

New Perspective of Bullying: Cyber Bullying

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Abstract

Cyberbullying, harassment through the use of information and communication technology such as cell phones and the Internet, is an emerging phenomenon all around the world. Extensive research on aggression and bullying is guiding educators' understanding of cyberbullying. Yet the gap between the advancement in technology and the dearth of study on cyberbullying suggests that more research is needed to understand the scope of this form of bullying. The recent upsurge of cyberbullying is a frequent cause of emotional disturbance in children and young people. The situation is complicated by the fact that these interpersonal safety issues are actually generated by the peer group and in contexts that are difficult for adults to control. This chapter provides information regarding the current trends followed in bullying and mobbing. This chapter gives an outline on the definition of cyber bullying, its various types, methods used, its harmful effects, and the various Anti-Cyber Bullying Laws in India.

Keywords: Cyberbullying, bullying, Anti-Cyber Bullying Laws, children

1. Introduction

Bullying is neither a new concept nor a new word in the Indian Context. This is an age old issue that occurs between friends, relatives and others both in formal and informal contexts. Bullying is a part of many cultures in India. The increasing access of Indians to the Internet across India has given rise to the threat of the 'faceless evil' of cyberbullying, with teenagers being the most

vulnerable victims. India ranks third on global cyber bullying list (End to cyber bullying, inc, 2017).

2. Definition

2.1. Cyber

'Cyber is a prefix meaning "computer" or "computer network;" and it is the electronic medium in which online communication takes place. (Humphrey & Petta, 2011).

2.2. Bullying

Olweus's (1993) definition of bullying states that "a student is being bullied or victimized when he is exposed repeatedly and over time to negative actions on the part of one or more other students".

2.3. Cyber Bullying

"Cyber Bullying is abuse/harassment by teasing or insulting, victim's body shape, intellect, family back ground, dress sense, mother tongue, place of origin, attitude, race, caste, class, name calling, using modern telecommunication networks such as mobile phones (SMS/MMS) and Internet (Chat rooms, emails, notice boards and groups)" (Jaishankar, 2009).

3. Types of Cyber Bullying

The various forms of cyber bullying has been enumerated by Hunter (2011). They are as follows:

3.1. Bullying by Phone

Bullying by phone can take lots of different forms. People can be harassed by abusive or threatening text messages or phone calls. This might just be one text message, or it could be hundreds of messages from one person or from a group of people. People may also receive messages containing nasty or offensive pictures. With phone bullying, as with

other kinds of cyber bullying, the people sending the bullying message or making the call can easily hide their identities (Hunter, 2011).

3.2. Email Harassment

Bullying by email can happen in lots of different ways. Sometimes a victim will receive one or many insulting or threatening emails. Although this is upsetting, it can be relatively easy to deal with. Most email programs and Internet-based email services like Hotmail or Gmail enable you to block senders if you do not want to receive mail from them. But some forms of email bullying can be more difficult to stop. People who want to bully others can easily set up numerous email accounts online. It is difficult to trace the owner of these accounts. Sometimes cyber bullies will set up an account with a name that sounds very similar to their victim's name and send emails pretending to be that person. Often the victim may not know about this (Hunter, 2011).

3.3. Instant Messaging

Cyber bullies use IM in many ways that are similar to email. You do not always know what person you are actually talking to when you use IM, and people say things using IM that they would not say face-to-face. Private photos and videos can also be sent by IM. It is easy to be less careful about privacy and security when using IM. You should always understand and check the privacy settings on your IM application and block anyone who sends bullying messages or who is not on your buddy list. Make sure you only give out personal details, like your email address, to people you trust (Hunter, 2011).

3.4. Chat Rooms

Chat rooms are a great way to talk with people online, but they can also be dangerous if you are not careful. Many people who use chat rooms may use different identities. Some chat rooms actually encourage people to use a different identity or avatar (character or symbol).

Bullying in chat rooms is much more difficult to track than emails and text messages, since the messages from chat rooms cannot be easily saved. The bullying that happens in chat rooms is often similar to what can happen when any group of people meet together, for example, in a school or club. People in chat rooms can get carried away in a “herd” behaviour, and gang up on a single person, making negative comments about what that person says. Groups can also get together with the goal of ignoring certain people within the chat room, which is another form of cyber bullying if it is done on purpose (Hunter, 2011).

3.5. Social Networking

The growth of social networking sites like Facebook and MySpace in the last few years has been amazing. Facebook has more than 500 million users worldwide. Most young people see these sites as part of their daily lives. Yet wherever young people meet, either in the real world or online, there will be opportunities for bullying. Cyber bullying can happen through messages posted on personal pages or by pages being created specifically to bully people. You should be careful about what you post on social networking sites. It is easy to forget how many people can see what you post. Once something is on the site, it is difficult to remove completely. It is best to think before saying anything or uploading photos that might hurt others, or that you might regret yourself. As with all online accounts, never give your password to anyone else (Hunter, 2011).

3.6. Bullying on Websites

Social networking sites are not the only websites used for cyber bullying. Websites can be very public, as they can be accessed by anyone connected to the Internet. For example, 15-year-old Jodi Plumb was horrified when she discovered that a website had been set up to

bully her. She found out about it when a classmate took a photo of her to include on the website. Personal polling sites are also used in cyber bullying. These kinds of polls can be hurtful, such as voting for the ugliest child in a class. (Hunter, 2011).

3.7. Gaming

Online gaming is growing in popularity all the time, particularly with the constant growth of MMORPGs (Massive Multiplayer Online Role-Playing Games) like World of Warcraft. These games include chat rooms and discussion forums. As with any game, players often get frustrated with each other in the heat of the game. People will often be very aggressive and rude in what they say and do online. This kind of aggressive interaction is called “flaming” (Hunter, 2011).

3.8. Cyberstalking

If someone is consistently tracked and harassed using email, IM, social networking sites, or any other electronic media, then that is known as cyberstalking. According to Dr Parry Aftab, cyberstalkers fall into three groups: Failed relationships, Terminated online relationships, Random cyberstalkers (Hunter, 2011).

3.9. Happy slapping

In a happy slapping attack, one person physically attacks someone, while another person records the attack, often with a mobile phone camera. The video of the incident is then posted online or sent from phone to phone for others to watch. This type of bullying is designed to threaten and humiliate the victim, who may be someone unknown to his or her attackers (Hunter, 2011).

3.10. Private emails

Email or a private picture is forwarded to those who are not supposed to be the viewers meant by the original person who sent the message. (Hunter, 2011).

4. Anti-Cyber Bullying Laws in India

There are no special Anti-Cyber Bullying Laws in India yet. Following are some cyber laws though that cover some of the acts classified as cyber bullying in India.

4.1. IPC Sec 465

This section deals with punishment to forgery of electronic records. According to this section, whoever commits forgery shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both. The offence under this section is non-cognizable, bailable, non-compoundable and triable by magistrate of the first class. (SRD Law Notes, 2019).

4.2. IPC Sec 420

This section deals with bogus websites, cyber frauds. According to this section, Whoever cheats and thereby dishonestly induces the person deceived to deliver any property to any person, or to make, alter or destroy the whole or any part of a valuable security, or anything which is signed or sealed, and which is capable of being converted into a valuable security, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine (Indian Law Commission, 1860).

4.3. IPC Sec 292A

This section deals with printing, etc. of grossly indecent or scurrilous matter or matter intended for blackmail. The punishment on first conviction is with imprisonment of either description for a term which may extend to two years, or with fine, or with both, and, in the event of a second or subsequent conviction, with imprisonment of either description for a term which may extend to five years, and also with fine (Chawla Publications (P) Ltd, 2016).

4.4. IPC Sec 354A

This section deals with making sexually colored remarks, guilty of the offence of sexual harassment. The punishment for this offence include rigorous

imprisonment for a term which may extend to three years, or with fine, or with both or shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both. (UP State Commission for Women, 2019).

4.5. IPC Sec 354D

This section deals with stalking in which using of monitoring by internet/email or any kinds of electronic resources included. On first time convicted minimum 3 year imprisonment after that minimum 5 years imprisonment and fine (UP State Commission for Women, 2019) .

4.6. IPC Sec 499

This section deals with Defamation. According to section 499 of IPC, whoever, by words either spoken or intended to be read, or by signs or by visible representations, makes or publishes any imputation concerning any person intending to harm, or knowing or having reason to believe that such imputation will harm, the reputation of such person, is said, except in the cases hereinafter expected, to defame that person. (Cyber Law Consulting, 2018).

4.7. IPC Sec 500

This section deals with E-Mail Abuse. Emails that are defamatory in nature are punishable under Section 500 of the Indian Penal Code (IPC), which prescribes an imprisonment of up to two years or a fine or both. (Saiprethi & Rajan, 2018).

4.8. IPC Sec 503

This section deals with sending threatening messages. Section 503 punishes criminal intimidation as threats made to any person with injury to her reputation, either in order to cause alarm to her, or to make her change her course of action regarding anything she would otherwise do/not do. The offences under section 499 and section 503 are punishable with imprisonment which may extend to two years, and/or fine (Pandey, 2018).

4.9. IPC Sec 506

This section deals with punishment for criminal intimidation. According to this law Whoever commits, the offence of criminal intimidation shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both; If threat be to cause death or grievous hurt, etc.—And if the threat be to cause death or grievous hurt, or to cause the destruction of any property by fire, or to cause an offence punishable with death or 1[imprisonment for life], or with imprisonment for a term which may extend to seven years, or to impute, unchastity to a woman, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both. (Indian Law Commission, 1860).

4.10. IPC Sec 507

This section deals with criminal intimidation by an anonymous communication. According to this section whoever commits the offence of criminal intimidation by an anonymous communication, or having taken precaution to conceal the name or abode of the person from whom the threat comes, shall be punished with imprisonment of either description for a term which may extend to two years, in addition to the punishment provided for the offence by the last preceding section (Indian Law Commission, 1860).

4.11. IPC Sec 509

This section deals with word, gesture, or act intended to insult the modesty of a woman. According to this section, whoever, intending to insult the modesty of any woman, utters any word, makes any sound or gesture, or exhibits any object, intending that such word or sound shall be heard, or that such gesture or object shall be seen, by such woman, or intrudes upon the privacy of such woman, shall be punished with simple imprisonment for a term which may extend to one year, or with fine, or with both. (Indian Law Commission, 1860).

4.12. IT Act (2000) Sec 66 A

66A deals with the sending of offensive messages through communication service, and causing annoyance to any electronic communication, and also includes the offence of misleading the recipient of the origin of such messages (Sarmah, Roshmi, & Baruah, 2017).

4.13. IT Act (2000) Sec 66 C

66C deals with stealing electronic signature or identity such as using another persons' password or electronic signature, such an offence can be punished with three years of imprisonment or fine of Rs. 1 lakh or both. (Sarmah, Roshmi, & Baruah, 2017).

4.14. IT Act (2000) Sec 66 D

This section deals with Cheating by personation. According to this section, Whoever tries to cheats someone by personating through any communication devices or computer's resources shall be sentenced either with a description for a term that may extend upto 3 years of imprisonment along with a fine that may extend upto rupee 1 lakh. (Sarmah, Roshmi, & Baruah, 2017).

4.15. IT Act (2000) Sec 66 E

This section deals with punishment for violation of privacy. According to this section Whoever knowingly or with an intention of publishing, transmitting or capturing images of private areas or private parts of any individual without his/her consent, that violets the privacy of the individual shall be shall be sentenced to 3 years of imprisonment or with a fine not exceeding more than 2 lakhs rupees or both. (Sarmah, Roshmi, & Baruah, 2017).

4.16. IT Act (2000) Sec 67

This section deals with publishing or transmitting obscene material in electronic form. Whoever transmits or publishes or cause to publish any obscene materials in electronics form. Any material that is vulgar or appeal to

be lubricious or if its effect is for instance to tends to corrupt any individual who are likely to have regard to all relevant circumstances to read or to see or to hear the matter that contained in it, shall be sentenced on the first convict with either description for a term that may extend upto five years of imprisonment along with a fine which may extend upto 1 lakh rupee and in the second or subsequent convict it can be sentenced either description for a term that may extend upto ten years along with a fine that may perhaps extend to two lakhs rupees (Sarmah, Roshmi, & Baruah, 2017).

4.17. IT Act (2000) Sec 67 A

This section deals with publishing or transmitting of material containing sexually explicit act, etc. in electronic form. Whoever transmits or publishes materials that contains sexually explicit contents or acts shall be sentences for either description for a term which may extend upto 5 years or imprisonment along with a fine that could extend to 10 lakhs rupees in the first convict. And in the event of the second convict criminal could be sentenced for either description for a term that could extend upto 7 years of imprisonment along with a fine that may extend upto 20 lakhs rupees. (Sarmah, Roshmi, & Baruah, 2017).

4.18. IT Act (2000) Sec 67 B

This section deals with Child Pornography. According to this section, whoever transmits or publishes any materials that depict children in sexually explicit act or conduct in any electronics form shall be sentenced for either description for a term which may extend to 5 years of imprisonment with a fine that could extend to rupees 10 lakhs on the first conviction. And in the event of second conviction criminals could be sentenced for either description for a term that could extend to 7 years along with a fine that could extend to rupees 10 lakhs (Sarmah, Roshmi, & Baruah, 2017).

4.19. IT Act (2000) Sec 72

This section deals with Breach of confidentiality and privacy. On breaching confidentiality and privacy of a person the criminal shall be punished with imprisonment for a term which may extend to two years, or with fine which may extend to one lakh rupees, or with both. (<https://indiankanoon.org>, 2012).

4.20. The Protection of Children from Sexual Offences Act, 2012 (POCSO Act)

Penetrative Sexual Assault (Section 3) - Not less than seven years which may extend to imprisonment for life, and fine (Section 4). Aggravated Penetrative Sexual Assault (Section 5) - Not less than ten years which may extend to imprisonment for life, and fine (Section 6). Sexual Assault (Section 7) - Not less than three years which may extend to five years, and fine (Section 8). Aggravated Sexual Assault (Section 9) - Not less than five years which may extend to seven years, and fine (Section 10). Sexual Harassment of the Child (Section 11) - Three years and fine (Section 12). Use of Child for Pornographic Purposes (Section 13) - Five years and fine and in the event of subsequent conviction, seven years and fine (Section 14 (1)).

5. Conclusion

This chapter gives an over view on the various laws that are used for controlling cyber bullying. Even though the laws are hard and fast online bullying can be particularly damaging and upsetting because it's usually anonymous or hard to trace. It's also hard to control, and the person being victimized has no idea how many people have seen the messages or posts. People can be tormented nonstop whenever they check their device or computer. The stress of being in a constant state of upset or fear can lead to problems with mood, energy level, sleep, and appetite. It also can make someone feel jumpy, anxious, or sad.

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