication service, etc.
- C. S.66A of the Information Technology Act, 2000 provided an opportunity to genuine victims of cyber harassment to obtain immediate relief against content that may be insulting or injurious in nature, abrogation of which has now made Police authorities toothless in dealing with the growing menace of cyberbullying. No doubt S.66A could be used arbitrarily, but by doing away with the provision on account of its potential misuse, the Court has also discarded a remedial mechanism available to the common man to counter actual cyber offences.
- D. Sec.66C of the Information Technology Act, 2000 that deals with Identity Theft.
- E. Sec.66D of the Information Technology Act, 2000 that deals with Cheating by personation by using the computer resource.
- F. Sec.66E of the Information Technology Act, 2000 that deals with Violation of privacy.
- G. Sec.67B of the Information Technology Act, 2000 that deals with Punishment for publishing or transmitting of material depicting children in any sexually explicit act, etc. in electronic form.
- H. Sec.72 of the Information Technology Act, 2000 that deals with Breach of confidentiality and privacy.

### **Remedies under Indian penal code, 1860**

Indian Penal Code, 1860 provided remedies against a defamatory act or an act outraging the modesty of the women. The Indian Penal Code (Amendment) Act, 2013 introduced other

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<sup>4</sup> Vide The Information Technology (Amendment) Act, 2008 (Act No. 10 Of 2009) Which Came Into Effect From October 27, 2009.



offences and also made cyberstalking as an offence.

The following provision of IPC in some way or the other deals with cyberbullying.

- A. Sec. 292A – Printing, selling, advertising grossly indecent or scurrilous matter or matter intended for blackmailing.
- B. Sec. 354A Making sexually coloured remarks, guilty of the offence of sexual harassment.
- C. Under Section 354C, a Cyber bullying, can be punished for taking pictures and can be held liable under this section along with other sections if he transmits or publishes the same.
- D. Sec. 354D – Stalking and contacting, or attempting to contact a woman.
- E. Sec. 499 – Sending defamatory messages by E-mail
- F. Sec. 500 – E-mail Abuse
- G. Sec. 503 – Sending threatening messages through E-mail
- H. Sec. 509 – Word, gesture or act intended to insult the modesty of a woman.
- I. Sec. 507 –Criminal intimidation by an anonymous communication.

In the case of *Sharat Babu Digumarti v. Government of NCT of Delhi*<sup>5</sup>

Justice Dipak Misra of Hon'ble SC ruled that, if an offence involves an electronic record, the IT Act alone would apply since such was the legislative intent. And if there is any conflict between the IT Act and the IPC then, the special law would prevail over the general law and the latter law would prevail over the prior legislation. Further, section 81 of the IT Act states that the provisions of the IT Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

## **VI. INTERNATIONAL PERSPECTIVE OF CYBER BULLYING**

Not only in India, people these days are getting bullied online all across the world. The worst part is there is no awareness regarding kids getting bullied by which they are getting mentally disturbed. Many videos of people getting bullied are uploaded on YouTube, and they cannot be traced because those videos were uploaded anonymously. In many countries there are no specific laws for cyber bullying.

### **United Kingdom:**

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<sup>5</sup> Air (2016) Criminal Appeal No. 1222 Of 2016

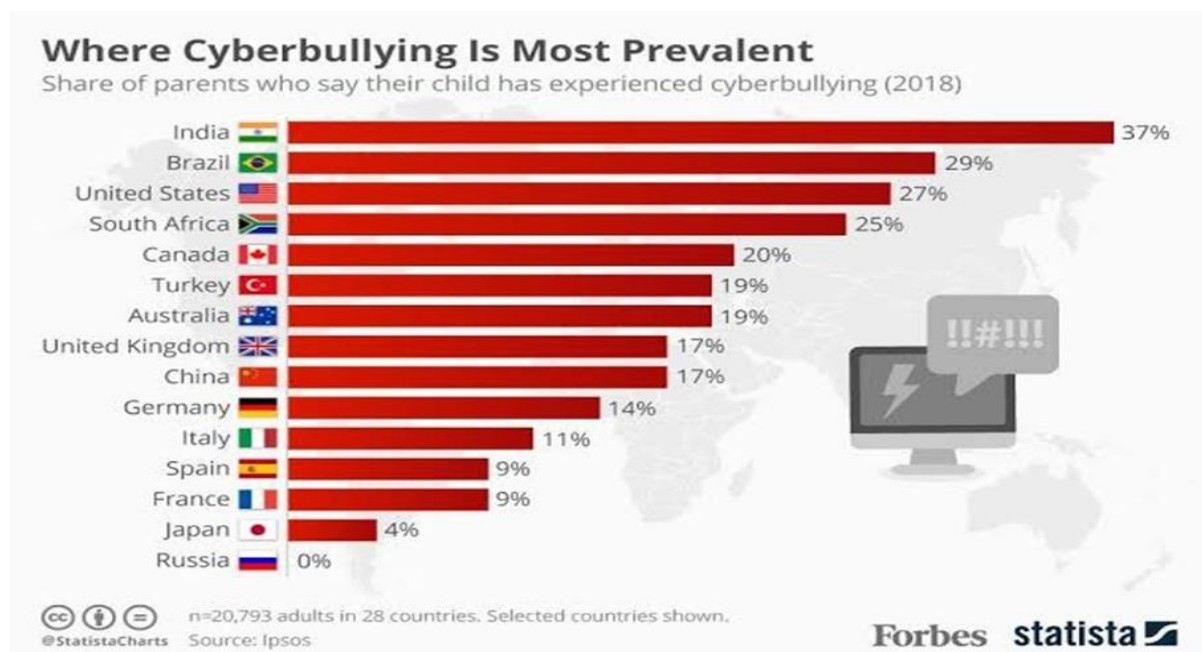
In U.K half of 12-15 years kids get bullied each and every day. Though bullying is not a criminal offence in U.K there are many laws which can be used to punish a person who bullied someone such as Protection from Harassment Act,1997 where harassment is punished under section 3 of Computer Misuse Act, 1990, Crime Defamation Acts of 1952 and 1996

### United States:

Nearly every state in the U.S took steps to prevent bullying or cyber bullying. A new law was passed to make cyber bullying a crime under the Megan Meier Cyber bullying prevention Act, 33. California passed an act Safe Place to Learn Act to make schools and colleges a better place to learn and the penalties are suspension, 1 year of jail and fine up to \$1000.

### Italy:

In May, 2017 Italy passed a new law with 432 votes in which cyber bullying is described as an offense. This law is passed after many victims committed suicide and most of the victims were teenagers.



## VII. CONCLUSION

The concept of justice will be defeated if the victims of cyber-crimes are made to suffer anymore, with the advancement in technology it is important to set some ground rules for its use. These technologies do help us in becoming a developed country but at the cost of hundreds of innocents being traumatised by cyber space. Even the Freedom of Speech guaranteed by our constitution has certain reasonable restrictions to it, similarly there should be certain boundaries which a person should not be able to cross even on online platforms.

Expressing oneself on any matter should be a matter of individuality and it should be respected even if not agreed to. However, using this freedom to mentally harass or threaten someone should not be accepted and thus the need for a well drafted legislation is well awaited.

“One of the biggest problems in reporting cyber bullying is that a large number of vulnerable victims don’t even recognise that what is happening to them is bullying,”. As in other studies of abuse, it has been shown that bullying has been structurally normalised within the digital space, and so often the victims do not even know that the harassment and bullying that they are facing is not natural or normal, and hence they lose their agency to actually report and use the grievance mechanisms and affordances to find respite.

There are other reasons why cyberbullying is rarely reported. Those abused may be unaware of legal options, fear retaliation or worry about being stuck with defamation charges, “They doubt the legal framework and [are unsure if there are] trained officers to investigate these crimes”.

Only 35% of the respondents to the Child Rights, study and knew of the internet safety guide published by the National Council of Education Research and Training that offers tools and tips for internet use.

Not only cyber bullying, there are many other Cyber Crimes happening all over the country which needs separate laws. If laws are not made soon the victims will have to suffer more. But as we all know “precautions are better than cure”, the student’s needs to be more aware and needs to use Internet positively, they need to take security measures on their social media profiles.

## **VIII. SUGGESTIONS**

The first thing any parent can do to protect their children from cyber bullying is to educate children about digital safety and how to use the Internet safely and wisely. Studies have shown the trend of cyber bullying differs in boys and girls.

Schools can also do an important part in discouraging cyber bullying. Since many cases have proven that more often than not, the bully and the victim know each other, and in many instances are acquaintances or schoolmates, promoting strong positive relationships with fellow students and teachers becomes very important. Encouraging bystander to report any abuse is also very important to curb cyber bullying.

Being involved with your child is a must. Talk to them about what cyber bullying is and the different threats that are out there. They should also be taught not to bully others online. These

days most gadgets come equipped with parental controls, which can be set according to age and need. At the end, it's all about being aware and making your children aware.

Cyber security is a growing concern for all digital users. The Government of India's website<sup>6</sup> provides in-depth ways to keep yourself safe in different scenarios of using the internet.

For students and others - Do not entertain strangers on the internet. Keep your passwords strong and do not share them with others. Control the access given to mobile apps on your phone. Keep different emails for different purposes. Learn how to take screenshots and record your screens on phone and computer. Report abusive behaviour immediately to the website or platform. Stay away from the dark web. Call out bullying behaviour in your group of friends. Keep the number of your local cyber police stations saved in your phone. Do not keep more than Rs 1000 in your digital wallets. Engage yourself in more non-digital activities like playing, hobbies, helping out family and friends.

Cyber bullying, if no steps are taken against this, can create a huge problem on the Internet. Lawmakers should discuss with the psychiatrists to make law against cyber bullying because bullying causes a huge mental pressure among children and mostly children are the victims.

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<sup>6</sup> <https://www.infosecawareness.in/> Information Security Awareness, Ministry Of Electronics And Information Technology (Meity), Govt Of India

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