

Introduction

Bullying is a pattern of aggressive behaviour where an individual tries to cause harm, injury or discomfort to someone deliberately. It can happen physically, verbally, or online. It is a distinguished habit of intentionally injuring and humiliating others, particularly those more vulnerable than the bully. The physical form of bullying includes hitting, stealing, hiding or ruining your things, hazing or harassment. Verbal bullying includes shaming, insulting, deriding, name-calling or assaulting. However, with the surge in technology, bullying may be done online via the internet, exponentially turning into cyberbullying.

Going by the literal definition, cyberbullying means ‘the use of electronic communication to bully a person, typically by sending messages of an intimidating or threatening nature. Cyberbullying is a wide phrase that constitutes a broad purview of online abuse such as harassment, doxing, reputation attacks, and more. By originating or engaging in online hate campaigns, the offender uses technology such as computers, consoles, cell phones, or any other device with internet or social media access to harass, stalk, or abuse another person. Although the majority of the media coverage portrays cyberbullying as a problem limited to social media, it is also a significant issue in the online gaming community. Cyber bully victims frequently have no idea who is behind the accounts assaulting them. Strangers become aware of cyberbullying and form a mob mentality, adding to and magnifying the abuse rather than supporting the sufferer. Cyberbullying is no longer limited to a single demographic; anyone can become a victim of cyberbullying in some fashion.

Emergence of cyber bullying

There was no telephone in 1768 when Encyclopaedia Britannica was first published to facilitate communication and allow for connections when individuals were not face-to-face. We can communicate instantly via e-mail, text, or photo and tweet, post, or snap to anyone anywhere in the world, and we can do it in seconds with our mobile phones, as we all know 250 years later. If we could go back in time and ask individuals from that era what it would be like to have the communication system we have now at our fingertips—like a global connecting tissue—their reaction would be overwhelmingly favourable. While the internet's inception has ushered in the world, it has also highlighted humanity's dark side. Although the internet is still in its infancy, we now have new terminology like "cyberbullying," and "digital resilience."

Cyberbullying has become a significant issue resulting from the emergence of social media during the last two decades. It no longer only affects children, but also teenagers and adults. With the introduction of affordable personal computers in the 1990s, traditional bullying found its way onto the internet. Because of its anonymity, a user could harass or threaten others without fear of repercussions. It's easy to believe that online mocking isn't as detrimental as face-to-face bullying, but this isn't the case. While social media has played a significant part in the current rise of cyberbullying, the issue stretches back to the 1990s and the early days of the internet. They followed the mobile revolution as text messages and mobile internet grew more common. Though cyberbullying started in such online forums in the late 1990s, it wasn't until the mid-2000s that scholars began to pay attention to the phenomena. Researchers and advocates alike were drawn to the first few reported examples of suicides caused by cyberbullying.

Megan Meier¹: In 2007, a 13-year-old girl died tragically due to online harassment. Few neighbours harassed the little girl by creating a profile named Josh Evans with the express intention of harassing her.

Jessica Logan²; One of the earliest known victims of mobile phone cyberbullying, 18-year-old Jessica Logan committed herself after her boyfriend sent nude images of her to at least seven different Ohio schools.

Hope Sitwell³: Like Logan, 13-year-old Hope Sitwell had nude photos sent to six Florida high schools. Unfortunately, this pattern of sexual harassment of young women through the publication of sensitive photographs is still prevalent today.

Repercussions of cyber bullying

When bullying occurs in person, a large number of people are excluded; but, when bullying occurs online, the number of people affected is incalculable. Unfortunately, a cyberbully may readily post negative material about their victim on the internet, which can be seen by a large number of people. They can often carry out this heinous act while remaining nameless. Aside

¹ Alissa Phillips, Cyberbullying and the tragic case of Megan Meier, *medium*, March 23, 2019, available at, <https://medium.com/@alissaphillips/cyberbullying-and-the-tragic-case-of-megan-meier-9bb9d3611094>

² Charlie wells, understanding the family of Jessica logan, *Daily news*, October 9, 2012, available at, <https://www.nydailynews.com/news/national/teen-bullying-victim-family-settlement-article-1.1178783>

³ Randi kaye, How a cell phone picture led to a girl's suicide, *CNN edition*, October 7, 2010, available at, <http://edition.cnn.com/2010/LIVING/10/07/hope.witsells.story/index.html>

from the potential for conflict, this method is risky since it can trap them in a bully-victim cycle. Cyberbullying and cybercrime are well-known issues around the world, yet they often go unreported in comparison to bullying and crimes, despite the fact that they may be extremely harmful and dangerous. A few significant effects on victims of cyberbullying are as follows:

- Humiliation

Cyberbullying looks permanent since it takes place over the internet. People understand that once something is out there, it will never go away. They may feel humiliated, exposed, and overwhelmed. When cyberbullying takes place, offensive postings, messages, or texts might be shared with a large number of individuals. The large number of people aware of the bullying can be humiliating for the victims.

- Isolation

Cyberbullying can lead to an individual's exclusion in society. As a result, people frequently feel alone and lonely. This can be especially upsetting because human contact is important. When people don't have people to rely on, they tend to be more vulnerable, and more likely to get bullied. When someone is cyberbullied they are encouraged to turn off their computer and phone and disappear from the internet for a short period of time. However, for many of them, utilizing these gadgets is the most significant means of communication. Turning them off typically means cutting them off from the rest of the world, making them feel more alone.

- Anger

Many victims of cyberbullying will get enraged as a result of their ordeal. Studies suggest that wrath is the most common emotion to cyberbullying, followed by upset. Victimized individuals may plot vengeance and take retaliatory action. Aside from the potential for conflict, this method is risky since it can trap them in a bully-victim cycle. While it is generally preferable to forgive a bully rather than seek vengeance, this is frequently easier said than done. If someone you know is enraged by cyberbullying, they may benefit from speaking with a therapist and learning to channel their anger constructively.

- Powerlessness

Cyberbullying victims frequently struggle to feel safe. They may feel helpless and vulnerable. These thoughts usually develop since internet bullying may infiltrate their house at any time of

day via a computer or cell phone. Furthermore, because the bullies can stay anonymous, this understanding may heighten dread. Although some cyberbullies chose people they know and have no issue identifying themselves, some adolescents who are targeted may have no idea who is inflicting the suffering.

- Low self-esteem

Cyberbullying usually targets victims' most vulnerable elements of their lives. It may develop a deep discontent with who they are. As a result, people may begin to question their worth and worthiness. Cyberbullying, according to researchers, may induce psychological maladjustment, poor well-being, and eventually low self-esteem in young people since they have a great psychological urge to belong to and be accepted by a peer group.

- Suicidal thoughts and self-harm

Targets of cyberbullying have been known to damage themselves in some way in response to their extreme sentiments. Some people self-harm by slicing or burning themselves, for example. Bullying and self-harm have been related in several studies. Suicide is also increased as a result of cyberbullying. Kids who are frequently bullied by their classmates via text messages, instant chatting, social media, or apps may feel hopeless and believe that the only way to stop the misery is to commit suicide. As a result, people may daydream about dying to get away from their situation.

- Sleep disorder

Cyberbullying might disrupt a person's sleeping patterns. They may have sleep problems such as insomnia, sleeping more than normal, or having nightmares.

- Eating disorders

When individuals are cyberbullied, their eating patterns may alter, such as missing meals or binge eating. They turn to their eating habits as a source of control since their lives feel out of control. These attempts might turn into an eating problem, especially if the bullying has left you with a skewed body image.

Cybercrime v/s Cyberbullying

With the advancement of technology, cyberbullying and cybercrime have become significant concerns. It is the use of electronic means of communication to intimidate another person, and it most commonly occurs when someone sends threatening or frightening communications. It is an act of intimidation in which the attacker tries to make the victim feel inferior in whatever aspect they target. A high school student, for example, might have a video of themselves uploaded on YouTube or Facebook with the purpose to shame or humiliate the target.

It is a type of cybercrime in which a criminal uses e-mail, chat rooms, or social media sites such as Twitter or Facebook to harass or threaten victims.

Cybercrime, on the other hand, is a crime involving a computer and a network, with the computer or network as the intended victim. It is carried out with the aid of a computer and the internet. It can range from simple offences such as downloading illegal music files to serious ones such as stealing large sums of money from online bank accounts. Hacking organisations, often known as Adversaries or Adversary Groups, are typically responsible for cybercrime. The Target or Sony breaches are examples of cybercrime.

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Foreign laws against cyber bullying

In today's environment, cyberbullying has become a significant issue. Bullying has claimed the lives of numerous children and teenagers throughout the world in the last decade. Cyberbullying has affected half of all teenagers. One in every three youngsters and teenagers has been a victim of internet cyberbullying. Although the figures are alarming, all hope is not gone. Because cyberbullying has become such a serious issue, lawmakers have passed cyberbullying legislation to protect victims and bring perpetrators to court. Several states, nations, and territories have enacted callous and seemingly successful anti-cyberbullying legislation. While some regions are ready to take action against cyberharassment, others are still catching up. Here is a list of several countries and their laws against it.

Canada: According to the Canadian government, cyberbullying causes harm to others and has the potential to affect lives. It is one of the very few countries in the world with the strictest

laws to deal with cyber bullying⁴. Some of the acts done in the case of cyberbullying may be illegal. Cyberbullies may face jail time, equipment confiscation, and even restitution to their victims.

United Kingdom: Cyberbullying is not a crime and is not punishable by a particular statute in the United Kingdom. A person who engages in cyberbullying commits a criminal offence under several laws such as malicious communications act 1988⁵, protection from harassment act 1997, communications act 2003, public order act 1986, and more.

Netherlands⁶: As per the current scenario, there are no specific laws for cyber bullying. However, it is punishable under cybercrime statute.

Philippines: Cyber-bullies who break House Bill 5718⁷, or the proposed "Anti Cyber-Bullying Act of 2015," might face fines of up to P100,000, imprisonment of up to six months, or both, depending on the court's decision.

South Africa: South Africa has enacted legislation⁸ to prevent cyberbullying, mandating ISPs to send over the contact information of anyone detected harassing another. Without their parents' knowledge, children under 18 can approach the courts.

Purpose of amendments

What are the Indian Cyber Laws?

In India, cyber laws prohibit any crime involving technology where computers are used as a tool. Citizens are protected from disclosing sensitive information to a stranger online under cybercrime legislation. Since the introduction of cyber laws in India, the IT Act 2000⁹ is

⁴ A sampling of cyberbullying laws around the world (May. 2, 2020), available at, <http://socialnaakademija.si/joiningforces/4-4-1-a-sampling-of-cyber-bullying-laws-around-the-world/>

⁵ Cyberbullying Laws around the globe (April. 26, 2020), available at, <https://resources.uknowkids.com/blog/cyberbullyinglaws-around-the-globe-where-is-legislation-strongest>

⁶ Cybercrime law, available at, <https://www.cybercrimelaw.net/Netherlands.html>

⁷ *Dionisio P. Tubianosa, criminalization of cyberbully pushed, Republic of the philippines, May 25, 2015, available at, https://congress.gov.ph/press/details.php?pressid=8737*

⁸ Karen allen, South Africa lays down the law on cybercrime, *Iss Africa*, June 9, 2021, available at, <https://issafrica.org/iss-today/south-africa-lays-down-the-law-on-cybercrime>

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

enacted and changed several times, encompassing various sorts of cyber offences in India. The Act defines many categories of cybercrime as well as their consequences.

Cyberlaw in India is not a separate legal structure. It's a jumble of contract law, intellectual property law, data privacy laws, and data protection laws. With computers and the internet infiltrating every part of our lives, stringent cyber laws are required. Information, software, information security, e-commerce, and monetary transactions are all governed by cyber laws.

The Information Technology Act of 2000 covers a wide range of cybercrime. Computers, mobile devices, software, and the internet are all used as both a channel and a target for such crimes.

Cyberspace encompasses all traditional criminal behaviours such as theft, fraud, forgery, defamation, and mischief. These issues have already been addressed in the Indian Penal Code.

What is the current state?

In India, there has been a significant increase in the number of incidences of cyberbullying. The number of cases documented, however, does not correspond to the real number of cases because 9.2 percent of the children did not disclose being bullied to their instructors or parents. According to Child Rights and You (CRY), one out of every three adults is bullied daily, with the majority of them being between the ages of 13 and 18. According to the National Crime Records Bureau, online stalking and cyberbullying incidents have increased by 11.8% in India¹⁰.

What Steps Have Been Taken?

In India, no particular laws are surrounding cyberbullying. Cyberbullying isn't something that can be eradicated without first being reported. Because someone once claimed that words scare, rumours ruin, and bullies murder, it is difficult for a victim to live with the bully they have encountered. Following the 2013 amendment to the Indian Penal Code, there are some laws to rely on, including Section 499 of the IPC, which defines defamation, Section 292A, which defines printing matter intended to blackmail, Section 354A, Section 354D, which defines stalking, and Section 509, which defines any word or act intended to insult a woman.

¹⁰ India reports 11.8% Jump in cybercrime, *Business today*, September 16, 2021, available at, <https://www.businesstoday.in/latest/economy/story/india-reports-118-jumps-in-cyber-crime-in-2020-ncrb-data-306890-2021-09-16>

Cyberbullying is addressed by the Information Technology Amendment Act. A person who sends an offensive message by any communicating device is punished under Section 66A of the IT Act. Invasion of privacy is punishable under Section 66E. The penalty for releasing any information is defined in Section 67.

The Need for Cyber Laws

The terms cyber law and cyber crimes have become more sophisticated in today's environment, which is more tech-savvy. The internet and technology were created for the goal of research and to make people's lives easier, but as the number of people using the internet grew, so did the necessity for cyber laws in India. Because of the anonymous nature of the internet, it is simple to commit cybercrime. As a result, many people may take advantage of this feature.

B.S. Shivshankar and Aswathy Ranjan¹¹ have also said that with the advancement in technology, cyberbullying will be dangerous. Therefore, amendments in existing Indian laws are necessary to avoid the foreseeable future.

"With the exponential rise in the digital environment, the establishment of certain changes was greatly essential for the security of the citizen's privacy and data protection," says advocate Tanuj Aggarwal.

Case Law: When talking about online stalking and cyberbullying, it's important to bring up Ritu Kohli's case¹². Ritu Kohli's case was India's first known example of internet stalking. In 2001, Ritu Kohli filed a complaint alleging that someone else was using her identity on social internet and that she was receiving calls from several numbers, including calls from abroad. A case was also filed under Indian penal code Section 509.

If no measures are taken to combat cyberbullying, it can become a significant problem on the internet. Psychiatrists should be consulted regarding sanctioning legislation ratification against it since it causes significant mental anguish in people. Not only is cyberbullying prevalent, but other cybercrimes are occurring around the country that requires special legislation. If no laws are introduced soon, the situation will deteriorate.

¹¹ B.S. Shivshankar & Aswathy Rajan, A Critical Analysis of Cyber Bullying in India-with Special Reference to Bullying in College, 17 IJPAM 119 (2018)

¹² Dr Sapna Sukrut, cyber stalking and online harassment, *Manupatra*, July-september 2013, available at, <http://docs.manupatra.in/newsline/articles/Upload/FDF5EB3E-2BB1-44BB-8F1D-9CA06D965AA9.pdf>

Amendments proposed to tackle cyber bullying in India

As per the current scenario, India has one of the highest rates of cyber bullying globally. Given the changing cyberspace, it is difficult to interpret existing Indian laws to cover all elements of several online operations. If current laws are to be understood in the context of developing cyberspace, we must update them rather than create new cyber laws based on practical knowledge and judgement.

As acts in cyberspace that need to be sanctioned or have legal standing. For example, we utilise it for the majority of our information access, but email is still illegal in our nation, although the majority of people use it for a variety of business and other purposes. So, first and foremost, emails should be legalised, as there have been several frauds and hijacked email accounts. Even courts and many other reputable institutions communicate via email. As a result, the necessity for Cyberlaw to be modified has emerged resulting from the requirement for time. Many cybercrimes have been perpetrated recently in India, posing a threat to many people, and we must take this issue seriously. Not only are there cybercrimes, but there are also numerous frauds that threaten people for money or other reasons.

In today's society, online shopping is a big area where we can get things delivered to our homes. As a result, E-commerce, the Internet's biggest potential, may be achievable if the required legal infrastructure is in place to support its vigorous expansion. There are numerous factors to consider when it comes to e-commerce, including the fact that we need to reform the rules that govern it.

Even recently, as a result of the epidemic, everything has gone virtual, several critical records from various offices have gone online, which can sometimes leak due to hackings, so everyone needs to take this seriously, even though there are numerous rules in place. Increased cybercrime against women is a serious issue, and even the victims are unaware of how it occurs, which must be addressed as a critical factor. Even though several regulations and sanctions apply to those laws, it is preferable to establish a safe environment for girls and women in society.

As a result, in today's environment, where people must be vigilant while using the internet, a crime-free society does not exist. There will be a drop in crimes and fraud if the government enforces the laws to the letter. It must be highly secure, whether it's government, personal, or business, because it may touch many people's lives. In addition, technology is improving every

day, and the crime rate has increased. The provisions for punishing offenders or wrongdoers against crimes are in the Information Technology Act, 2000 and the Indian Penal Code, 1860. One should be aware of the methods for filing a complaint. Precaution is the most significant component that we must consider to be secure and safe in society.

Conclusion

There is no question that stringent anti-cyberbullying legislation is required worldwide. Cyberbullying can have a devastating effect on the sufferer and their loved ones. Victims may feel withdrawn, worried, or sad and may consider suicide as a means of coping with their mental distress. In and out of school, cyber harassment renders victims defenceless. Many people feel that cyberbullying is more destructive than conventional face-to-face bullying because of the Internet's persistent nature and the ease with which an episode of cyberbullying may be circulated and disseminated.

More effort has to be put in all industrialised nations to enact effective anti-cyberbullying legislation. However, it is encouraging to see that many governments and countries are beginning to take steps to address the significant mental and physical harm that cyberbullying can do.