

Legal Actions to Dangerous Behavior on the Internet: Cyber bullying and Cyber harassment

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ABSTRACT

The prevalence of harmful online conduct, such as cyber bullying and cyber harassment, poses serious risks to people's mental health and online safety. This abstract examines the legal options for stopping such behavior, with an emphasis on platform policies, criminal and civil remedies, legislative strategies, victim protection measures, and global cooperation initiatives. With civil remedies, victims can take their case to court and seek compensation, restraining orders, or injunctions against the offending parties. In contrast, criminal charges may be brought in order to hold offenders accountable through judicial proceedings in situations involving severe harassment, stalking, or defamation. Platform policies, which social media companies implement through actions like content removal, account suspension, or banning of offending users, are crucial in the fight against cyber bullying. Different legal systems take different stances on cyber bullying and online harassment; some even pass laws specifically designed to combat these types of conduct. The severity of online abuse is acknowledged by society, and this is reflected in the laws that define forbidden behavior and punish violators. In order to protect people from the damaging effects of cyber bullying and harassment, victim protection measures are crucial. Lawmakers must balance the right to free speech with the need to control harmful behavior online, as well as keep up with the rapid advancement of technology, when addressing cyber bullying and online harassment. It addresses the challenges of dealing with cyber bullying and harassment within the confines of the legislation that is currently in place and emphasizes the necessity of creative legal solutions to keep up with the rapidly changing landscape of cyber threats. This abstract offers insights into the complex tactics needed to successfully address risky behavior on the Internet by looking at the nexus of law, technology, and social behavior.

Keywords- Cyber Bullying, Online Harassment, Technology, Cyber Stalking, Lawmakers

Introduction

An individual's life has changed as a result of technology. While it makes life easier, there are certain issues that co exist with it as well. One particular component of technology is cyber bullying. Harmful online behaviors, such as sending threatening messages, starting rumors, or disclosing personal information in an attempt to make others feel uncomfortable or ashamed, are referred to as cyber bullying and cyber harassment. Depending on the jurisdiction, different laws may apply to stop such behavior, but they frequently deal with harassment, defamation, and stalking laws. Depending on how serious the offense was, penalties may include fines, restraining orders, and even jail time. In addition to fostering a safer online environment, these legal actions seek to shield people from the damaging effects of online harassment.¹

Cyber bullying is a general term used to refer to a wide range of online abuse, such as revenge porn, doxing, reputation attacks, and harassment. When someone uses a computer, game console, smartphone, or any other internet-connected device to harass, stalk, or abuse another person by starting or taking part in online

¹ Overview of concept of cyber bullying in India, available at: <<https://blog.in/overview-of-concept-of-cyber-bullying-in-india/>> (Visited on 01 March 2024)

hate campaigns, that behavior is considered cyber bullying. Cyber bullying is a major issue within the online gaming community, despite the majority of media coverage suggesting that it only occurs on social media. The people who abuse their accounts are frequently anonymous to the victims of cyber bullying. A "mob mentality" can occur when complete strangers become aware of cyber bullying and decide to contribute to and intensify the bullying instead of supporting the victim. In other cases, the victim may suspect who the bullies are but be unable to prove it because trolling and bullying accounts frequently take advantage of everyone's fundamental right to anonymity.²

Cyber Stalking/Cyber harassment is a legal term that has different definition in different states. What these legal terms generally boil down to is that stalking is a deliberate course of action that causes another person to be afraid. In very general terms, stalking refers to harassing or threatening behavior that an individual engages in repeatedly towards another person. In quasi-legal terms, stalking can be defined as a 'willful course of conduct' that 'actually causes' the victims to feel terrorized, frightened, intimidated, threatened, harassed or molested and that would cause a 'reasonable person' to feel so.³

Cyber bullying and Cyber Harassment

In this modern world, where technology has made the world smaller, new age issues have arisen. Technology undoubtedly has many benefits, but it also has drawbacks. It is the origin of online harassment. Simply defined, cyber bullying is the deliberate misuse of information technology for the aim of harassing other people. As a result, there are various types of online harassment. It's not always necessary to break into someone's profile or pose as someone else. Discrediting someone also entails spreading rumors and making derogatory remarks about them online. Social media is widely used, making it very easy for someone to misuse this access. To put it another way, seeing instances of cyber bullying has become quite commonplace. It includes behaviors meant to cause someone else embarrassment, harassment, or discredit.⁴ "The act of using the Internet, mobile phones, or other devices to send or post text or images intended to hurt or embarrass another person" is how the US National Crime Prevention Council defines cyber bullying. Cyber bullying is the general term for harassing someone via the Internet, a mobile phone, or other digital device. It entails video shaming, posting hurtful remarks or sensitive information about the victim online, sending offensive texts, and other actions.

As per legal definition, cyber bullying consists of three main parts:

- Intense language use
- The purpose of embarrassing, bothering, and insulting the victim
- Communicate the afore mentioned using digital communication technology or information and communication technology

The prevalent origins of cyber bullying are as follows:

- Social media platforms like Twitter, Facebook, Instagram, Snapchat, and so forth
- Real-time chat platforms like WhatsApp
- Text Messaging
- Email⁵

There are various types of cyber bullying. Typical forms of cyber bullying consist of:

- **Eliminating:** A cyber bully has the ability to purposefully exclude someone else from a message thread or online group. A victim may experience depression and feelings of isolation as a result.
- **Abuse:** When a victim of cyber bullying receives incessantly hurtful messages online, it is considered harassment. There may be threats in these messages.
- **Online Stalking:** A cyber bully closely monitors a victim's online presence when engaging in cyber stalking. In addition, the victim and their loved ones may be the target of threats and unfounded charges from the bully. Cyber stalking can also happen offline, where it can get dangerous and serious for the victim as well as for those close to them. The activities of stalking someone both offline and online are illegal. A restraining order can be filed by the victim against the offender in either case. The offender may also be subject to jail or probation.
- **Defamation:** When a victim is the target of cyber bullying, false information about them is sent, posted, or published online. Victim defamation typically takes the form of malicious rumors and gossip.
- **Counterfeit Profiles:** On behalf of their victims, cyber bullies can create fictitious online personas. Without the victims' permission, they can publish false information under their names using these profiles.

² The Cyber Smile Foundation, available at: <https://www.cybersmile.org/> (Visited on 08March 2024)

³ Dr Amita Verma, *Cyber Crimes and Law* 154(Central Law Publications,2009)

⁴ Cybercrimes against women and laws in India, available on <https://sayfty.com/cyber-crimes-against-women-and-laws-in-india/> (Visited on 09 March 2024)

⁵ Cyber bullying: Laws and Policies in India, available on <https://www.parentcircle.com/cyberbullying-laws-and-policies-in-india/article> (Visited on 09 March 2024)

• **Phishing:** A cyber bully takes advantage of a victim's feelings through phishing. An online persona is created by a cyber bully who wants to trick a victim by making them believe they are someone else. The bully can then use this fictitious identity to interact with the victim and develop an online romance. As time passes, the victim might come to trust the internet user and divulge private information to them. The victim may then be exposed or humiliated by the cyber bully using this information to harm their reputation.⁶

Cyber bullying Impact

Exposure to cyber bullying can harm a child in a number of ways. Among them are:

- Decreased self-confidence
- A tendency to withdraw from others and surround oneself
- Refusing to allow family members or parents to use their cell phones or computers
- Abrupt loss of weight or physical modifications
- Changes to sleeping and eating patterns
- Sensationalized, vulnerable, and inferior
- Making up reasons to be absent from school
- Skin damage indicative of self-harm; clothing covering the body worn to try to hide the wounds
- Personality changes, such as an increase in the frequency of angry outbursts, depressive moments, and tears
- A decline in extracurricular activity participation, athletic performance, and grades⁷

Cyber Harassment

Cyber harassment does not have a single, accepted legal definition; however, it is generally understood to be the repeated, unsolicited, and threatening actions of an individual or group using mobile or Internet technology with the aim of upsetting, frightening, intimidating, dehumanizing, harassing, or stalking another person. Any electronic environment where people can communicate with one another, like chat rooms, message boards, social networking sites, or email, can be the scene of harassment.⁸

When someone harassed online then it is known as Cyber Harassment. The word Cyber bullying, also known as Cyber harassment basically known as harassing someone or a group through personal attacks by means of email, instant messaging, and malicious websites. Emails which are offensive or cruel can be sent, comments made in chat rooms, flames, or even posting harassing content on blogs or social networking sites. Being anonymous while threatening others online makes it difficult to identify the perpetrator of cyber harassment, which makes it challenging to stop. For children of school age, this usually holds true.⁹

Individual use the Information and communication technologies by which an Individual group harm intentionally to another person on a regular basis which is particularly known as Cyber harassment. Cyber aggression, Cyber bullying, Cyber harassment, Cyber hate, Cyber victimization, and deviant online behavior are other names for online harassment. Social media (Facebook, Instagram, Snapchat, TikTok, and Twitter), SMS, instant messaging (through devices, email provider services, apps, and social media messaging features), and email are some of the contexts in which it occurs. Spreading rumors, seeking revenge and embarrassing person online, sending inappropriate rude or violent messages or comment someone to provoke responses from other users, exposing others offensive content in digital groups or meetings.¹⁰

Impact of Cyber Harassment

There are some key impacts of Cyber Harassment:

- Psychological Distress
- Social Isolation
- Physical Harm
- Damage to Reputation
- Career and educational consequences
- Legal and Financial implications
- Fear and insecurity

⁶ Types of Cyber Bullying, available at: <https://socialmediavictims.org/cyberbullying/types/> (Visited on 09 March 2024)

⁷ Cyber Bullying and Laws related to it in India, available at: <https://sociallawstoday.com/cyberbullying-and-laws-related-to-it-in-india/> (Visited on 10 March 2024)

⁸ Cyber Stalking, Cyber Harassment and Cyber Bullying, available at: <https://astrealegal.com/internet-harassment-cyber-stalking-cyber-harassment-and-cyber/> (Visited on 12 March 2024)

⁹ Cyber Harassment Law and Legal definitions, available at: <https://definitions.uslegal.com/c/cyber-harassment/> (Visited on 12 March 2024)

¹⁰ What is Online Harassment, available on < <https://reportandsupport.durham.ac.uk/support/what-is-online-harassment> > (Visited on 12 March 2024)

• Impact on Mental Health

Legal provisions

The preamble of the 2000 Information Technology (IT) Act makes it very evident that its main purpose was to enhance e-commerce, which is why it covers financial and commercial crimes like fraud and hacking. The drafters of the act were not aware of the need to protect internet users. The majority of cybercrimes fall under Sections 66, 67, and 72 of the Act, which deal with hacking, publishing or transmitting pornographic material online, and breach of confidentiality, respectively. The IT Act, 2000 does not, however, specifically address crimes like cyber defamation, hacking and invasions of privacy, or email spoofing against women, which is a prevalent practice these days. Since it was written many years ago, the Indian Penal Code has only included the most significant traditional crimes. Nevertheless, as information technology has advanced in this digital age, there are no longer any legal safeguards against cybercrimes. Hence, the aforementioned penal code of 1860 does not cover many of the contemporary crimes committed in cyberspace against individuals. Nevertheless, in order to combat offenses committed against individuals in the cyberspace, new types of cybercrimes have been added following the 2013 criminal law amendment.¹¹

The Information Technology Act 2000 and its later amendments address cyber bullying in India. Sections that are pertinent to the topic of cyber bullying include:

Section 66A: This section of the Information Technology Act, which was overturned by the Supreme Court of India in 2015, was formerly used to send offensive messages or it was a crime to cause such malice. Although not applicable today, it is important to mention its historical significance.

Section 67: This section is about posting or transmitting obscene content in electronic form. This law makes it a crime to post, transmit, or cause the posting or transmission of obscene or sexually explicit content. This section can address cyber bullying that involves the distribution of explicit or obscene content.

Section 67A: This section focuses specifically on cyber bullying that involves sexually explicit depictions of children. It is a crime to publish, transmit, or cause the publication or transmission of child pornography.

Section 67B: This section is intended for you to post, send, or cause to be posted or sent, sexually explicit material involving a person with whom you have a consensual intimate relationship without that person's consent. It criminalizes the sharing of intimate images and videos without the person's permission and is often referred to as "revenge porn."¹²

Additionally, sections from the Indian Penal Code (IPC) can also be invoked:

Section 499(Defamation): Defamation is defined by law as making false remarks about a person, whether orally or in writing, intending to damage their reputation or knowing that such words will do so.

Section 506(Criminal Intimidation): A legal definition of defamation is that it occurs when someone makes false claims about another person, either verbally or in writing, with the intent to damage their reputation or with the knowledge that such words will do so.¹³

Legal Judgments

1. *Ritu Kohli Case*¹⁴: The first cyber stalking case in India involved Ritu Kohli. Mrs. Ritu Kohli, the victim, filed a police complaint alleging that someone had been using her identity to conduct four days in a row of online chats on a specific website, located at <http://www.mirc.com>, primarily in the Delhi channel. The victim also reported that the aforementioned individual was using her name and address to engage in filthy and offensive online chats. The same individual purposefully provided her phone number to others, urging them to call Ritu Kohli at strange times. After that, the victim began getting nearly fifty calls in three days, many of them at strange hours. Her personal life became tense as a result of those calls.

2. *Shreya Singhal v. UOI*¹⁵: In this case, after posting allegedly offensive and objectionable comments on Facebook regarding Mumbai's complete shutdown following the death of a political leader, two women were arrested under Section 66A of the IT Act. Any person who uses a computer resource or communication to spread information that is offensive, false, or causes annoyance, inconvenience, danger, insult, hatred, injury, or ill will faces punishment under Section 66A of the IT Act. Following the arrest, the women filed a petition contesting the constitutionality of Section 66A of the IT Act, arguing that it violates their right to free speech and expression.

¹¹ Debarati Halder K. Jaishankar, *Cyber Crimes Against Women in India* 6-8 (Sage Publications India Pvt Ltd, 2017)

¹² Cyber Bullying and Cyber crime in India, available at: <https://aishwaryasandeep.in/cyber-bullying-and-cyber-crime-in-india/> (Visited on 15 March 2024)

¹³ Cyber Bullying Laws in India (updated 2024), available at: <https://www.bytecode.in/cyberbullying-laws-in-india/> (Visited on 15 March 2024)

¹⁴ *Ritu kohli v. Manish Kathuria* C.C.NO. 14616/2014, C.W.P. NO.14104 of 2013

¹⁵ *Shreya Singhal v. UOI* (2012)24 SCC167

3. *State of Tamil Nadu v. Suhas Katti*: ¹⁶In the case, the victim received multiple emails that were forwarded to them. Information obtained through a fictitious email account he opened in her name indicated that the victim was a divorced woman. The victim being mentally harassed and those messages being posted online in anonymous phone calls. Consequently, in February of 2004, she filed a complaint at the Egmore Court, leading to the accused's arrest by the Chennai Police Cyber Cell. Under Sections 67 of the Information Technology Act of 2000 as well as Sections 469 and 509 of the Indian Penal Code of 1860, the case was filed. He was finally booked under the aforementioned sections after the charges against him were proven.

Conclusion

Cyber bullying has become too common in today's generation, so we must put an end to it. More than just online annoyances, cyber bullying and cyber harassment are signs of more serious social problems. Empathy, understanding, and compassion must be fostered in our communities in addition to using technology to effectively combat them. It is a very advanced problem in societies to combat cyber bullying and cyber harassment, as these are persistent crimes. Technological developments, governmental regulations, educational programs, and cultural transformations are all necessary. Future generations may possess technology that allows for opportunities for cyber bullying, so it is critical to safeguard them. Cyber bullying is one of the major negative effects of technology, despite its amazing qualities. We as a society need to unite to put an end to cyber bullying because far too many children have perished or injured themselves as a result of it. Encourage your kids not to misuse their privilege of using cell phones and computers by bullying others online. Although cyber bullying can impact anyone, it is particularly common among young people today. We can endeavor to make the internet a safer and more welcoming place for all users by cooperating as individuals, groups, and global citizens.

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¹⁶ *State of Tamil Nadu v. Suhas Katti*: C.C.NO.4680/2004, Additional Chief Metropolitan Magistrate, Chennai Egmore, Tamil Nadu, 5/11/2004