

# A Critical Study of the Laws Relating to Cyber Bullying

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**Abstract-** Cyber bullying, or the act of using the internet to degrade, belittle, or harass another person, is becoming increasingly common. It is done by harassing or threatening a person's reputation and privacy, leaving a long-lasting traumatic impact on that individual. Cyberbullying is defined as harassing, defaming, or intimidating someone over the internet, generally using mobile phones or computers, on social media, online chat groups, or any other online platform. This generally happens in schools and colleges in person, where the bully physically harms the victim. It could also be used to describe maliciously ruining someone's reputation on purpose. Both traditional bullying and cyberbullying have a painful impact on the victim, and it is very challenging for them to recover. As everyone in India has constant access to the internet, cyberbullying is on the rise, and perpetrators often do so without considering the impact of their actions on the target's life. Depending on the severity of the bullying and the potential outcomes of cyberbullying, coping with it can be challenging. Any person in India may now very easily commit a cybercrime including exchange extortion, cyberbullying, phishing, parodying, cyber stalking, etc. As it can happen whenever, wherever, and however often it wants, unlike conventional bullying, cyberbullying is extremely troublesome. This paper attempts to critically analyze the laws relating to cyber bullying and their strictness towards the same in a global perspective

**Keywords:** Bullying, Internet, Defamation, Harm and Victim.

## 1 INTRODUCTION

Cyberbullying is becoming increasingly common nowadays. Bullying is defined as stalking, injuring, abusing, harassing, or frightening someone physically or mentally. Bullying victims are typically minors rather than adults. This occurs largely in schools and colleges in person, where the bully physically affects the victim, whereas cyberbullying is described as

harassing, defaming, or intimidating someone via the internet, primarily using mobile phones or computers, on social media, online chat rooms, or any other online platform. It might also be used to describe maliciously ruining someone's reputation on purpose. Both traditional bullying and cyberbullying have an unpleasant impact on the victim, and recovery is quite challenging for those who have experienced it. Because everyone in India has constant access to the internet, cyberbullying is on the rise, and perpetrators often do so without considering the impact of their actions on the target's life.

Cyberbullying is especially concerning because, unlike traditional bullying, it may occur 24 hours a day, seven days a week. Furthermore, the bully can engage in the conduct while remaining anonymous. India has experienced rapid technological development, making it the country with the second-largest internet population in the world, with "nearly 400 million internet users as of 2018." The frequency of cybercrimes in India has also been fast growing; improvement in technology has its drawbacks, one of which being an increase in cybercrime events; "India has observed a 457% increase in cybercrime occurrences under the Information Technology (IT) Act, 2000 from 2011 to 2016."<sup>1</sup> Everyone approaches cell phones, PCs, and the internet—the three key components of committing a cybercrime—with a criminal mindset. Any person in India can now very easily commit a cybercrime including exchange extortion, cyberbullying, phishing, parodying, cyberstalking and so on. Worried about the fast development of cybercrimes in India, the Public authority of India passed the Data Innovation Act 2000 to forestall digital offenses; nonetheless, a few cybercrimes presently can't seem to be discovered. Cyberbullying is one such wrongdoing; it is

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<sup>1</sup>India saw 457% rise in Cybercrime in five years (April. 19, 2020)  
<https://telecom.economictimes.indiatimes.com/news/india-saw-457-rise-in-cybercrime-in-five-years-study/67455224>

[com/news/india-saw-457-rise-in-cybercrime-in-five-years-study/67455224](https://telecom.economictimes.indiatimes.com/news/india-saw-457-rise-in-cybercrime-in-five-years-study/67455224)

characterized as focusing on understudies in schools and universities and bothering, harming, and torturing them online through virtual entertainment utilizing only a cell phone and the web. As a rule, teenagers/youths are casualties of cyberbullying on the grounds that they are handily impacted and are bound to not report it to anyone, dreading for their standing.

## 1.2 REVIEW OF LITERATURE

B. B. S. Shivashankar and Aswathy Rajan (2018) in their examination paper on, "A Basic Examination of Digital Harassing in India-with Extraordinary Reference to Harassing in School" figured out that Cyberbullying can be loathsome in coming times and scarcely any Indian Regulations are appropriately illustrated for digital offenses, yet numerous offenses have not been found at this point, there are various approaches to committing a digital offense, very much like Cyberbullying, which can be horrendous in future in the event that no regulations are made or are changed, which should be finished by the mindset and demeanor of the youngsters who are its fundamental casualties.

In order to evaluate potential threats and their effects in Myanmar, The cross-sectional study by Khine et al. (Khine et al., 2020) was done at a medical school in Myanmar. The 412 participants in the poll were asked about their experiences as cyberbullying victims during the past year. Multiple logistic regression analyses were used to interpret the data. The survey indicated that cyberbullying was more prevalent among first-year college students and those who had attended college for much less than 3 years. Cyberbullying was shown to have a negative impact on academic achievement, while it had a beneficial impact on substance misuse behaviours including smoking and drinking that were also addressed in this investigation. The study's findings highlight the pressing need for cyberbullying education and prevention initiatives, counselling services, and cyber safety awareness among Myanmar's university students.

Aizenkot and Kashy-Rosenbaum, referring to WhatsApp, said they conducted a cross-sectional study in which 4477 pupils filled out questionnaires to identify instances of cyberbullying victimisation within WhatsApp classmate groups. Based on these findings, the authors (Aizenkot & Kashy-Rosenbaum, 2020) "estimated that 56.5% of students reported being victims at least once, while 30% reported experiencing it more than twice, and around 18% were victims of verbal violence. Other kinds of victimisation included insults, group violence, selective exclusion (especially forced removal), and denial of entry to WhatsApp chats." This research directs our attention to the social media tools that cause pupils anxiety.

(Mohan, 2000) in their paper Adolescence found that it is a transitional period between childhood and adulthood. It is a moment of great change on multiple levels, including biological, intellectual, and psychological. It is said that adolescence is a time of change, turbulence, trance, and tension, yet its strength and effect on the rest of life are not fully formed at this time.

The after-effects of cyberbullying can last for a very long time, and the bullying itself may persist for a very long time. 638 Israeli undergraduates took part in a study that assessed several forms of cyberbullying. The results of the study showed that victims of cyberbullying often struggle with issues such as low grades, anxiety, low self-esteem, social isolation, and even thoughts of suicide. Five-seven percent of respondents predicted that cyberbullying would become an everyday occurrence in the workplace by the time they were adults (Peled, 2019).<sup>2</sup>

"Even Depression, behavioural and mental health issues were common during the covid 19 pandemic, when people relied heavily on online platforms due to social isolation and tight quarantine. All of these issues reached a pinnacle at the same time for the people of Hubei, China, as the first instance of covid was reported in the city and sparked widespread panic, agitation, stigma, and prejudice." People's mental health is at risk from being bullied online, and they are

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<sup>2</sup>Peled, Y., 2019. Cyberbullying and its influence on academic, social, and emotional development of undergraduate students. *Heliyon*, 5(3), p.e01393.

responding by trying out new coping mechanisms. Since cyberbullying is a huge issue in China, it is imperative that the Chinese government, the international internet media, and healthcare professionals all work together to prevent this secondary disaster. (Yang, 2021).

By focusing on the habits of Vietnamese students, Ho et al. illustrated the connections between social support, cyberbullying victimisation, and depressive symptoms (Hoetal.,2020). According to these findings, cyberbully victims have a significantly increased risk of developing depressive symptoms. Social support, such as from parents, peers, and other significant others, may still be an important buffer against the onset of depressive symptoms among students. Moreover, when looking at the data from a survey given to 606 students at a Vietnamese university, it was discovered that social support had an inverse relationship with cyberbullying and was the only thing that assisted those students recover from the despair brought on by cyberbullying. The following gaps are disclosed from the existing literature:

1. Since cyberbullying is still relatively unknown, even among government officials, and since its perpetrators often have no idea what they're doing, the Government of India should change the Indian Cyber Laws now, before the problem becomes too large to handle.
2. According to the studies conducted on the topic of cyberbullying in India, the country's current cyber laws need to be updated immediately.
3. Until there is a legislation that expressly targets cyberbullying, victims will not be able to complain about what they have endured or are suffering because they will not know that they are being cyberbullied.
4. The government needs to start educating the public about crime. The government must intervene to educate the public about cyberbullying and support individuals who are victims in coming forward due to the general lack of understanding. The court's response should be based on how serious the bullying was and how it affected the victim.
5. Now that cyberstalking is a crime according to a law implemented in 2013, it is crucial that cyberbullying be treated as such as well.

### 1.3 RESEARCH GAPS

1. Since cyberbullying is still relatively unknown, even among government officials, and since its perpetrators often have no idea what they're doing, the Government of India should change the Indian Cyber Laws now, before the problem becomes too large to handle.

2. According to the studies conducted on the topic of cyberbullying in India, the country's current cyber laws need to be updated immediately.

3. Until there is a legislation that expressly targets cyberbullying, victims will not be able to complain about what they have endured or are suffering because they will not know that they are being cyberbullied.

4. The government should take the initiative to educate the people about the crime. Because of the widespread lack of awareness, the government must take action to educate the public about cyberbullying and help those who are victims come forward.

5. The court's response should be based on how serious the bullying was and how it affected the victim. Now that cyberstalking is a crime according to a law implemented in 2013, it is crucial that cyberbullying be treated as such as well.

### 1.4 OBJECTIVES OF THE STUDY

The following are the objectives of the current paper:

1. Defining the issue of cyberbullying
2. Evaluating the legal framework for cyberbullying remedies

### 1.5 RESEARCH QUESTIONS

The present research attempts to throw light on the following questions-

- A) What is Cyber-bullying with reference to the pandemic?
- B) Why was there an increase in cyber-bullying during the pandemic period?
- C) How the legislations such as IPC and IT Act addressing to this issue?

### 1.6 RESEARCH METHODOLOGY

This study's technique is doctrinal (i.e., non-empirical), conclusive, and descriptive. Secondary sources make up the paper's sources. Among the primary sources are e-sources, articles, news reports, the Bare Acts, the Information Technology Act of 2000, and the Indian Penal Code of 1860.

### 1.7 SIGNIFICANCES OF THE STUDY

With cutting-edge technology and fast internet, India is a developing nation that has made great growth in various sectors, not just the cyber world. But there has also been a considerable rise in the number of cybercrimes in India along with the growth of the cyberworld. There is no denying that the internet has become a necessary part of our daily lives. All of the information about everyone is accessible with just one click, and it has brought everyone together and completely changed how we connect and communicate with people around the world. The proliferation of cybercrimes like cyberstalking, cyberbullying, phishing, and spoofing has increased along with technological advancements, yet they are all unpredictable. When someone or a group of people harasses or threatens a person's reputation or privacy online, it is known as cyberbullying and can have a traumatising long-term effect on the victim.

#### 1.8 SCOPE AND LIMITATION OF THE STUDY

This research work aims to understand the lacunes present in the laws relating to cyber bullying in India. It critically examines the causes, modes and the remedies under the Indian laws as well as the laws of the other countries with regards to the tackling of the issues of cyberbullying.

Primary sources are more limited than secondary sources. As a result, the researcher had to depend more on secondary sources such as books and e-sources to acquire material for the study.

#### 1.9 CHAPTERIZATION

In this study, the researcher has divided the research into the following chapters:

##### Chapter 1

###### Introduction

In this chapter, the researcher will expound on the topic of cyberbullying. The chapter will include the issues and objectives presented, as well as the research problem and its relevance, and will also comment on the literature studied and technique used, as well as its sources.

##### Chapter 2

###### Causes of Cyber Bullying

This chapter will elaborate upon the various causes of cyber bullying with special reference to COVID-19 pandemic.

##### Chapter 3

###### Modes of Cyber Bullying

The researcher in this chapter will elaborate upon the differing methods by which cyber bullying can be done. This includes flaming, exclusion, outing and impersonating. Also it analyzes about the repercussions of cyber bullying.

##### Chapter 4

###### Cyberbullying Laws in Different Countries

This chapter attempts to focus upon the legislations in countries like Canada, European Countries. UK, USA, Hawaii, Louisiana, Maryland, North Carolina and Tennessee. It discusses about how strict the legislations are with regards to cyber bullying.

##### Chapter 5

###### Remedies Available Under Indian Laws

This chapter focusses upon the redressal available in IPC 1860 and IT Act 2000 under the Indian legislations to tackle the problem of cyber bullying.

##### Chapter 6

###### Conclusions & Suggestions

The researcher in the concluding chapter will summarize the findings of the research conducted and will discuss the suggestive measures to be incorporated.

## 2 CAUSES OF CYBERBULLYING

### 2.1. CAUSES IN GENERAL

Everything that is done has a purpose for why it is done, and vice versa. Cyberbullying occurs for a variety of reasons; there is no single cause; those who engage in it lack a feeling of responsibility and a knowledge of how their actions might damage anybody, emotionally or physically. Some of the most prevalent motivations for cyberbullying include:

**1. Power:** Some people do not believe they are powerful enough in school, college, or even at home, so they use cyberbullying to demonstrate their authority. A person who has experienced bullying in the past and who continues to act victimised until they go online and decide to torture someone else is the bully in this scenario. They believe that by doing so, they would feel more powerful and superior.

**2. Social Status:** Many people engage in cyberbullying in the mistaken belief that it would help them. They

could help their social waiting there, slandering others and spreading misleading data, remarks, interesting facts of gossip, etc. Cyberbullying is sparked by two factors: social status and political influence. which while largely similar, sound different. The outcome of cyberbullying for they want to accomplish notoriety and a high friendly situation among individuals that encompass them.

3. Retribution: One more pervasive reason for cyberbullying is retaliation, which can be one's own or another person's; multiple occasions, people annoy, affront, slander, and assault others to correct revenge. The harasser accepts that this is the best technique to correct retaliation or to act as a deliverer for other people. These are individuals that keep quiet, in actuality, yet become very threatening in the internet.

4. Diversion: Many people engage in cyberbullying for amusement; when they are worn out and mindlessly sit around, they go online and use the internet to find their logical victim. Individuals embrace cyberbullying to satisfy themselves since they just have to utilize their telephone or sit before their PC and with a solitary snap they can menace somebody on the web and appreciate it; they like seeing others in issues and getting injured. They have no clue about how their activities will impact the person in question; regardless of whether the casualty responds to them, it will bring about an unnecessary amount of harassing; such domineering jerks are restless for responses from their objectives.

## 2.2 IN THE LIGHT OF PANDEMIC

During the COVID-19 pandemic<sup>3</sup>, there is an upsurge in the utilization of computerized stages by youngsters and teens. They use web stages for educational targets as well with respect to individual utilization. Understudies who are inclined to harassing are bound to cyberbully because of the expanded utilization of PDAs and online entertainment. We presently have understudies being instructed internet based through

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<sup>3</sup> Maria Michael, J. and Reyes, M.E., 2021.

Cyberbullying victimization as a predictor of depressive symptoms among selected adolescents amidst the COVID-19 pandemic. *Makara Human Behavior Studies in Asia*, 25(2), pp.145-152

different destinations, for example, Zoon, Web Ex, Google Study hall tasks, Moodle, Minecraft for self-teaching, and Microsoft Office 365 Self-teaching pilot program. "Stress and emotional wellness issues might be disturbed by cyberbullying, especially among people who have gone through psychological mistreatment," as indicated by the American Juvenile Mental Affiliation. With a limitless number of targets and youngster and juvenile domineering jerks on the web, everything seems OK. Furthermore, with such countless guardians worried about showing their youngsters at home, guardians might be exhausted and not focusing on the thing their kids are doing internet during non-school hours. Although cyberbullying has been around for a while, we live in unusual times, additionally, when youngsters are stressed out and worn out, cyberbullying is more likely to occur.

## 3 MODES OF CYBERBULLYING

### 3.1 VARIOUS MODES<sup>4</sup> THROUGH WHICH CYBER BULLYING IS DONE

Cyberbullying can and is finished in different ways, yet the normal calculate every one of them is the utilization of the web and a cell phone or PC, as well as the expectation to hurt the person in question. There might be various methods of doing, some of which still can't seem to be found, however the most broad/familiar modes that are utilized for cyberbullying are as per the following:

#### 3.1.1 Flaming

When the harasser and the casualty keep on sending each other oppressive/offending messages, messages, messages that can be very fierce in nature and terrifying, disdainful messages, compromising messages, sending somebody's confidential pictures, and numerous different things, this is alluded to as blazing.

<sup>4</sup> Arora, S.K., 2020. Cyberbullying Laws in India. *Issue 6 Int'l JL Mgmt. & Human.*, 3, p.351.

### 3.1.2 Excluding

Exclusion happens when a solitary individual, the person in question/focus of the domineering jerk, is excluded from a particular gathering or visit box and the leftover individuals from the gathering badger and pass scornful messages about that individual who has been designated in the gathering, as well as sharing unequivocal pictures and individual messages of that individual.

### 3.1.3 Outing

Outing happens when an individual's confidential picture or data is intentionally shared to the overall population or presented on a virtual entertainment site for the point of bugging, fighting back, or only harassing for no particular reason. The individual whose data or photos have been generally dispersed is alluded to as "exposed."

### 3.1.4 Mimicking

Personifying, imitating, or disguising basically implies imitating another person or laying out a fake record via web-based entertainment or another webpage. This is generally caused to damage the picture or notoriety of the individual mimicked by the harasser.

## 3.2 REPERCUSSION OF CYBERBULLYING

Cyberbullying can be intense on occasion, yet regardless of whether it isn't unfriendly, it can significantly affect the person in question. Being tortured before everybody via virtual entertainment or some other internet based public stage can cause the youth to feel embarrassed, powerless, compelled, and disturbed. In instances of cyberbullying, the casualties are perpetually minors; they are terrified to whine about the harasser since they know nothing about what is the deal with them, and whether it is a wrongdoing or a joke, they accept everybody will fault them and think they are powerless and fragile. Many times, if the level of cyberbullying is extreme, it may lead to terrible situations in which the victim commits self-destruction due to mounting pressure, being singled out by everyone for no good reason, feeling covered for no obvious reason, or venting their rage on the

bully or another person. Regardless of whether somebody end it all, they will feel helpless until the end of their life, which will make their lives horrendous, as they will battle to zero in on their examinations, quit doing whatever requires cooperation, and they won't have a solid sense of reassurance. They feel went after for acting naturally, and they are vulnerable. Many casualties detach themselves until the end of their lives, declining to impart anything to anyone and losing interest in all that once energized them. Assuming the casualty goes through that period, they might want to correct retaliation or vent their fury, thus they change themselves into menaces, harming others or their own victimizer in the conviction that it will be equity for them. Cyberbullying might meaningfully affect the casualty that the harasser doesn't consider or take as a primary concern prior to harassing them, leaving a scar on them until the end of their lives.

## 4 CYBERBULLYING LAWS IN DIFFERENT COUNTRIES

### 4.1 Canada

Canada is the only nation in the world with the harshest cyberbullying legislation<sup>5</sup>. Cyberbullying is covered by a statute known as the "Education Act." A person who engages in cyberbullying may be subject to a \$500 fine or a minimum of six months in jail.

### 4.2 European Countries

All European nations have European Data Protection Legislation in place to combat cyberbullying, online harassment, masquerading, and other forms of cybercrime.

### 4.3 United Kingdom

The United Kingdom has the Malicious Communications Act to deal with Cyberbullying

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<sup>5</sup>A sampling of cyberbullying laws around the world

<sup>6</sup> Available on [http://socialna-](http://socialna-akademija.si/joiningforces/4-4-1-a-sampling-of-cyber-bullying-laws-around-the-world/May.2,2020)

[akademija.si/joiningforces/4-4-1-a-sampling-of-cyber-bullying-laws-around-the-world/May.2,2020](http://akademija.si/joiningforces/4-4-1-a-sampling-of-cyber-bullying-laws-around-the-world/May.2,2020)

case<sup>6</sup>If discovered to be participating in cyberbullying, a person might face a hefty fine or imprisonment for six months or more. There are other laws dealing with it, such as the Computer Misuse Act of 1990 and several other legislations.

#### 4.4 United States of America

The Megan Meier Cyberbullying Prevent Act, 33, is the central legislation regarding cyberbullying offences in the United States, while alternative legislation exists in each state.

#### 4.5 Hawaii

According to the SB2094 Law, if a student engages in cyberbullying, he or she may face a \$100 fine.

#### 4.6 Louisiana

A student who is found guilty of cyberbullying faces a \$500 fine or six months in jail, per the H.B.1259 Act, 989..

#### 4.7 Maryland

Cyberbullies are subject to a \$500 fine, Wrongdoing, and a year in jail, as per Grace's Law.

#### 4.8 North Carolina

According to 14-458.1, cyberbullies are penalised with a misdemeanour for one year in a major and a class two misdemeanour if they are minors.

#### 4.9 Tennessee

According to the SB, anybody who engages in cyberbullying or online threats must face a \$2500 fine, one year in prison, and a misdemeanour charge.

### 5 REMEDIES AVAILABLE UNDER INDIAN LAWS

In *Shreya Singhal v Union of India*<sup>7</sup>, the Supreme Court ruled that section 66A of the IT Act of 2000, which deals with the penalties for delivering undesirable communications via a computer resource

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<sup>6</sup>Woda, T., 2014. Cyberbullying Laws Around the Globe: Where is Legislation Strongest?

<sup>7</sup>(2013) 12 S.C.C. 73

or communication device, is unconstitutional. Within the bounds of the reasonable constraints imposed by Indian Constitution Article 19(1)(a). The section was confusing and imprecise, and sections 66B and 67C of the IT Act, as well as numerous provisions of the IPC, were adequate to deal with such offences.

In *Sarat Babu Digumarty vs the Government of National Capital Territory of Delhi*<sup>8</sup>, the provisions of the IPC and the IT Act were in conflict. A pornographic film was advertised for sale on a website in this case. It was purposefully disguised under the category of e-books, and some copies were sold before the listing was removed. The Supreme Court concluded in this instance that if an offence involved an electronic record, only the IT Act would apply because such was the legislative purpose. In the event of a disagreement between the IT Act and the IPC, the former shall prevail over the former, and the latter shall prevail over the former. Furthermore, Section 81 of the IT Act specifies that the requirements of the IT Act shall apply to anything conflicting with any other legislation now in effect.

#### 5.1 Information Technology Act 2000<sup>9</sup>

The IT Act, 2000 (amended in 2008) is a piece of Indian regulation established by the Public authority of India to address wrongdoings utilizing the web or the internet, as well as the approvals for these offenses. This regulation characterizes cybercrime and the discipline for every infraction. Cyberbullying is one such offense that affects the person in question and is hard to survive; in extreme cases, the casualty might end it all. It is challenging to envision that there is no specific regulation in India managing cyberbullying, yet it is genuine, and with cyberbullying consistently growing in India, this is a terrifying truth.. The offense of cyberstalking was added to the resolution as a criminal offense in 2013, despite the fact that cyberbullying has not yet been incorporated. Regardless, certain parts of Section XI of the regulation might concede help for cyberbullying exercises until explicit special conditions exist:

<sup>8</sup>2016 SCC OnLine SC 1464

<sup>9</sup>The Information Technology Act, 2000, No. 21, Acts of Parliament, 2000 (India)

- Section 66 (A) - This part tends to the punishment for sending unseemly, deriding, oppressive, or savage comments or material through the web on any virtual entertainment or other web discussion board or stage.
- Section 66 (D) - "Punishment for using a PC asset to imitate somebody" In the event that somebody misleads or swindles somebody on the web, whether through virtual entertainment or another internet based stage, that individual ought to have to carry out upwards of three years in jail and a fine of dependent upon one lakh rupees.
- Section 66 (E) - This part manages the discipline for attack of protection. In the event that an individual penetrates somebody's protection carefully, using their pictures or distributing data, he is at legitimate fault for cyberbullying somehow or another and should confront a fine of up to 3 lakh rupees or detainment for as long as 3 years under this segment.
- Section 67 - This provision of the act deals with the penalties for posting, sending, or disseminating offensive, vulgar, or impolite content online or in cyberspace, which can result in fines of up to ten lakh rupees or prison terms of up to five years.
- Section 354 (C): This part gives discipline to the illegitimate demonstration of taking pictures of ladies without their authorization, or watching out for them where they hope to be distant from everyone else, or where they are taken part in a confidential action and don't maintain that anybody should see them, with a fine and detainment going from one to three years on the primary conviction. Assuming it perseveres even after discipline, the prison term will be expanded to 3 to 7 years or more. On the off chance that the cyberbully posts these photos, he might be punished under this statement.
- Section 354 (D): Any person found responsible for stalking, spying on someone else's private activities, locations, and everyday activities without consent and disclosing that information online with the intention of upsetting or hurting that person should get a sentence of up to three years in prison.
- Section 499 - This section condemns those who harass others via email or other platforms, including the internet; anytime done through virtual entertainment or online, it may be regarded as cyberbullying and may have an impact on the target's or other party's mental health.

## 5.2 Indian Penal Code 1860<sup>10</sup>

IPC is the country's true criminal code. This regulation offers discipline for criminal offenses, yet there are no specific regulations against cyberbullying. Nonetheless, there are a few partitions that might be used for offenses that are a part of cyberbullying yet are not explicitly cyberbullying.

- Section 507: Any person who scares somebody secretly, undermines them, or constrains them to accomplish something despite their desire to the contrary has to carry out upwards of two years in prison. With the worth of the term Unknown, this is likewise named enemy of harassing or cyberbullying offenses.

The text of Sec 354D of the IPC makes it plain that the segment rebuffs both disconnected and internet following, regardless of the presence or nonappearance of the 'digital' part. Subsection (2), then again, neglects to characterize how the casualty may be considered to be 'monitored' or 'watched,' or what is such exercises.

In the case of State of West Bengal v. Animesh Boxi<sup>11</sup>, by hacking into the victim's phone, the accused obtained some private and obscene photographs, blackmailed her by threatening to upload the stolen pictures and videos to the internet, and then uploaded her private pictures and intimate videos to an obscene website.

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<sup>10</sup>Indian Penal Code, 1860, No. 45, Acts of Parliament, 1860 (India)

<sup>11</sup>C.R.M. No. 11806 of 2017



In accordance with sections 354A, 354C, 354D, and 509 of the IPC as well as sections 66C and 66E of the IT Act, the defendants were declared guilty by the District Court of West Bengal. The victim was subjected to "virtual rape" every time a visitor to the publicly accessible global website viewed the video, the court decided, adding to the victim's experience of online stalking. The court ruled that deterrence was a key factor in convicting the defendant and that an insufficient sentence would have a negative impact on the public's perception of the seriousness of the offence.

#### 5.2.1. Fake Facebook Profile<sup>12</sup>

It is generally easy to make a Facebook profile in another person's name, and such a profile permits the casualty to be depicted in a misleading light. There have been situations where a casualty's profane or foul photographs were connected to a phony Facebook profile, causing the casualty outrageous mental anguish. Sec 354A (Lewd behaviour and discipline for inappropriate behaviour), Sec 354D (Following), Sect 499 read with Sec 500 (Criticism and Discipline for slander), Sect 507 (Criminal terrorising by an unknown correspondence), and Sec 509 (Word, signal, or act expected to affront the unobtrusiveness of a lady) of the IPC may be applicable when a fake Facebook profile is created.

On the account of Sazzadur Rahman v. The State of Assam and Ors<sup>13</sup> the charged faked a 15-year-old casualty's Facebook profile. The charged referenced the casualty's name, transferred revolting pictures, and offered disparaging comments about her in the phony profile, which made her be deranged and hampered her scholarly development. The blamed's application under Sec 311 for the CrPC was denied by the preliminary court. Following that, a request for subduing the preliminary court's organization was recorded under the watchful eye of the Gauhati High Court under Sec 482 read with Ss 401/397 of the CrPC. While excusing the application, the Gauhati High Court held that the preliminary Court's tact, which seemed to have been practiced prudently based on

significant materials, couldn't be slowed down either in revisional purview or under Area 482 CrPC.

In the case of Shubham Bansal v. The State (Govt of NCT Delhi)<sup>14</sup>, , the charged made a misleading Facebook account for the sake of Nidhi Taneja and incorporated the casualty's telephone number, causing her irritation, affront, and provocation, and a FIR was documented against the blamed. The casualty then recorded one more application under Sec 173 (8) of the CrPC, mentioning that the researching official lead extra examination, and the case was remanded to the Metropolitan Judge for thought. Following that, the denounced mentioned that the procedures against him be dropped under Sec 66A of the IT Act and Sec 509 of the IPC.

While declining to hear the blamed's application, the Delhi High Court requested that the examining official postponement presenting his last report until the Judge gave headings on the casualty's forthcoming application. The decent court noticed that the exploring official's elective game-plan was to document a report in view of the examination led up to that point, claiming all authority to record a valuable challan/report in light of the casualty's forthcoming application under Segment 173 (8) of the CrPC looking for additional examination.

In the case of Jitender Singh Grewal v. The State of West Bengal<sup>15</sup>, The denounced made a phony Facebook represent the person in question and utilized it to post disgusting photos of her. He documented a bail application after the specialists charged him under Ss 354A/354D/500/509/507 of the IPC and Sec 67A of the IT Act. The preliminary court denied the charged's bail application, and the Calcutta HC maintained the preliminary court's choice

In the case of Prakhar Sharma v. The State of Madhya Pradesh<sup>16</sup> the blamed made a phony Facebook represent the person in question, posted a few revolting messages, and downloaded photographs from her unique Facebook account. Ss 66 (c), 67, and 67(a) of the Charging the accused Act were utilized.

<sup>12</sup>Arora, S.K., 2020. Cyberbullying Laws in India.

*Issue 6 Int'l JL Mgmt. & Human.*, 3, p.351.

<sup>13</sup>Criminal Petition No. 654 of 2019

<sup>14</sup>Criminal Miscellaneous Petition No. 2024 of 2018

<sup>15</sup>Criminal Miscellaneous Petition No. 7252 of 2018

<sup>16</sup>MCRC No. 377 of 2018

The charged's application for bail was denied by the Madhya Pradesh HC.

In the case of Hareesh v. State of Kerala<sup>17</sup> the candidate made a phony Facebook profile, posted transformed vulgar photos of the casualty on the web, and incorporated her telephone number in the disgusting post to permit aliens to reach her. Following that, the candidate captured capture for offenses culpable under Sec 354(D) of the IPC and Ss 67 and 67E of the IT Act recorded an expectant bail application. The Kerala HC rejected the expected abandon plea on the grounds that the candidate's involvement in the offences was supported by the documentation, and that it would be wrong for the court to interfere with the exam.

## 6 CONCLUSION & SUGGESTIONS

### 6.1 CONCLUSION

This research paper on cyberbullying laws in India assumes that cyberbullying is an appalling act of criticising, stalking, bugging, tormenting, or harming someone online on a virtual entertainment platform or another internet-based public discussion, using just a cell phone or computer and the web. Because of technological advancement, this behaviour is essentially accessible to everyone, and it may even be carried out when the victim is far away; this makes it more perilous than standard harassing and how it can significantly affect the person in question; at times the tormenting is forceful to such an extent that the casualties end it all since they would rather not share their concerns for dread that everybody will learn about it and their standing will be demolished before people in general. To manage cyberbullying, Indian regulations are inadequate. There is no particular arrangement in the Data Innovation Act 2000, the very regulation intended to rebuff digital wrongdoers; apparently the Public authority of India was not very much aware of the idea of cyberbullying at the hour of drafting/passing this demonstration, and the Indian Correctional Code 1860, India's essential lawbreaker code.

### 6.2 SUGGESTIONS

1. The Indian Digital Regulations should be changed significantly, according to research on the laws governing cyberbullying in India. This is because cyberbullying isn't yet widely known, including by the public authority, and, surprisingly, those who engage in it have no idea what they are doing. However, it has been growing quickly. Before it reaches a point where it is uncontrollable, it should be changed.

2. Since the instances of cyberbullying are expanding consistently, there is a dire requirement for a change or another particular regulation to think about it. Individuals are uninformed that they are being cyberbullied, they don't have the foggiest idea what it is, and the public authority should step up and instruct the general population about the wrongdoing so the harassers can stop and the casualties can grumble about what they endured or are enduring, which must be finished assuming the casualties gripes.

3. The seriousness of the tormenting not entirely settled, as well as the effect it had on the person in question. Since cyberstalking was made a criminal offense in the 2013 revision, cyberbullying must likewise be viewed as a criminal offense.

### 6.3 FINDINGS

1. There is a lack of competency in the Indian laws to deal with cyber bullying.
2. There is no proper mentioning of cyber bullying under the IT Act 2000.
3. When the IT Act 2000 and the Indian Penal Code 1860 were being written and passed, the Indian government was not aware of the idea of cyberbullying.

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