COMPARATIVE STUDY ON CYBER HARASSMENT

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ABSTRACT

Cyberbullying can have detrimental effects on a victim's physical, mental, and social health. Given their extensive use in every aspect of modern life, from socializing to working to unwinding, it's not surprising that some people have abused digital media for malicious purposes. While the vast availability of information has clear advantages for businesses and consumers alike, it also makes it simpler to propagate unpleasant or unfounded criticism. Additionally, since no one person or organisation can conceivably have access to all the information or content uploaded online, it is difficult to predict how long such statements have been online and how far they have gone before the victim gets to know about them.

The primary goal of this research is to provide a working definition of online harassment and discourse on 1) Varieties of Cyberbullying and 2) Indian and British Laws Regarding Online Harassment. To that end, this article compares and contrasts the anti-harassment policies of India with the United Kingdom online.

Keywords: Digital media, social media, information sharing, and cyberbullying are all relevant concepts to consider.

INTRODUCTION

The Internet is the most important communication and information-sharing tool of the modern day. The internet has made it possible to access almost any piece of information with just a few clicks of the mouse. Although technological progress has enhanced human well-being and increased communication, it has also produced unexpected consequences. As with any revolutionary technology, some shrewd individuals have found ways to use it for their personal gain. This study focuses primarily on the issue of cyber harassment, which is one manifestation

of the inappropriate application of the Internet's many tools. Someone is involved in cyber-harassment if they persistently utilise electronic communication (including text, photos, and audio) to threaten or intimidate another person. Although guys aren't immune to this, studies show that women are more likely to fall, victim. Men strive intensely for the attention of women online since women are in the minority there. The psychological effects of cyberbullying may be even more severe than those of physical harassment because the target of the abuse often doesn't know who is abusing them online or why.

Until cyberbullying is effectively addressed in our culture, the suffering of many victims will continue.

DEFINITION OF CYBER HARASSMENT

We cannot overstate the significance of the Internet as a means of communication and the dissemination of knowledge in the current world. With just a few mouse clicks, one can gain access to a wealth of knowledge made available by the advent of the internet. While technological advancements have undoubtedly improved human life and facilitated more open lines of communication, they have also resulted in some unintended consequences. As is the case with any ground-breaking innovation, some cunning people have figured out methods to exploit it for their gain. The problem of cyber harassment, which can arise from the misuse of the Internet's various features, is the primary subject of this research. When a person repeatedly uses any form of electronic communication (such as text, images, or sound files) to harass, threaten, or otherwise intimidate another person, they are engaging in cyber harassment. Women are statistically more likely than men to experience this. It's no secret that men compete fiercely for the attention of women online because women are in the minority in this arena. Because the target of cyberbullying sometimes doesn't know who is harassing them online or why the psychological impacts may be even more severe than those of physical harassment.

Many victims' suffering will continue until cyberbullying is properly addressed in our society.

TYPES OF CYBER HARASSMENT

1. Cyber Stalking
2. Cyber Bullying
3. Catfishing
4. Doxxing
5. Cyber Teasing

6. Swatting
7. Trolling
8. Identity Theft
9. Cyber Defamation
10. Hate speech
11. Hacking
12. Nonconsensual intimate images
13. Threats
14. Zoombombing

LAWS FOR CYBER CRIMES IN INDIA

Punishment for Cyberstalking and harassment in India under the Indian penal code

- **Section 354A of IPC** - Punishment for sexual harassment and sexual harassment as a whole
- If a man engages in any of the following behaviours, he is guilty of sexual harassment: unwelcome physical contact and advances that include explicit sexual overtures; (ii) a demand or request for sexual favours; (iii) showing pornography against a woman's will; or (iv) making sexually tinged remarks. Any man who violates I (ii), or (iii) of paragraph (1) shall be subject to a term of imprisonment that may not be less than one year and not more than three years, or to a fine, or both. Men who violate clause (iv) of subsection (1) are subject to either a fine or imprisonment for a time that can go up to a year or both, depending on the severity of their actions.
- Sexual harassment is punishable by up to 3 years in prison and/or a fine.
- **Section 354C-** The act of voyeurism is now considered illegal and carries criminal penalties. Sexting, as used here, means taking pictures or videos of a woman engaging in sexual activity without her consent and then sending or showing them to other people. In the event of a first offence, the provision stipulates a fine and a maximum of 3 years in prison, while a second offence carries a maximum of 7 years in prison.
- **Section 354 D -** According to the Criminal Law (Amendment) Act 2013, stalking is defined as "following and contacting or attempting to contact such person repeatedly to foster personal interaction despite clear indication of disinterest by such person," and "monitoring

the use by a person of the Internet, email, or any other form of electronic communication," or "watching or spying on a person in a manner that results in fear of violence."The victim can also additionally file a case of defamation **(Section 499, IPC)**against the offender. The section has bailed out those acts of stalking which are performed to prevent and detect crime by a person who has been entrusted with such responsibility by the state. Also, instances where pursuing such conduct was reasonable or where the person was authorized under any act cannot allude to the offence of stalking.

- **Section 503 -** Any threat made to any person with an injury to her reputation with the intent to cause her to harm or to cause her to change her course of action regarding anything she would otherwise do/not do is considered criminal intimidation and is punishable by imprisonment for a term of up to two years and/or a fine under Sections 499 and 503.
- **Section 509 -** A deliberate attempt to insult a woman's modesty through speech, action, or gesture.
- If someone is calling you derogatory names because of your gender, this may help. Anyone who intentionally offends a woman's modesty by using words, noises, or gestures that she is likely to overhear or she faces a maximum penalty of one year in prison and/or a maximum fine of $1,000.

THE INFORMATION AND TECHNOLOGY ACT, 2000

It is important to keep in mind that the IT Act of 2000 does not specifically address the crime of stalking or harassment.

Criminal stalking is defined in Section 72 of the Act as follows: Any person who, according to any of the authorities conferred under this Act, rules or regulations adopted thereunder, has

Accessing or exposing another person's private electronic records, books, registers, communications, information, papers, or other materials without permission is a serious crime punishable by up to two years in prison and/or a fine of up to 100,000 Indian Rupees (INR).

A fine and/or imprisonment of up to three years and/or imprisonment of up to five years may be imposed for the first offence and/or the publishing, transfer, or facilitation of obscene content, respectively, for a violation of Section 67.

Subgenre recognition for content containing "sexually explicit acts" is a result of Section 67A. Offenders risk up to five years in jail and a fine for a first offence and seven years in prison and a fine for subsequent offences.

In particular, the IT Act of 2008 states in Section 66A as follows:

Anyone who transmits data via an electronic network is considered a data transmitter.

(a) extremely offensive material; (b) information that poses an immediate and severe threat to the safety of any individual or group.

(b) any false information that he uses repeatedly to annoy, inconvenience, imperil, hinder, insult, harm, criminally intimidate, enmity, hate, or ill will another person using such internet resource or a communication device.

Sending electronic mail with the intent to irritate or inconvenience the addressee or recipient, or with the intent to deceive or mislead the addressee or recipient as to the origin of such messages, is illegal and punishable by up to three years in prison and a fine.

In Shreya Singhal v. Union of India, the court in 2015 knocked down this clause because it was so broad as to include all imaginable forms of communication.

HOW TO LODGE A COMPLAINT REGARDING CYBER HARASSMENT ONLINE

There is a portal name **National Cyber Crime Portal**[1] Managed by the Government of India.

[1] https://cybercrime.gov.in/Accept.aspx

To facilitate the filing of formal complaints regarding cybercrime, the Indian government established this reporting hub. Rape/Gang Rape (CP/RGR) and other forms of online sexually explicit content are now being handled by this service. The user's identity is not revealed when they make a complaint using the portal.

A victim of any of these crimes can quickly and easily access resources here. The victims of cybercrime can now reach the relevant authorities through this central location.

You can use this site to report sexually graphic content, including rape and gang rape, as well as child pornography, without revealing your identity.

You might find two different links on this page. Crimes against women and children, as well as other forms of cybercrime, can be reported using separate menu options.

No personal information is required from those who desire to remain anonymous in their comments. However, all pertinent information on the occurrence or complaint must be submitted for police authorities to take necessary action.

If you want to use the Report and Track feature, you have to fill out the fields marked with a red asterisk (*). All information related to a complaint must be sent to the proper authorities. You must provide precise information when filing a complaint, such as your name, phone number, email address, the nature of the incident or complaint, and any evidence to support your claim.

Click the "report and Track" link to see where your complaint stands at any given time. Complaints lodged through this channel are processed by state and local authorities.

Identify the city and state where the incident took place when filing an anonymous complaint. If a complaint is lodged against a website that hosts CP/RGR content, the complainant may designate the state in which the site is physically located.

When using the Report and Track function, you can choose either your current location or the location where the alleged wrongdoing took place for the other party. After reporting an incident or crime, the Report and Track function can be used to facilitate authorities getting in touch with you for follow-up questions.

Twitter handle - @CyberDost[2]

[2] https://twitter.com/Cyberdost

CYBER HARASSMENT ACTS IN UNITED KINGDOM

There is a significant problem with cyberbullying in today's online culture, and it primarily affects young people. In a nationwide survey conducted by the nonprofit organisation Family Lives' Bullying Uk, 42% of respondents younger than 25 reported feeling unsafe when using the Internet. Almost 60% of young people under the age of 25 have witnessed cyberbullying firsthand.

Victims of cyberbullying often say they were also harassed in person, adding to their perception that there was no way to get away from the abuse, even if it took place primarily online. There are several key differences between cyberbullying and other conventional kinds of harassment.

Cyberbullying occurs at any time of day. Because the internet is accessible at all times, bullies can harass their victims anytime, day or night.

More people may be affected by cyberbullying even if they aren't aware of it themselves. If a bully posts a picture of his or her victim online, that image might quickly spread to a wide audience.

Cyberbullying facilitates the gathering of evidence. More evidence that cyberbullying victims can save and bring to law enforcement could be helpful. To help authorities and perhaps lead to criminal charges, victims can take screenshots, save images, and share links to websites.

Because of the anonymity provided by the Internet, bullying of all kinds is more common than ever before. Cyberbullies (also known as "keyboard warriors" or "trolls") can act in ways they would never dream of in the "real" world because of the anonymity the Internet provides.

Since cyberbullies can't see their victims' reactions, it's hard for them to understand the hurt they cause. Because cyberbullies don't have to cope with the emotional fallout of their actions, this is very concerning.

The United Kingdom does not have a law that specifically addresses cyberbullying. However, if someone engaged in cyberbullying, they might violate several laws. Just a few instances would be:

Protection from Harassment Act 1997

The Protection from Harassment Act of 1997 makes it illegal for anyone who knows or has reason to know that their conduct constitutes harassment of another person to engage in that activity. Sending someone harassing or threatening emails again and over is an example of this. There is a maximum of six months in jail time and/or a fine of up to $25,000, or both, for this offence.

Section 4 of the Protection from Harassment Act of 1997 increases penalties for repeat offenders who have caused another person to reasonably fear for his or her safety. Anyone found guilty of this offence faces a fine and/or prison time of up to 5 years. For the protection of victims, the courts may impose restraining orders against criminals under the 1997 Act.

Malicious Communications Act 1988

Section 1 of the Malicious Communications Act of 1988 makes it illegal to send "indecent or highly offensive" material with the goal to cause "distress or worry to the receiver." The Act applies to communications that are either threatening or contain false information that the sender knows or has reason to believe is false. There is a maximum fine of £5,000 (as of this writing) and a maximum prison term of 6 months for this offence.

Communications Act 2003

According to Section 127 of the Communications Act of 2003, it is illegal to transmit any message or information that is "grossly offensive, or of an indecent, obscene, or menacing character" over an electronic communication network. A violation of section 127 of the Communications Act of 2003 may result in a fine of up to £5,000 or imprisonment for up to six months or both.

Obscene Publications Act 1959

The Obscene Publications Act of 1959 makes it unlawful to distribute pornographic materials. Products are considered "obscene" when their content has the potential to corrupt or lead others into depravity. To publish is to make it available for public viewing, listening, or projection in any format.

Public Order Act 1986

Section 5 of the Public Order Act of 1986 criminalises the use of threatening, abusive, or insulting words, actions, writing, or visual representations to annoy, alarm, or distress another person within the hearing or sight range of the offender. In the context of cyberbullying, this refers to the act of using a mobile phone's camera or video recording capabilities to harass, alarm, or otherwise upset another person.

Computer Misuse Act 1990

- The Computer Misuse Act of 1990 may prohibit cyberbullying that involves unauthorised access to a victim's computer or online accounts.

- Victims in the United Kingdom can find help from a variety of places online if they experience a tragedy.
- **National Bullying** Helpline Office hours are 9-5, Monday through Friday (Monday to Friday)

Our group is working together with law enforcement and social media platforms like Facebook to stamp out this type of unacceptable behaviour. Parents should keep an eye on their kids when they use any kind of technological device. There are a variety of measures that parents can take to protect their kids.

If you are a victim of cyberbullying, the first step you should take is to notify the site administrators and request that the offending user's account be terminated. Save screenshots of the bullying-related communications and/or images in case you need to provide proof of the bullying. It is also recommended that you discuss your child's experience with cyberbullying on social media with the school. Bullying of this nature is probably not limited to digital mediums. Since the school is responsible for your child's safety, any concerns you may have should be communicated to the administration. Below, we've explained the processes for blocking and reporting a bully on some of the most popular social media platforms.[3]

Anyone who has been the victim of cyberbullying on any platform (including, but not limited to, Snapchat, Facebook, Instagram, Twitter, etc.) can register a complaint here. Because of their heavy use of social networking sites, young people are especially susceptible to cyberbullying.

The NSPCC is the National Society for the Prevention of Cruelty to Children.

The WWE's "Call out Bullying" campaign is one example of their support for anti-bullying initiatives. They are giving lessons to kids on how to deal with bullies and why bullying is never okay.

[3]

Wrestling Entertainment (WWE) Superstars are touring the country and using social media to raise awareness about bullying and encourage young people to come forward if they witness it.

Any child is vulnerable to becoming a victim of bullying or cyberbullying. The organisation provides resources to help children feel safe in environments where bullying happens.

Any kid, for any reason, is susceptible to bullying. When children are stigmatised because they are perceived as being weak or different, they become more at risk. This may be due to the people:

- race or ethnicity
- gender

https://www.nationalbullyinghelpline.co.uk/social-media.html

- sexual orientation
- They may lack assertiveness,

which could make them appear timid, introverted, or anxious. Kids who are popular or successful can still be bullied. A young person's home life or family circumstances may contribute to their vulnerability to bullying. Because of the stigma associated with having a disability, children with impairments are sometimes the targets of bullying.

ANTI BULLYING ALLIANCE

The Anti-Bullying Alliance is a coalition of organisations and individuals that are united against bullying.

CONCLUSION

However, the law fails to define "cyber harassment" or explain what "monitoring" of electronic communication entails. Only privacy invasion is a kind of online harassment that falls under the purview of the Act; other forms, such as making threats or publishing abusive comments, are explicitly excluded. Yet another facet of the stalker's harassment of others is disregarded. It will be fascinating to see if and how the exceptions in the act mesh with the right to privacy guaranteed by Article 21. In light of what happened to Swathi, restraining orders would have

been an enormous improvement over British law but are not accessible under Indian law. Section 354D cannot guarantee fair justice for the victim on its own since it requires the judge to interpret and reinterpret the law to reflect the facts of each case. To guarantee that the victim obtains full justice, it must be utilised in conjunction with appropriate provisions of the IPC, such as 499 and 503, or with Section 69A of the Information Technology Act. My conclusion is that India needs to further develop its cyberstalking law before it can effectively protect its citizens.