

Law Relating to Cyber Harassment in India

Neelam

Research Scholar, Kurukshetra University Kurukshetra

Abstract: Cyber Harassment refers to online harassment. It is the use of e-mail, instant messaging and derogatory websites to harass an individual or group through personal attacks. Cyber harassment or online harassment can be made in the form of flames, sending of offensive e-mails, comments made in chat rooms or even harassing others by posting on social networking sites or blogs. In today's modern world, it is often difficult to track the person responsible for the acts of cyber harassment. This is so because the person remains anonymous while threatening or sending offensive messages to others online. I.T. Act., 2000 was a set of laws to regulate the cyber space. Indian parliament had also made amendments to the Indian Penal Code 1860, introducing cyberstalking as an offence.

Keywords: Cyber Harassment, E-mail, Offensive, Derogatory, anonymous, Cyber-stalking.

I. INTRODUCTION

Cyber Harassment means to harass someone through the medium of Internet. It is but obvious that this concept has come into existence with the upcoming or advent of Internet. In the modern arena, it is not possible for anyone among us to survive without Internet. This is so because almost every work is done through the means of Internet and computer. Paying of bills, purchasing movie tickets online, online shopping etc. and much more are done via Internet. In other words we can say that Internet becomes the part of our daily routine. But as we all know that when technology is used in a proper way only then it is beneficial otherwise it can be disastrous.

II. WHAT AMOUNTS TO CYBER HARASSMENT

Harassment does not have to occur in a face to face confrontation between two people. It can occur over a telephone line, in writing and also thanks to modern technology, over the Internet too. Cyber Harassment can be understood as the use of Information and Communication Technology (ICT) to harass, manipulate or control someone without a direct or implied threat of physical harm. It can be verbal, sexual, emotional or social abuse of a person, group or organization. The main or primary goal of the harasser, in case of cyber harassment, is to exert power and control over the targeted victims.

Cyber stalking and cyber harassment are often used synonymously to describe the actions of people who relentlessly pursue others online with the motive of embarrassing or frightening the victim. It is very important for everyone to protect their identity on the internet, to prevent the occurrence of such crimes. The term 'Cyber Harassment' is not legally defined anywhere. But, generally it is defined as repeated, threatening behaviour by a person or group with the use of Internet, to humiliate, harass, threaten, intimidate someone also. It can take place in any electronic medium such as message boards, chat rooms, through e-mails or social-

networking sites. Only posting a general opinion on a bulletin board is not considered as harassment.

Online harassment can be divided into two large categories :

- (a) Materials received by a victim.
- (b) Materials posted about a victim.

In both the situations, the main motive of the harasser is only to harass the victim either mentally or sexually.

Cyber Harassment can be done in the form of cyber stalking, cyber bullying.

Now, let us discuss these terms in detail.

Cyber Stalking :- Cyber stalking is a form of harassment. In this type of harassment, a person is followed and pursued online. The privacy of the victim is invaded by the harasser and their every move is on constant supervision. Cyber stalking can disrupt the life of the victim and leave them feeling very threatened and afraid. Cyber stalking usually occurs with women, who are stalked by men or children who are stalked by adult predators. But this doesn't mean that men are not stalked. They too are stalked on the web.

A cyber stalker does not have to leave his home to harass his targets. He may be in any foreign country or in your neighbour also. We cannot easily trace such harassers in cyberspace. There are generally three categories under which a cyber stalker is categorized or we can say that there are three types of cyber stalkers which are as follows:

- (i) **Common Obsessional Stalker :** Under this category, the harasser refuses to believe that their relationship is over. Such stalker is madly in love with the victim and don't let her go.
- (ii) **Delusional Cyber Stalker :** Under this category, the stalker may be suffering from any type of mental illness and have a false belief that keep them attached to their victims. They are of the perception that victim loves them even though they have never met.
- (iii) **Vengeful Cyber Stalker :** Under this category, the harassers are generally angry at their victims due to

any minor reason. They stalk the victims to take revenge.

Now a question arises in mind that what motivates a cyber stalker? The answer to this question lies in below-mentioned any of the motives.

- (a) **Sexual Harassment :** Sexual Harassment may be the motive of the cyber stalker. The harasser continue such type of activities because of the very nature of anonymous communications.
- (b) **Obsession for love :** If a person is madly in love with anyone, then he can do anything for achieving that person. The stalker cannot accept the 'No' of the victim and started stalking the victim.
- (c) **Revenge or Hate :** The cyber stalkers may target the victims on net to let out their frustrations on anyone. Their main motive is to create a feeling of hatred or revenge towards any person, may be unknown to them.
- (d) **Ego :** Sometimes, cyber stalkers, to let their ego satisfied, started following a target and harassing them. The victim have been unlucky enough to have been chosen by the harasser from a random list.

This is the irony of our country that offences are committed against the targets but they have not enough courage to fight against it. In India, the first case of cyber-stalking was registered in New Delhi in 2000. The harasser, Manish Kathuria, was arrested by the Police for stalking a lady, Ms. Ritu Kohli, by illegally chatting on the web site MIRC using her name. The culprit was arrested under section 509 of the Indian penal code for outraging the modesty of victim.

Cyber bullying : It is a form of cyber harassment using electronic forms of contact. It takes place over digital devices like cell phones, tablets and computers. Cyber bullying includes sending, posting or sharing false, negative information about anyone. It can include sharing personal or private data of someone else causing humiliation or embarrassment. Cyber bullying most commonly occurs on :

- E-mail
- SMS
- Social media such as Facebook, Twitter, Snapchat, Instagram, Whats App.

In Cyber bullying some unique concerns are there like :

It is permanent. i.e. the information communicated electronically is public and a negative image of the victim can't be washed off easily.

The person or children experiencing cyber bullying does not have any idea that any information, whether sexual or personal, get immediately and continuously communicated to others. It is very difficult for the victim to get out of it.

It is very hard to notice. Because cyber bullying is harder to recognize by parents and the person around. They don't even know that their child is in a very critical situation and mental pressure which compels them to commit anything against their body.

So, the parents or teachers should take care of their ward. However, there are some of the signs, which generally a child, who is being bullied, shows :

- (i) Being emotionally upset during or after using phone or Internet.
- (ii) Withdrawl from family members, friends and activities.
- (iii) Changes in behaviour, mood.
- (iv) Remains quiet in discussions about Internet and cellphones.
- (v) Skipping school.

Many kids and teens don't want to share their experiences of being bullied because they feel ashamed of the social stigma or fear of the parents.

Cyber bullying is not only limited to schoolyards or street corners it can happen at home as well as at school. As long as children have access to phones computer or other communicable devices, they are at a risk of being bullied.

III. LAW RELATING TO CYBER HARASSMENT IN INDIA

Cyber Harassment is a very critical issue. This offence is committed through Internet, phones, computers, laptops, tablets etc. Prior to February 2013, there were no laws that directly regulate cyberstalking in India. I.T. (Information Technology) Act of 2000 was a set of laws to regulate the cyberspace. Indian Parliament in 2013 made amendments to the Indian Penal code, introducing cyberstalking as a criminal offence.

There are lots of sections in the Indian Penal code, which can be utilized by women who suffers sexual harassment. Such sections can even be taken into account in accusations of online harassment.

Section 509 : Statement, Signal or Activity anticipated to insult the modesty of a woman :- If a woman has received derogatory verbal abuse because of her gender, then she may use this law. The offender shall be punished with Simple Imprisonment for a term which may extend to three years and also with fine.

Section 499 :- Defamation

If a person used sexiest/abusive language to a woman online which is defamatory, which can cause mental stress or harm. The offender is punished with an imprisonment of two years or with fine or with both.

Section 503 :- Criminal Intimidation :

Women in today's computerized world is also often prone to violent intimidation in the form of rape threats. The offender shall be punished with an imprisonment of 2 years. If in this case, death or grievous hurt caused to woman, then the offender shall be punished with imprisonment of seven years or with fine or with both.

Section 507 : Criminal Intimidation by an anonymous communication :- under this section, rape threats and other forms of violent coercion falls where the perpetrator is a stranger.

The offender shall be punished with imprisonment upto two years.

Section 228 (A): Disclosure of the identity of certain offences :-

The identity of a rape victim should not be disclosed. So, it is illegal to post pictures and videos of women, who have been subjected to rape, online for the purpose of revenge and silencing them. The offender shall be punished with an imprisonment of two years and also fine.

Section 166A :- If a public authority doesn't obey the directions of law and do not register the case of victim, then he shall be liable for a rigorous imprisonment of 6 months which may extend to two years and also fine.

IV. WHAT DO YOU DO IF YOU ARE BEING HARASSED ON LINE :-

- Consider installing a filtering system on your computer that automatically screens and discards e-mail messages from identified individuals or subject matters. With this type of technology, you can effectively prevent your computer from showing you items sent from particular people or items concerning certain topics or subjects.
- In real time discussion forums, direct your computer to block messages being sent from any other user whom you find offensive or who you feel harassing you.
- If you are being harassed, report the behaviour to the host of the website. You may be able to successfully have the harasser banned from that website.
- Protect yourself from involuntarily having to view materials that you may find offensive when you are performing an on-line search for information. Many computers have internet access controls that are designed primarily for parents to keep their children out of inappropriate sites.
- If you are an employer, consider putting into place a computer program that can perform a cursory examination of e-mails within your system and which can target and block e-mails that contain offensive or inappropriate keywords.
- Invest in an anti spam program. They are available that can read and interpret material as spam and prevent it from reaching you.
- Exercise caution in deciding what type of information about yourself you put into cyberspace. Don't give online harassers a target!

V. CONCLUSION

After discussing the concept of online harassment in detail, I came to conclude that online harassment is also a serious concern which required immediate action. It is very necessary that there must be stringent laws with effective implementation to tackle with this problem. In the cyberspace, it is very important that we should be very particular about the pictures, videos shared by us. The

victim also don't hesitate in filing a complaint against the harasser because the victim's delay can give courage to the harasser in continuing such offence. Last but not the least, there should be proper care and caution on our side by not sharing anything on the internet and gets attracted to the false web sites.

VI. REFERENCES

- [1]. www.employment.findlaw.com
- [2]. <https://googleweblight.com>
- [3]. <https://www.stopbullying.gov>
- [4]. <https://en.m.wikipedia.org>
- [5]. www.livelaw.com
- [6]. Information and Technology Act, 2000
- [7]. Ratanlal & Dhirajlal, The Indian Penal Code, 35 Edn., 2017, Lexis Nexis.
- [8]. Indian Penal Code 1860, Universal Law Publishing, 2017.