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## **Cyberbullying: An Unknown Ultimatum as the Internet Evolves**

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### **ABSTRACT**

The Internet has become an integral part in our human lives whereas cyberbullying has become a silent concern. The more we depend the more it develops. The more it develops the more its impact. In the modern times like ours, internet is not just a resource but a significant part of our lives. Internet has made our day to day tasks easier, but it has its own drawbacks, such as the invasion of privacy, cyber stalking, cyber bullying, frauds, scams, phishing and all other cybercrimes. The probability of using internet as a forum for illegal activities cannot be ignored. A bully harasses their helpless preys without the fear of repercussions and with little to no liability, and through internet access, makes it even harder to find the predator. With the increasing growth of social media, Cybercrime has become a common part of their lifestyle. Humiliation and Fear is the main reason why they stay silent to such behaviours. There are no specific laws concerning cyberbullying, but the existing laws like some of the provisions under the Information Technology Act, 2000, Then Indian Penal Code, 1860 etc. can still be availed to seek protection and punish the perpetrators.

**Keywords:** Internet, Cybercrime, Social Media, Cyberbullying, Humiliation, Fear, IT Act, 2000, IPC, 1860

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### **CYBERBULLYING**

*“Cyberbullying involves the use of information and communication technologies to support deliberate, repeated and hostile behaviour by an individual or group that is intended to harm others”.*

*- Bill Belsey*

*“Blowing out someone else’s candle doesn’t make yours shine any brighter”*

*- Anonymous*

Cyberbullying is bullying that takes place over digital devices like mobile phones through messaging, social media platforms like facebook, instagram, online gaming communities, message boards, Emails etc. Access is almost universal. Cyberbullies can convey their distressing messages to a wide array of people at a traumatic speed. And most often they do not have to concede to their mistake as, usually it is very difficult to identify these cyberbullies, so they have no fear of being punished. In most cases, the victims themselves may not know their cyberbully but the bullies might know every information about their prey and can use them to cause harm physically, emotionally and psychologically.

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### **FORMS OF CYBERBULLYING**

Cyberbullying is a repeated behaviour of targeting the victim with an aim to threaten, harass or humiliate them by:

- Spreading rumours through chatrooms or posting embarrassing images or videos on social media platforms
- Sending threatening, abusive or obscene messages, images or videos through messaging platforms
- Creating fake accounts to impersonate the victim and degrade their reputation
- Creating identities through social media as a disguise to avoid being caught.

Cyberbullying is different from any other forms of bullying. Most of the physical bullying is visibly under the radar of elders, parents, teachers or even friends, but cyberbullying is always unknown to all, other than the victim and the bullies. And often, these victims are hesitant to ask for help as they fear further repercussions from their bullies for their actions or they are perturbed about the consequences like taking away any access to internet, computers, mobile phones which is distressing to the current generation.

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## EFFECTS OF CYBERBULLYING

- Cyberbullying causes fear and panic in one's mind. This in turn may lead to serious psychological issues like panic disorder, anxiety disorder, paranoia, insomnia etc.
- When being faced by a ceaseless ordeal such as this, it can cause irreparable damage to their minds which may lead to trauma, ADHD or PTSD
- Being bullied about oneself can create insecurities which consequently reduces their morale or self-esteem
- When being abused online, a stress is triggered which lowers their efficiency at tasks, instigates to neglect their responsibilities, causes difficulty in concentrating.
- To divert any unwanted attention towards themselves they tend to alienate themselves which gives rise to depression or develops an addiction towards drugs.

Being isolated or ostracized is something that affects our mental health in the long run. Even though it is ignored at first by most of the people, it will affect our daily lives later on. The feeling of loneliness strikes after sometime which in turn affects us mentally and may lead to self-harming, depression or even suicidal thoughts could creep in.

It is discussed by various scholars that cyberbullying affects the mental health of most of the adolescents. Comparing to their peers, victims of cyberbullying as low self-esteem, feeling of loneliness, depression, suicidal thoughts etc.<sup>1</sup> There are also findings that cyberbullying victims show a higher rate of symptoms for depression and suicidal thoughts.<sup>2</sup> Therefore, the nuances of cyberbullying should be addressed and proper awareness must be shared about such online harassments.

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## LEGAL REMEDIES AND JUDICIAL INTERPRETATION ON CYBERBULLYING

There is no specific definition or punishment for cyberbullying in Indian laws, nonetheless it is recognised as a part of cybercrime.

Under the pretext of comments cyberbullying takes place publicly by posting derogatory remarks on photos or videos shared by common people, social media influencers, celebrities, politicians and many more. They evade any consequences under the pretext of freedom of speech and expression under Article 19(1)(a). When being faced by such harassments on social media platforms they have an option to report them on such platforms, where they investigate and take strict actions against any kinds of online harassments. If a cyberbullying is ignored, it may change into physical bullying due to agitation, vengeance etc. Finding their identity with the help of cyber cell and reporting them to the social media platforms or filing a complaint against them with the police are proper precautionary methods.

There are certain organisations that helps the victims of online abuse, such as, the *Cyber Investigation Cell* that helps the victims to take proper actions against such abuse, *Digital Empowerment Foundation* which helps in providing digital knowledge through campaign, workshops, conferences etc., there is also an organisation called *lawyers collective* which is focused on human rights that helps with victims of such harassments and provides legal assistance to them.

Under the *Information Technology Act, 2000*, certain provisions can be used as legal remedies against cyberbullying:

- **Section 66A** deals with punishment for sending offensive messages, with the purpose of causing injury, annoyance, criminal intimidation etc. through communication services shall be punished with imprisonment which may extend to three years and with fine. This provision was struck down by the Supreme Court in the *Shreya Singhal* case.<sup>3</sup>
- **Section 66C** deals with identity theft. Most often, such crimes are committed by people who are intimate to them. Where they fraudulently make use of all the information shared to them due to their trust, by using passwords, photos or videos shared to them to steal their identity and humiliating them in public.

In *Ritika Sharma's case*, a student from a prestigious school in Delhi was texting with a person on social media platform. While this friendship was blooming, she shared her contact details, residential address and her personal information. After a while, he asked her out on a date which she refused, but later found that he was pretending to be someone else and eventually blocked him on all media platforms. The man started to stalk her and threaten her which she informed her brother who lodged a complaint to the Delhi police. The Delhi police also conducted several campaigns to spread awareness about such crimes and not to share any personal information to strangers online.

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<sup>1</sup> Palermi AL, Servidio R, Bartolo MG, et al. Cyberbullying and Self-esteem: an Italian study *Comput Hum Behav.* 2017; 69; 136-41.

<sup>2</sup> Maurya, C., Muhammad, T., Dhillon, P. et al. The effects of cyberbullying victimization on depression and suicidal ideation among adolescents and young adults: a three year cohort study from India. *BMC Psychiatry* 22, 599 (2022). <https://doi.org/10.1186/s12888-022-04238-x>.

<sup>3</sup> *Shreya Singhal vs. Union of India*, AIR 2015 SC.1523

- **Section 66D** talks about cheating by personation using computer resources where the punishment may extend up to three years and fine up to rupees one lakh.

**Ritu Kohli's** was the first cyber stalking case in India. In this case, the victim filed a complaint in 2001 stating that her identity was being personated by someone else online, where her contact details, images were shared in illegal sites. She received unwanted calls all day from different places after which she raised a complaint.

- **Section 66E** explains the intentional transmit or publication of images of a private area of any person without his or her consent, violating the privacy of that person, shall be punishable with imprisonment which may extend to three years or with fine not exceeding two lakh rupees or with both. It is stated in the case of **Justice K.S Puttaswamy and Anr v. Union of India and Ors.**<sup>4</sup> that the right to privacy is also a fundamental right given under the Constitution of India. Therefore, sharing any content which breaches our right to privacy would be violating Article 21 of the Constitution of India.
- **Section 67** provides with punishment for publishing or transmitting obscene material in electronic form which may extend up to three years and fine which may extend to five lakh and for subsequent convictions with imprisonment which may extend up to five years and also with fine which may extend up to ten lakh rupees.
- **Section 67A** punishes the accused for publishing or transmitting materials containing sexually explicit act or conduct on first conviction with imprisonment which may extend up to five years and fine up to ten lakh rupees and in the event of second conviction with an imprisonment which may extend to seven years and also with fine up to ten lakhs. Since the boi locker room case<sup>5</sup> involves sharing of morphed or explicit images of girls this section and some of the other sections stated are applicable.
- **Section 67B** provides with punishment for publishing or transmitting of material depicting children in sexually explicit act by creating texts or images in electronic form with imprisonment which may extend up to five years and fine up to ten lakh and in a second conviction with imprisonment which may extend to seven years and fine up to ten lakh rupees. This section can also be read with **Section 14 and Section 15** of the **Protection of Children from Sexual Offences (POCSO) Act, 2012**, where section 14 talks about the use of children for pornographic materials and section 15 about the storage of pornographic materials of children with an intention to distribute is punishable up to five years and three years, and with fine respectively.

Some of the legal remedies sorted under the **Indian Penal Code, 1860** are:

- Under **Section 354C**, any man who watches or captures images of woman engaging in a private act or in a place where privacy is expected shall be punished with imprisonment which may extend to three years and on second conviction up to seven years and with fine.
- **Section 354D** where a woman is stalked online or offline shall be punished with imprisonment which may extend to three years and fine and on subsequent conviction with imprisonment up to five years and with fine. This section was brought in through the amendment act 2013 after the Nirbhaya case.<sup>6</sup>
- **Section 463, Section 465 and Section 471** for forgery can be used here as the section states that making false electronic records with an intent to cause damage and commit fraud can be punished with imprisonment up to two years or with fine or both.
- **Section 499 and Section 500** talks about Defamation. Where a person intentionally spreads or publishes information that harms the reputation of such person shall be punished with imprisonment which may extend to two years or with fine or both.
- **Section 503, 506 and Section 507** talks about Criminal Intimidation and Criminal Intimidation by an Anonymous Communication with an intention to threaten or harm the person to do any act which he or she is not bound to do shall be punished with imprisonment which may extend to two years or with fine or both.
- **Section 509** states that any words, gestures or act done with an intention to insult the modesty of woman or intrude upon her privacy shall be punished with an imprisonment which may extend to three years and fine.

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## CONCLUSION

Online Harassment has become an apprehension in India as the Technology advances but the laws specifying such crimes are to be made as of date. Most of the adolescents bullied online does not even realise that they are bullied. The knowledge of legal remedies available to them under such circumstances are scarce. The Government can take initiations to spread awareness on such online harassments, how to take control of such situations and how to protect ourselves from these incidents by not sharing any personal information on social media platforms or to any strangers online. And if anyone is faced by any kind of harassments online then the necessary precautions to be taken, like collecting evidences by keeping screenshots, voice records, images, collecting maximum details known about the perpetrator etc.

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<sup>4</sup> (2017) 10 SCC 1

<sup>5</sup> Archana Sharma v State of NCT of Delhi and Ors on 20 May, 2020.

<sup>6</sup> Mukesh and anr v State for NCT of Delhi and ors (2017) SCC 1

Cyberbullying is one such offences which can take a turn to become something worse. So it is always important to let people close to you know about what is happening and take steps right away to stop such bullying. It is important to know that you are not alone, there are several organisations to seek help from. Never hesitate to seek help from family, friends and anyone intimate to you as it is better to fight together than alone.