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# CYBER BULLYING: A MODERN CYBER CRIME IN INDIA - PROBLEMS AND PROSPECTS

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**Abstract:** *In times of transition, children or teenagers are very readily on track, leaving them vulnerable to the vicious world of cyber bullying. However, adults are not exempt from the same and Internet bullying will affect victims of any age group. Thanks to the rising role of technology in our lives, voices from all parts of society are raised to sensitize Internet users about the grey alleys of the Internet. This paper offers a current review into the essence and structure of cyber bullying.*

**Keywords:** Cyber Bullying, internet harassment, online harassment, psychological consequences, disruption, strategies for coping

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## 1. INTRODUCTION

Until quite recently cyberbullying had evoked visions in the imagination of citizens of a video game of imaginary characters involved in combat. It was difficult to persuade people that this issue would gain more global interest and that schooling and parental education would quickly be at the forefront of public policy debates. The cyber bullying problem also tops the agenda for elected leaders, students, caregivers, civil liberties and lawyers. The exponential proliferation of mobile phones and Internet technology has created fresh and limitless websites that young people can access 'with less limitations. Ironically, if we were to accept the above media names, the problem of cyberintimidation has become a kind of war in the cyberspace. Students, supporters of civil liberty and some adults seem to push for the freedom of students to free speech in cyberspace, while administrators, teacher's unions, parents and government leaders seek to limit it. Bullying produces a lifetime of memories. The name of a person who has harassed them may be sufficient to give certain people chills, even years or decades after the violence. When most of the people think about bullying, they express the impression of a large thug who terrorised children on the school playground. Typically a man, he was someone to be afraid of. So bad that encountering this bully, though, was always the end of the day at school, as the victim left school and went home. Most people don't know the word cyber bullying. Yet memories like traditional bullying will last a lifetime for people who have witnessed it. Cyber-bullying also known as cyber bullying or social online cruelty is described as bullying through tweets, immediate texts, a chat room, a forum, visual messages or photos sent to mobile phones.

## 2. CYBER BULLYING MEANING AND CONCEPT

In order to describe bullying, the most accepted definition of cyberbullying employed is "an hostile, purposeful action or behaviour, performed by a group of people, utilising repeated electronic forms of contact, and overtime against a victim who could not readily defend himself." There have been changes to this term clarifying the concept of bullying, but this definition has been recognised by cybercrime experts.

Both on-line and offline bullying can happen, for example when brat pupils use bullying in classrooms or torturing innocent children. When the bullying takes place online, it's cyber bullying. Cyberbullying in India

comprises the revealing of personal or private information about someone who might make the individual embarrassed.

### 3. The location of cyberbullying is as follows:

1. Social media, & Social Network ( Facebook, Instagram, Snapchat, Twitter, etc.)
2. SMS (text messages from the cellular network)
3. Services of instant messages (Whatsapp, Facebook messenger, I message, etc.)
4. Email

The internet platform offers cyber bullying in numerous ways. Some of the cyber bullying examples below are offered for a better knowledge of what cyberbullying or anti-bullying are:

1. Humiliating/pessimistic internet content about the victim of online bullying,
2. Accountability
3. Publishing obscene messages
4. Threatening the victim with violence
5. Stalking
6. Child pornography or child pornography threats

Online bullying or cyberbullying is different from conventional bullying in the manner that the victim does not know the identity of the aggressor while cyberbullying. Bullying impacts are wide-ranging and durable, since the consequences of bullying are enduring because they impair the mental well-being of the cyber bullying victim.

### 4. CYBER BULLYING LAWS IN INDIA

Bullying, stalking, terrorist breaches of secrecy, etc. committed in cyberspace is like comparable offences in the real world. The IT Act, 2000 (IT Act), was passed for the purpose of dealing with e-commerce and electronic information as well as prosecuting e-commerce breaches. Intimidating, threatening, irritating, bullying, defaming, etc. in cyberspace continued to be punishable under the IPC only until the IT Act was revised in 2008. However, measures such as Section 67 of the Information Technology Act deal with cyberbullying in some way. There is no special legislation providing for particular cyberbullying laws in India.

**S. 67 of the IT Act-** It provides for the penalty of publications and/or transmissions of obscene content in electronic form for a term of five-year period imprisonment and fine of ten lakh rupees. Apart from section 67 of the IT Act, the provisions of cyber bullying legislation in India are as follows:

**S. 507 IPC** - The section says that if someone is intimidated by an anonymous message, a person threatened would be penalised by up to two years imprisonment. The offence of anti-bullying and cyberbullying is contained in this part by term anonymous.

**S. 66 E of the IT Act** - Punishment for breach of privacy is prescribed under this section. The provision provides that anybody who willfully violates privacy by sending, recording or publishing private images of other people shall be punishable by imprisonment for up to three years or fines of up to three lakhs.

**S. 66 A of the IT Act**- It includes acts by a computer or a computer system that are grossly offensive or threatening, or that are carried out to harass, distress, offend or inflict harm or ill will to the person to whom the action is addressed. Cyber bullying can not necessarily require false declarations. It may include taunts about the quirks of a human. S. 66 A is seen to be draconian law with a very broad range which confers on compliance unbridled discretion the words "grossly offensive," "violent," "done to offend," "disagreement," "injury," "injuries," "cause of bad will," are not specified. The massive socio-, economic, regional and cultural inequalities in India make it impossible to describe these words in ways where all cross-sections of society are controlled and fulfilled, and this is best left to judicial determination. On the other hand, the delays in the implementation of justice – like juvenile justice and lack of policing changes – will lead to ambiguous terms as a way of bullying vulnerable minors.

A victim's image may be bland and shown in comical or sexually explicit light. When a girl's appearance is morphed or sexually-colored threats are made against her, words, gestures or acts that offend her privacy may be viewed and can receive a maximum 1 year in prison and a fine of Rs. one Lakh or two years in prison. This segment does not include the indecent portrayal of men. It may also distribute pornographic content in electronic medium, which would punish for the original crime up to 3 years in jail, with a fine of up to 5 Lakh Rupees. The sentence for a potential arrest is higher. Electronically publishing or distributing material in which children are represented lewd, disrespectful, or sexually explicit; or enticing or encourage or documenting the abuse of children into an online relationship for the intent of sexually explicit or offensive activities are both actions resulting in greater criminal liability. In the virtual universe, people use fictional "user names." This is a well-known method. Where someone is self or intentionally substitutes for someone else, they commit the crime of cheating by a person who may be liable for a fine and/or incarceration for up to two years. This segment will be attracted until it is discovered that someone uses a fake identity to cyberbully or to trick someone online. But the use of pseudonyms or fictional usernames is a common occurrence online. Impersonation is protected by the IT Act. It may be said that the laws of the nation fairly prosecute such acts that are in the form of cyber bullying.

## **5. THE INCONVENIENCE OF THE LEGAL SOLUTION TO CYBER BULLYING**

Many times, cyber bullying is not intentional and can be used to "play fun" to a peer or acquaintance. The perpetrator, though, may cross the appropriate line inadvertently, or the survivor may feel that it is disgusting and thus inappropriate. Malice can be there occasionally. Furthermore, the declaration made could not be "fake" as provided for in the IPC or IT Act. Bullying may also include challenging someone with a fact repeatedly, or one which is thought to be true in order to make him ridiculous, embarrassed or ashamed.

**The IPC categorises infants under 3 heads:**

1. Children under seven are constitutionally considered unfit to commit offences. This is an irrefutable legal presumption.
2. Children aged seven to twelve years are considered not to be eligible to commit offences. However, confirmation that the child understands the consequences of the conduct can contradict it and make it responsible. The evidence requirement is high and the rule depends on the minor. It is impossible to prove that a minor in this age range committed some sort of "cyber crime" in the form of cyber bullying.
3. Minors above the age of 12 believed to be eligible to commit mens rea crimes. An analysis of the crimes referred to as cyber bullying elements reveals that they involve mensrea. Minors under 7 are not liable since they cannot have mensrea. they are not liable. It is difficult to develop a mensrea between 7 and 12 years of age. All above the age of 12 is attributed mensrea if a crime is committed. The Indian legal system has also defined the age of comprehension for "mensrea" to be 12. The international laws of pari materia indicate that minors are in some cases handled and treated as adults. Although this clause is intended, particularly in the case of atrocious offences such as rape and murder, young people who are first-time criminals may have no criminal responsibility for cyber bullying unless it leads to suicide or death. When a child over 7 commits cyber bullying in the context of a cyber crime, the child is subject to the Juvenile Justice Act and is held under retention centres or borstal schools or related institutions for the purpose of completing the time for the offences. That's going to be too rough. Next, the kid can only grasp what he does and not all the implications. This will allow punishment to be negative. Secondly, the discipline of such a type of an infant, requiring his expulsion from his or her home, family and parental atmosphere, will harden him rather than discourage him or her from further offences.

Cyber bullying is potentially a milder felony in contrast to crimes such as assassination. Therefore, if charged, a cyber bull will be housed and disciplined alongside other minors in trouble with the law who may have committed abusive offences or who are habitual criminals. This may jeopardise the protection of a cyber bully or influence him to become a deeper criminal and a daily offender. Thus, it would be detrimental to criminalise minors for cyber bullying. That is needless criminalisation.

**Recommendations to stop bullying are as follows:**

1. **Do not reply or counterattack** - Somehow, all the offenders seek a reaction, as you give them power over them and if you do not reply or retaliate you really restrict their power. The best method is to separate yourself or divert the individual who bullies you. If the situation persists, you can engage the prominent lawyers for cyber crime and law enforcement authorities to defend you.
2. **Keep the evidence safe** – The only good side for the victims of cyberbullying is that they may collect and retain cyberbullying evidence and can prove the same to prove that they have fallen prey to cyberbullying. It is vital to store all the evidence such as mails, postings and comments. You can also contact the authority responsible against online bullying. For example, if you're harassed on facebook or any other social media , you may either report or ban the offender or contact the Facebook or respective social media authorities. Many websites have a policy of non-tolerance and if they complain, they will dismiss it.

3. **Approach out for help**—When the bully continually bullies, you reach the best online crime attorneys in India for assistance. They will not only counsel you, but support you throughout the process and get you out of the cyber bullying scenario. You will listen to yourself, handle your problem, aid and help you with it.
4. **Use technology**—Most social media applications offer the opportunity to complain or block someone who harassed you. That might not solve the problem immediately, but when the bully get blocked or reported it could end.
5. **Be Safe**- Don't ever disclose your passwords, anybody? Does that sound familiar? Do not provide passwords to anybody even your closest friends to stop bullying. Always maintain the password of your telephones and accounts and allow nobody to spy your important information.

**Keep your social profile and interaction secure** - the existence of social media has become a part of everybody's life but keep an eye on things while publishing and engaging with social platforms –

1. Always keep in mind what you post. It will assist to keep you safe by being kind to people online. Share nothing that could harm or humiliate someone.
2. Think about who sees what you're posting online. Full strangers? Friends? Friends of friends? Confidentiality allows you to control who sees what. Your confidentiality is in your hand, select your confidentiality wisely.
3. Don't read emails from sources that you don't know about and do not download attachments unless you anticipate someone to attach them.
4. Stop downloading free material from unlawfully approved and consequently not controlled software.

## 6. CONCLUSION

Non-legal restrictions will easily regulate cyber bullying. Children need to be effectively taught how to have positive relationships and how bullying is bad when bullying. Moral restrictions have an effect on children's behaviour, and so it is also very critical for parents and teachers to place right principles on an infant. The tougher it is to recognise a cyber bully of a kid who is otherwise moderate, gentle, well-managed, and has little violence – i.e. a cyber bully closet that exposes anonymity in the Internet or, also without anonymity, has the bravery to be even removed. An otherwise affirmative child may also be a victim of cyber bullying and may not trust an adult. Once children are using the Internet, they should first be told on how they use, behave and communicate on the internet. In large part, guidance, advice and monitoring will deter cyberbullying. In situations where reproaches arise, minor fines such as probation, extra homework or a community service can be given. Despite all of the above, ongoing or extreme cyber-bullying may need clinical intervention. Only where the crime is exceedingly severe and the child continues and does not respond to remedial actions and measures should the offence be criminalised, with reasonable respect for the rights of minor persons, and with moderate punishment.

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