INTERNATIONAL JOURNAL OF LAW

MANAGEMENT & HUMANITIES

[ISSN 2581-5369]

Volume 4 | Issue 4

2021

© 2021 International Journal of Law Management & Humanities

Follow this and additional works at: https://www.ijlmh.com/

Under the aegis of VidhiAagaz – Inking Your Brain (https://www.vidhiaagaz.com/)

Laws and Concerns Regarding Cyber-Bullying in India

VISHAL TOMER[1]

ABSTRACT

Cyber bullying is the harassment or bullying executed through digital devices like computers, laptops, smart phones, and tablets. The platforms where cyber bullying can occur include social media, chat rooms, and gaming platforms where people can view and participate in the sharing of content. The diverse types of cyber bullying involve causing humiliation through hateful comments on online platforms/apps, or through SMS or messaging. It comprises posting, sending, or sharing negative, nasty, or false information about another individual for causing humiliation and character assassination.

With increasing availability of affordable data services and social media presence, cyber bullying in India has witnessed an alarming rise. According to research conducted by Symantec, 8 out of 10 individuals are subject to the diverse types of cyber bullying in India. Out of these around 63% faced online abuses and insults, and 59% were subject to false rumors and gossips for degrading their image.

In this paper, I will be discussing about the diverse types of cyber-bullying and its effects on the current generation, which will also include the anti-cyber bullying measures taken in India.

Keywords: Cyber-Crime, Cyber Bullying, Social Media, Data Protection, Character Assassination.

I. INTRODUCTION

Cyberbullying is defined as "bullying over the internet." when an individual or a group of people use a mobile phone or the Internet to threaten, tease, or embarrass someone else, is termed as cyberbullying. Cyberbullying [may be, and frequently is] just as detrimental as real-world bullying "Bullies target many of the same attributes that a school bully targets, except that with the rise of social media, these attacks have gotten more individualized and can happen at any time of day or night. People with social media profiles can publish photographs of anything they wish. Whether it is pictures of themselves, pictures of things that interest them or updates of their whereabouts, cyber bullies are given the opportunity to pinpoint certain

---

[1] Author is a LLM student at Uttaranchal University, India.

aspects of a person's life to make fun of. Cyber bullies carefully single out and humiliate their target on social media publicly, often embarrassing them or sending hurtful messages.[2]

Bill Belsey, a Canadian educator, created the term "cyberbullying." Cyberbullying is described as the use of information and communication technology to the most extent possible to degrade a person's reputation, state of mind, or humiliate him. It is an act that has a negative impact on the individual who is being bullied. It is a deliberate ploy that can be permanent or one-time. The bully could be a well-known individual or a group of individuals. The internet, some chat groups, instant messaging, short message service, webpages, e-mails, and other technologies are used. The goal is to cause harm to someone. It is an act committed by a person who has physical or social dominance over the victim. It could also take the form of creating a website and then uploading obscene or defamatory content on it. A simple e-mail to someone who has indicated his dissatisfaction with not staying connected, posting images, and making sexual remarks can be considered cyber bullying. The fact that 63 percent of harassers are under the age of 18 is concerning.

- Mobile phones are used by about 80% of teenagers, making them the most common and popular medium of cyberbullying.
- 81% of youth believe that getting away with online bullying is easier than conventional bullying.

 As per the survey of 1400 school children grades 4-8th, produced by abcnews.com in September, 2006, the results were surprising; 42% kids were cyber bullying victims, in which 1/4th had it more than once; 35% were threatened, 21% had received mean or threatening emails or messages.

Place of occurrence of cyber bullying are as follows:

- Social Media (Facebook, Instagram, Snapchat, Twitter, etc.)
- SMS (text messages from the cellular network)
- Instant Message Services (WhatsApp, Facebook messenger, I message, etc.)
- E-mail

Effects of bullying are wide and long-lasting as the effects of bullying are long-lasting as it affects the mental well-being of the victim of cyber bullying.

---

[2]https://cyberbullying.org/ (last visited Jun 23, 2021)

II. CYBERBULLYING LAWS IN INDIA

To understand cyber law in India it is necessary to know what is the meaning of bullying and what is cyber bullying in India. Bullying is defined as the systematic infliction of physical or physiological suffering and harm on a victim, who is a student or employee. Bullying that occurs online is referred to as cyberbullying. In India, cyberbullying in the workplace by coworkers is also considered harassment at workplace. Because of the widespread use of the internet among youths, cyber bullying is primarily perpetrated by teens, who are also the victims. As a result, school bullying is highly common.

There is no specific legislation that provides for the specific cyber bullying laws in India however provisions such as Section 67 of the Information Technology Act,2000 deals with cyber bullying in a way. Section 67 of the act prescribes punishment for publishing or transmitting obscene material in electronic form for a term which may extend to five years and with fine which may extend to ten lakh rupees.[3]

Other than Section 67 of the IT Act, 2000 following are the provisions of the cyber bullying laws in India:

- **Section 507 IPC -** The section states that if anyone receives criminal intimidation by way of an anonymous communication then the person giving threats shall be punished with imprisonment for up to two years. By virtue of word anonymous the offense of anti-bullying and cyber bullying is included in this section.

- **Section 66 E of IT Act–**The section prescribes punishment for violation of privacy. The section states that any person who intentionally violates the privacy by transmitting, capturing, or publishing private pictures of others shall be punished with up to three years' imprisonment or fine up to three lakhs.[4]

To protect yourself from cybercriminals, consult the top cybercrime lawyers and file cyber-crime complaint.

III. ANTI-BULLYING OR CYBERBULLYING LAWS IN INDIA FOR BULLYING IN SCHOOLS AND COLLEGES

To deal with bullying at school there is no separate legislation in India but there is a dire need

---

[3] The Law Blog. YouTube vs Tiktok Controversy: Why India Needs to Address the Lawlessness of Humour? https://thelawblog.in/2020/05/23/youtube-vs-tiktok-controversy-why-india-needs-to-address-the-lawlessness-of-humour/(last visited Jun 26, 2021)

[4] Cyberbullying – Facts, L., Kalollu, S., Player, T., Variant, D. and Repositories, Y. Cyberbullying – Facts, Laws and Prevention In India | Blog eScan. Blog.escanav.com. https://blog.escanav.com/2019/09/cyberbullying-facts-laws-and-prevention-in-india/ (last visited Jun 26, 2021).

to stop bullying. Bullying in schools and especially in boarding schools is prevalent in India. To put an end to bullying in schools Anti-ragging committees have also been established in schools by the HRD ministry to penalize pupils who participate in anti-bullying efforts. In the rarest of cases, the punishment can include the student's rustication.

Anti-ragging committees have also been established by the University Grants Commission (UGC) in UGC-approved colleges and universities. UGC further said that the colleges and universities are mandated to follow the anti-ragging rules and if they fail to comply with the rules of anti-ragging UGC can forfeit their recognition. To stop bullying at the higher education level (colleges and universities) "UGC Regulations on Curbing the Menace of Ragging in Higher Education Institutions, 2009" has been enacted.

Additionally, a college student who is the offender of cyber bullying can also be made criminally liable under the provisions of the Code of Criminal Procedure, 1973. But no provision of either the Indian Penal Code or Code of Criminal Procedure applies to the school students for bullying at school.

Now the question is why are school students exempted from penal provisions for anti-bullying or cyber bullying? The reason behind this is that students studying in schools are juveniles and juveniles in our country are treated differently under the Juvenile Justice Act. To have a clear understanding of the meaning of bullying and how to stop bullying connect to good cybercrime lawyers.[5]

IV. CYBERBULLYING: AN INTERNATIONAL PERSPECTIVE

A viral video of an Australian boy retaliating against a bully at school has sharply ratcheted up offline and online discussions of cyber bullying. On websites in numerous countries, young and old alike have recounted their own bullying problems and there is a sense that this is a universal phenomenon. In Brazil, it has become increasingly common for kids to suffer from bullying not only in schools, but also on social networking sites.[6]Many aggressive incidents are recorded by cell phones and posted on sites such as YouTube. Bullied kids are ridiculed in online communities, and they are frequently followed by other computer-mediated technologies. Worse, because many teachers and parents are unaware that their children are being abused or stalked, and films are being broadcast online, many teachers and parents are

---

[5]What is Cyber Bullying or Anti-Bullying Laws in India, https://www.myadvo.in/blog/must-read-what-is-cyber-bullying-or-anti-bullying-laws-in-india(last visited Jun 26, 2021) .
[6] Cyberbullying: An International Perspective - Connected Learning Alliance Connected Learning Alliance, https://clalliance.org/blog/cyberbullying-an-international-perspective/ (last visited Jun 24, 2021)

unaware that their children are being beaten or stalked.

A study done last year, for example, indicated that only 16 percent of students in Brazil worry about cyber bullying, even though 38 percent reported being a victim or knowing someone who was. A quick search on Orkut, one of the most popular social networking sites in Brazil, reveals numerous online communities offering support for kids and teens who have suffered cyberbullying.[7]"The majority of people that was bullied don't even know that it is bullying, "says a teenage girl in an Orkut support community. "And people who know are ashamed of it. "Because social networking sites disseminate and preserve accounts of the humiliation, they lend a new dimension to bullying. "You cannot go home from the Internet," says Paulo, 17, who left school due to bullying problems. "I change cities and still suffer from (online) communities people made against me. It is like being haunted."

V. CYBER BULLYING VERSUS CYBER STALKING

The difference between cyber stalking and cyber bullying is that of age. When an adolescent is involved, the term used is cyber bullying but in case when a major is involved, it is cyber stalking. There is no legal distinction between the two others than that of age. The act in cyber stalking is same as that of the cyber bullying, only difference being is that of age. Cyber stalking is a form of cyber bullying.[8]There is no much difference between the offense of cyber bullying and cyber stalking both relates to cyber harassment. The difference between the two kinds of offense is the age of the offender or the perpetrator of the crime. Cyber bullying or anti-bullying is an offense done by the adolescent but when the same is done by a major it is known as cyber stalking. Legally, there is no difference between the two others than the age of the offender thus cyber stalking is a form of cyber bullying only.

VI. REASONS FOR CYBER BULLYING

Since cyber bullies are people of tender age, they lack the sense of understanding their action and what consequences it can have on others. One of the reasons is a lack of understanding of the action's effects and nature. Anger, irritation, boredom, and a need to laugh are some of the reasons. Bullies usually neglect the notion that their actions may have long-term consequences for the person who is being bullied. Cyberbullying is mostly motivated by a desire for vengeance and power. The main reason of cyber bullying revolves around the fact of revenge and power. Bullies go for cyber bullying to meet their revenge. In most of the cases, a person

---

[7] See supra 6
[8] A Critical Analysis of Cyber Bullying in India-with Special Reference to Bullying in College Acadpubl.eu, https://acadpubl.eu/hub/2018-119-17/2/146.pdf (last visited Jun 26, 2021)

being bullied in earlier situation turns into a bully to satisfy his hunger of revenge.[9] Also, there are instances where a person who cannot speak up directly in front of the victim, takes advantage of anonymity of cyber bullying. There are possibilities that the reason being social power. Jealousy can also be one of the reasons giving rise to cyber bullying. Since adolescent age attracts jealousy soon, jealous minors are potential bullies.

VII. Types of cyber bullying

Cyber bullying can take various forms. To name some are those involving abuse to personal information of a person such as photos, blogs, etc. Sending viruses to destroy the information of the other person, or to abuse a person in a chat room, sending images or texts through mobile phones are also some types. Also, e-mails when conveyed not to, or sending vulgar/junk mails are also its kind. Another type can be that of impersonating someone, revealing the secret information shared, excluding someone from a chat group, exchanging rude comments on the group, harassing someone continuously, online polling, stealing passwords and misusing it in revealing information, telling someone else to bully a person.[10]

Here is a list of types of cyber bullying:

(A) Exclusion

The act of intentionally leaving someone out is known as exclusion. Exclusion is commonly employed in in-person bullying situations, but it can also be used to target and bully a victim online. For example, your child may be excluded from groups or parties while other friends are invited, or left out of message threads or chats involving mutual friends.

(B) Harassment

Harassment is a broad category under which many types of cyber bullying fall into, but it refers to a sustained and constant pattern of hurtful or threatening online messages sent with the intention of doing harm to someone.

(C) Outing/Doxing

Outing, also known as doxing, refers to the act of openly revealing sensitive or personal information about someone without their consent for purposes of embarrassing or humiliating them. This can range from the spreading of personal photos or documents of public figures to

---

[9] Why Do People Cyberbully? — Delete Cyberbullying Delete Cyberbullying, http://endcyberbullying.net/why-do-people-cyberbully/ (last visited Jun 25, 2021)

[10] 5 Different Types of Cyberbullying - End to Cyber Bullying Organization (ETCB) End to Cyber Bullying Organization (ETCB), http://www.endcyberbullying.org/5-different-types-of-cyberbullying/ (last visited Jun 26, 2021)

sharing an individual's saved private messages in an online private group. The key is the lack of consent from the victim.

(D) Trickery

Trickery is like outing, with an added element of deception. In these situations, the bully will befriend their target and lull them into a false sense of security. Once the bully has gained their target's trust, they abuse that trust and share the victim's secrets and confidential information to a third party or multiple third parties.

(E) Cyber Stalking

Cyber stalking is a particularly serious form of cyber bullying that can extend to threats of physical harm to the child being targeted. It can include monitoring, false accusations, threats, and is often accompanied by offline stalking. It is a criminal offense and can result in a restraining order, probation, and even jail time for the perpetrator.

(F) Fraping

Fraping is when a bully uses your child's social networking accounts to post inappropriate content with their name. It can be harmless when friends write funny posts on each other's profiles, but have potential to be incredibly harmful. For example, a bully posting racial/homophobic slurs through someone else's profile to ruin their reputation.

(G) Masquerading

Masquerading happens when a bully creates a made-up profile or identity online with the sole purpose of cyber bullying someone. This could involve creating a fake e-mail account, fake social media profile, and selecting a new identity and photos to fool the victim. In these cases, the bully tends to be someone the victim knows quite well.

(H) Dissing

Dissing refers to the act of a bully spreading cruel information about their target through public posts or private messages to either ruin their reputation or relationships with other people. In these situations, the bully tends to have a personal relationship with the victim, either as an acquaintance or as a friend.

(I) Trolling

Trolling is when a bully will seek out to intentionally upset others by posting inflammatory comments online. Trolling may not always be a form of cyber bullying, but it can be used as a tool to cyber bully when done with malicious and harmful intent. These bullies tend to be more

detached from their victims, and do not have a personal relationship.

(J) Flaming

This type of online bullying constitutes of posting about or directly sending insults and profanity to their target. Flaming is like trolling, but will usually be a more direct attack on a victim to incite them into online fights.[11]

VIII. MODES OF CYBER BULLYING

Bullying someone on the internet can take place through various methods. Some methods of cyber bullying can be simplest of all, that is, sending text messages, or e-mails or instant messages to someone who has already expressed his intention of not keeping any contact with the sender. Other methods can be of threat, gaming up on victim, defaming, sexual remarks, posting rumors, hate speech, making an online forum against the victim, etc. Some other methods can include impersonation, making fake accounts, posting on social media and in video games, portraying or abusing someone.[12]

Here are six of the most common methods of cyber bullying. [13]

(A) Harassing Someone

- Harassment, threat, or embarrassment of the target via text message, instant messaging, or e-mail.

- Participating in "warning battles" (Many Internet Service Providers and social media sites offer a way to report a user who is saying something inappropriate. Kids use these report buttons to get the victim in trouble or kicked offline.)

- Posting rumors, threats, or embarrassing information on social networking sites such as Facebook, Twitter, and Instagram.

- Participating in text wars or text attacks, which occur when bullies gang up on the victim and send thousands of texts. These attacks not only cause emotional distress but create a large cell phone bill.

(B) Impersonating Someone

- Creating a screen name that is like the victim's screen name and then pretending to be the victim by making harsh or insulting remarks.

---

[11] The 10 Types of Cyberbullying - Blog Blog, https://blog.securly.com/2018/10/04/the-10-types-of-cyberbullying/ (last visited Jun 27, 2021)

[12] Megan Meier [united states vs. drew] article by Jennifer stein hiver

[13] Is Your Child Being Cyberbullied? Verywell Family, https://www.verywellfamily.com/types-of-cyberbullying-460549 (last visited Jun 28, 2021)

- Taking the victim's password and pretending to be the victim while conversing with other individuals. The bully will say hurtful things to the victim's friends or acquaintances, causing them to be offended and angry.

- Adding sexual, racist, or other improper content to the target's internet profile.

- Creating an account on a social networking site and pretending to be the victim while expressing harsh, disrespectful, or derogatory things online. To make the statement appear genuine, actual photographs of the victim may be utilized.

- Pretending to be the victim and posting on known child molesters chat rooms, hate groups, or dating websites. The bully may even give the victim's personal information to the other members of the group, pushing them to contact her.

(C) Using Photographs

- Taking nude or degrading pictures of the victim in a locker room, a bathroom or dressing room without his or her permission.

- Threatening to share embarrassing photos as a way of controlling or blackmailing the victim.

- Sending mass e-mails or text messages that include nude or degrading photos of the victim. This behavior is often called "sexting," and once the photos are sent, there is no way to control it. The photos can be distributed to hundreds of people within just a few hours.

- Posting nude pictures on photo sharing sites for anyone on the Internet to view and download.

- Using photographs to shame someone online. One common tactic teen's use is to engage in slut shaming. This behavior involves shaming someone, usually a girl, for the way she dresses, acts or the number of people she has dated.

(D) Creating Websites, Blogs, Polls, and More

- Creating a website with humiliating, embarrassing, or insulting information for the victim.

- Using websites or blogs to spread rumors, lies, or gossip about the victim.

- Putting the victim's personal information and photographs on a website, putting them at risk of being approached by predators.

- Creating an embarrassing, demeaning, or humiliating blog about the victim.

- Making public information that was previously conveyed in confidence.

- Using the Internet to conduct a survey about the victim. The survey may include questions ranging from who is ugly and smells to who is foolish and who is overweight.

- Using the chat feature of online gaming sites to make harsh, mean, or disrespectful comments about the victim.

- Sending the victim viruses, malware, or hacking tools to spy on him or her or remotely control his or her computer.

(E) Participating in Video Shaming

- Recording with a camera phone and later sharing a bullying episode involving one or more children slapping, striking, kicking, or punching the victim.

- Downloading a video of a humiliating incident and uploading it to YouTube so that a bigger audience can see it.

- Sending a video to many people by e-mail or text message to humiliate and shame the victim.

- Initiating an incident that makes another person unhappy or emotional, then recording the encounter. Cyber baiting is a term used to describe this type of behavior. Cyber baiting events frequently target teachers.

(F) Engaging in Sub tweeting or Vague booking

- Never mentioning the victim's name in tweets or Facebook posts. However, the victim, the abuser, and often a broader audience are aware of who the posts are about.

- Fueling the rumor mill with discreet posts and tweets while avoiding notice by teachers, administrators, and parents.

IX. ILLUSTRATIVE CASE: CYBER BULLYING

Indian laws have been silent on the problem and victimization of cyber bullying. The instances of the same has been increasing over the years and has reached an alarming situation leaving India on the third position in terms of cyber bullying cases across the globe.[14]The statute which addresses computer related concerns is the Information Technology Act, 2000 along with its amendment of 2008.It is surprising that IT act has not touched upon communication related threats and offences on the cyberspace. Like everything, boon and banes walk hand in hand. Similarly, with advantage of communication, there are threats and short comings of the same.[15]The consequences of such communications are grave and cannot be compared to

---

[14] The State (Cyber Cell) Complainant vs. Yogesh Pandurang Prabhu r/o. Vashi Accused C.C. NO. 3700686/PS/2009
[15]Anthara stalking case AIR 2016

traditional on-site insult of a person. The traditional insult is limited to a particular area and restricts to limited ears whereas online insult can reach out to ears across the globe crossing all the geographical barriers within a tic of a clock. The potential harm of an online offense is wide and beyond the foreseeing capacity of many. There are numerous potential cyber-crimes possible but India has emphasized on some only.[16]

X. REMEDIES

With the instances of anti-bullying increasing daily at a growing rate there is a need to stop cyber bullying. To stop bullying one must take certain measures or steps while dealing with things online so that he/she is prepared to be safeguarded against the bullies.

Following are the steps that one can take to stop bullying:

- **Do not respond or retaliate -** Sometimes all the perpetrators want is a reaction because they believe that responding to them gives them power over you, whereas refusing to respond or retaliate limits their influence. Disconnecting from the situation or distracting the individual who is bullying you is the greatest option. If the problem persists, you can seek protection from well-known cyber-crime lawyers and law enforcement authorities.

- **Keep the evidence safe -** The only positive element for the victim of cyber bullying is that they can collect and save evidence of cyber bullying and exhibit it to prove that they have been a victim of cyber bullying. It becomes critical to save all evidence, including messages, posts, and comments. You can also contact the appropriate authority to report cyberbullying. If someone is harassing you on Facebook, for example, you can either report or block the offender, or you can contact the Facebook authorities. Many websites have a zero-tolerance policy, which means that if you file a complaint against them, they will delete the content.

- **Reach out for help –** When the bully refuses to stop and continues to bully you, you should seek help from the cyber-crime lawyers. They will not only provide you with advice, but will also assist you throughout the process and get you out of the cyberbullying scenario. They will pay attention to you, process your problem, and offer you support and assistance while you go through it.

- **Use technology –** Most social networking platforms provide you the choice of either reporting or blocking someone who has harassed you. This may not immediately solve

---

[16] Ryan Haligan case 2003

the situation, but after the bully realizes he has been blocked or reported, he may decide to stop.

- **Protect your account safe-** Never give out your passwords to anybody. Does this ring a bell? To prevent bullying, do not share your passwords with anyone, even your closest friends. Always keep your phones and accounts password-protected, and do not let anyone look through your personal information.

- **Keep your social profile and interaction safe -** Although having a social media presence has become an integral part of everyone's life, the following points must be kept in mind while posting and connecting with others on social media platforms:

- Always be cautious about what you post. Being kind to people on the internet will help you stay secure. Do not say anything that could cause someone pain or embarrassment.

- Consider who will see what you put on the internet. Strangers, to be sure. Friends? What about friends of friends? You can control who sees what by using privacy settings. Choose your privacy settings properly because your privacy is in your hands.

- Do not open e-mails from sources you do not recognize, and do not download attachments unless you are expecting one.

- Stop downloading free material and software that has not been legally approved and is thus unregulated.

XI. INTERNATIONAL LAW[17]

The first case of cyber bullying which gathered the attention of nation worldwide was that of Ryan Haligan. Ryan was a 13-year-old boy. He had concerns with speech, language, and motor skills in his early childhood. Having received special education services till fourth grade, here covered in the fifth grade and was no longer in need of special attention. In his fifth standard he encountered cyber bullying for the first time on his physical and academic weakness. Later, Ryan told his parents about his friendship with that kid who used to bully him in school. Considering him a friend, Ryan told the kid about his embarrassing examination required due to stomach pains. The kid spread rumor that Ryan was a gay. Later during his summer vacations, he started spending time online. He started talking to the famous girl in the school he had crush on. The girl also pretended to like him. When he tried to contact her school, she called her a loser in front of everybody. She had also shared their IM chats with others to laugh at. Being a constant victim of cyber bullying, Ryan committed suicide by hanging himself. He had not left any suicide note but the father registered the case by looking at his IM chats. The

---

[17] APARNA VISHWANATHAN, Cyber Law- Indian and International Perspectives (1st ed., Lexis Nexis) (2012)

police told him that there was no criminal law that covered the circumstances. All he could do was talk to the bullies and their families. He went up to schools to educate them on cyber bullying.

XII. CURRENT SCENARIO

As per the research conducted on 400 students of age 11-14 in the Midwest, in October 2013, statistics say that 97.5% have been online in previous 30 days,63% has cell phones, 43% are on Facebook, 42% are on Instagram, 11.5% have been target of cyber bullying in previous 30 days from which boys are 6.8% and girls 16%, and 3.9% have cyber bullied others in previous 30 days again of which boys are 0.6% and girls being 6.9%. Instagram has also become a mode of cyber bullying. There have been cases of cyber bullying on Instagram too. It can take place through posting embarrassing photos of a person, putting hash tags which can be insulting, posting something defaming or cruel comments, creating fake profiles.[18]Today, social media has become a large platform for cyber bullying. Confession pages are new and have held attention of most.[19] A confession page of community or institute allows people to post anything about anybody without their identity being revealed. The administrators of such pages receive inbox messages which they post on the page for everybody to ready. People who like these pages are connected and remain in that circle and keep getting notifications of posts on the page. Facebook pages and twitter pages are new in the trend. People can inbox anything to the admin to post it. These posts can be any specific confession also. Sometimes it includes posting of photos too which can be humiliating, also posting some secret information of the victim. People post anything since there is no threat of their identity being released.

XIII. LEADING CASE LAWS

(A) Rithika Sharma Case

1. Facts of the Case

Ritika Sharma (name changed), who studies at a prominent Delhi school, went to the police after being stalked by a Facebook user whom she had befriended on the site a month ago. She had given her cell phone number to the man who was later found to be using a fake name, photo, and phone number. Experts say cyber bullying and cyber stalking are increasingly becoming a daily problem for the city's school kids with people using electronic

---

[18] Cyberbully: it's becoming a bigger problem than ever, so what can be done about online bullying? https://www.independent.co.uk/life-style/health-and-families/features/cyberbullying-what-to-do-9983103.html (last visited Jun 26, 2021)
[19] Pavan Duggal, Cybercrimes Indian perspective (2002)

communication like- mailing, social networking, and texting to harass or pursue them.

2. Decision

Delhi Police has been launching cyber safety awareness programmes in schools in which students are informed to avoid giving personal information online to anyone they do not know.

(B) Ritu Kohli Case

1. Facts of the Case

The fact that cyber stalking does not involve physical contact may create the misperception that it is more benign than physical stalking. This is not necessarily true. As the Internet becomes an ever more integral part of our personal and professional lives, stalkers can take advantage of the ease of communications as well as increased access to personal information. Whereas a potential stalker may be unwilling or unable to confront a victim in person or on the telephone, he or she may have little hesitation sending harassing or threatening electronic communications to a victim. As with physical stalking, online harassment and threats may be a prelude to a more serious behavior, including physical violence.

2. Decision

The Delhi Police has registered India's First Case of Cyber stalking in 2001 where a lady named Ritu Kohli complained that a person who was using her identity to chat over the Internet at the website www.mirc.com was also deliberately giving her telephone number to other chatters encouraging them to call Ritu Kohli at odd hours. As a result of which, Mrs. Kohli received an estimate of 40 calls, national as well as international, during odd hours within 3days. A case was registered under section 509 of the Indian Penal Code (Word, gesture or act intended to insult the modesty of a woman).

(C) United States V. Lori Drew

Lori Drew was charged for the death of Megan Meier because of her participation in Cyber-Bullying efforts considered to be responsible for Meier's death. In addition, Ashley Grills, the 18-year-old employee of Drew, was called to testify in thecae. However, the verdict rendered acquitted Lori Drew of her contribution to the death of Megan Meier.

(D) Megan Meier And Cyber-Bullying

1. Facts of the Case

Megan Meier was a 13-year-old girl who had attended the Immaculate Conception Middle

School in Dardenne Prairie, Missouri. She took her own life shortly before her 14th birthday because of what was deemed bullying taking place over the Internet, or „Cyber-Bullying. Megan Meier is amongst the first cases of suicide resulting from Cyber-Bullying in the United States of America. Lori Drew, who was the parent of a fellow student, was charged with masterminding the bullying of Megan Meier.

XIV. PREVENTION

Other than being dependent on technology for prevention of cyber bullying, teachers, parents, and students themselves need to take measures to prevent such offence. There can be advertisements on the effects of cyber bullying and its concept. Anti-ragging cells and posters in the school can help to prevent it.[20]School authorities should make students understand the concept of cyber bullying, its consequences, and effects. They should teach cyber ethics to the students and impart knowledge of laws against cyber bullying. Schools can prevent the same by organizing some activities or interactive sessions to give them the whole idea of cyber bullying. Schools should also include in the policy, their right to interfere in actions of a child off-campus which affects the children on-campus too. There should also be a teacher in the school, a counselor who can investigate the matter of cyber bullying and help the victim to cope up with it. School should also monitor the internet activities of the students and should take necessary disciplinary actions against the same. Parents should explain students what is cyber bullying, should help their child if he has become a victim of the same. Parents should keep a check on the internet usage and activities of their child. They should maintain healthy relations with the child and should encourage the child to tell them if they are being bullied. They should also save evidences and guide the child as to what he can do to overcome it or avoid it. They should keep him busy and motivate him about positive things. They should make complaint as soon as possible. Parents should inform the school authorities also. They can also seek protection from the court by filing a case.

XV. CONCLUSION

Indian laws are competent and well drafted to punish traditional offences on the physical space. The interesting aspect of cyber space is that it is growing and evolving unlike physical space. Due to the same reason, what shape the crimes might take place is still not fully foreseen; cyber bullying is one such crime. It can take place in many forms and can be tried under different provisions of existing laws but doing so will affect evolution of cyber laws in India. There is a

---

[20]https://cyberbullying.org/Top-Ten-Tips-Teens-Prevention (last visited 27 June, 2021)

need for defining separate laws for the purpose of cyber-crime offences since the mode, consequences, gravity, and probable targets are different. In making of the cyber bullying law, lawmakers should take opinion of the psychiatrist since such offence affects the psyche of a child very much. The law should be made considering the psychology of people involved and the legal expertise of law enforcements. If law is not made, many cyber bullies will be left open and victims will have to suffer the consequences and defeating the concept of justice.

*****

XVI. REFERENCES

1. https://cyberbullying.org/

2. http://www.digizen.org/resources/cyberbullying/full-guidance.aspx

3. https://www.myadvo.in/blog/must-read-what-is-cyber-bullying-or-anti-bullying-laws-in-india

4. http://www.ijli.in/assets/docs/AshnaRishabh.pdf

5. https://english.binus.ac.id/2015/06/22/what-are-the-causes-of-cyber-bullying/ International Journal of Pure and Applied Mathematics Special Issue 1814

6. https://cyberbullyingandstalkingguide.com/the-difference-between-cyber-bullying-and-cyber-stalking/

7. https://www.verywellfamily.com/reasons-why-kids-cyberbully-others-460553

8. http://endcyberbullying.net/why-do-people-cyberbully/

9. http://www.endcyberbullying.org/5-different-types-of-cyberbullying/

10. https://blog.securly.com/2018/10/04/the-10-types-of-cyberbullying/

11. Megan Meier [united states vs. drew] article by Jennifer stein hiver

12. https://www.verywellfamily.com/types-of-cyberbullying-460549

13. The State (Cyber Cell) Complainant vs. Yogesh Pandurang Prabhu r/o. Vashi Accused C.C. NO. 3700686/PS/2009

14. Anthara stalking case AIR 2016

15. Ryan Haligan case

16. Indian international perspectives by AparnaVishwanathan

17. https://www.independent.co.uk/life-style/health-and-families/features/cyberbullying-what-to-do-9983103.html

18. Cybercrimes Indian perspective by Pavan Duggal

19. https://cyberbullying.org/Top-Ten-Tips-Teens-Prevention.pdf

20. [1] Batra, Mukta. "Cyber-Bullying in India: The Search for aSolution - Why the Current Law Is Ill-Equipped in theFace of Cyber-Bullying." SSRN Electronic Journal,2013, doi:10.2139/ssrn.2396568.

21. Khan, Danyal, and Muhammad Daniyal. Cyber Bullyingin Pakistan: Statistical, Legislative, and Social Analysis.2018, doi:10.20944/preprints201804. 0102.v1.

22. Mishna, Faye. "Cyber Bullying in a Cyber World. "Bullying, 2012, pp. 73–86.

23. Lee, S.K. and Oh, I.S., 2012. Comparative analysis of factors influencing on off-line bullying and cyberbullying. Asian journal of education, 13(2), pp.137-161.

*****