



INTERNATIONAL LAW  
JOURNAL

---

**WHITE BLACK  
LEGAL LAW  
JOURNAL**  
**ISSN: 2581-  
8503**

*Peer - Reviewed & Refereed Journal*

The Law Journal strives to provide a platform for discussion of International as well as National Developments in the Field of Law.

[WWW.WHITEBLACKLEGAL.CO.IN](http://WWW.WHITEBLACKLEGAL.CO.IN)

## **DISCLAIMER**

No part of this publication may be reproduced or copied in any form by any means without prior written permission of Editor-in-chief of White Black Legal

– The Law Journal. The Editorial Team of White Black Legal holds the copyright to all articles contributed to this publication. The views expressed in this publication are purely personal opinions of the authors and do not reflect the views of the Editorial Team of White Black Legal. Though all efforts are made to ensure the accuracy and correctness of the information published, White Black Legal shall not be responsible for any errors caused due to oversight or otherwise.

WHITE BLACK  
LEGAL

## **EDITORIAL TEAM**

### **Raju Narayana Swamy (IAS ) Indian Administrative Service officer**



Dr. Raju Narayana Swamy popularly known as Kerala's Anti Corruption Crusader is the All India Topper of the 1991 batch of the IAS and is currently posted as Principal Secretary to the Government of Kerala . He has earned many accolades as he hit against the political-bureaucrat corruption nexus in India. Dr Swamy holds a B.Tech in Computer Science and Engineering from the IIT Madras and a Ph. D. in Cyber Law from Gujarat National Law University . He also has an LLM (Pro) ( with specialization in IPR) as well as three PG Diplomas from the National Law University, Delhi- one in Urban Environmental Management and Law, another in Environmental Law and Policy and a third one in Tourism and Environmental Law. He also holds a post-graduate diploma in IPR from the National Law School, Bengaluru and a

professional diploma in Public Procurement from the World Bank.

### **Dr. R. K. Upadhyay**

Dr. R. K. Upadhyay is Registrar, University of Kota (Raj.), Dr Upadhyay obtained LLB , LLM degrees from Banaras Hindu University & Phd from university of Kota.He has succesfully completed UGC sponsored M.R.P for the work in the ares of the various prisoners reforms in the state of the Rajasthan.



## **Senior Editor**

### **Dr. Neha Mishra**



Dr. Neha Mishra is Associate Professor & Associate Dean (Scholarships) in Jindal Global Law School, OP Jindal Global University. She was awarded both her PhD degree and Associate Professor & Associate Dean M.A.; LL.B. (University of Delhi); LL.M.; Ph.D. (NLSIU, Bangalore) LLM from National Law School of India University, Bengaluru; she did her LL.B. from Faculty of Law, Delhi University as well as M.A. and B.A. from Hindu College and DCAC from DU respectively. Neha has been a Visiting Fellow, School of Social Work, Michigan State University, 2016 and invited speaker Panelist at Global Conference, Whitney R. Harris World Law Institute, Washington University in St.Louis, 2015.

### **Ms. Sumiti Ahuja**

Ms. Sumiti Ahuja, Assistant Professor, Faculty of Law, University of Delhi, Ms. Sumiti Ahuja completed her LL.M. from the Indian Law Institute with specialization in Criminal Law and Corporate Law, and has over nine years of teaching experience. She has done her LL.B. from the Faculty of Law, University of Delhi. She is currently pursuing Ph.D. in the area of Forensics and Law. Prior to joining the teaching profession, she has worked as Research Assistant for projects funded by different agencies of Govt. of India. She has developed various audio-video teaching modules under UGC e-PG Pathshala programme in the area of Criminology, under the aegis of an MHRD Project. Her areas of interest are Criminal Law, Law of Evidence, Interpretation of Statutes, and Clinical Legal Education.



### **Dr. Navtika Singh Nautiyal**

Dr. Navtika Singh Nautiyal presently working as an Assistant Professor in School of Law, Forensic Justice and Policy studies at National Forensic Sciences University, Gandhinagar, Gujarat. She has 9 years of Teaching and Research Experience. She has completed her Philosophy of Doctorate in 'Intercountry adoption laws from Uttranchal University, Dehradun' and LLM from Indian Law Institute, New Delhi.



## **Dr. Rinu Saraswat**

Associate Professor at School of Law, Apex University, Jaipur,  
M.A, LL.M, Ph.D,

Dr. Rinu have 5 yrs of teaching experience in renowned institutions like Jagannath University and Apex University. Participated in more than 20 national and international seminars and conferences and 5 workshops and training programmes.

## **Dr. Nitesh Saraswat**

E.MBA, LL.M, Ph.D, PGDSAPM

Currently working as Assistant Professor at Law Centre II, Faculty of Law, University of Delhi. Dr. Nitesh have 14 years of Teaching, Administrative and research experience in Renowned Institutions like Amity University, Tata Institute of Social Sciences, Jai Narain Vyas University Jodhpur, Jagannath University and Nirma University.

More than 25 Publications in renowned National and International Journals and has authored a Text book on Cr.P.C and Juvenile Delinquency law.



## **Subhrajit Chanda**

BBA. LL.B. (Hons.) (Amity University, Rajasthan); LL. M. (UPES, Dehradun) (Nottingham Trent University, UK); Ph.D. Candidate (G.D. Goenka University)

Subhrajit did his LL.M. in Sports Law, from Nottingham Trent University of United Kingdoms, with international scholarship provided by university; he has also completed another LL.M. in Energy Law from University of Petroleum and Energy Studies, India. He did his B.B.A.LL.B. (Hons.) focussing on International Trade Law.

## ***ABOUT US***

WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal provided dedicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

# **LEGAL CHALLENGES IN ADDRESSING CYBERBULLYING - AN INDIAN PERSPECTIVE**

AUTHORED BY - VANSH BHARDWAJ

"The Internet is becoming the town square for the global village of tomorrow"-Bill Gates

As the use of social media and the internet has increased, cyberbullying has become a significant problem affecting people of all ages. Cyberbullying occurs over electronic platforms like social media, messaging apps, gaming platforms, and cell phones. It is a sophisticated and covert form of verbal and textual bullying that entails a pattern of behaviour meant to frighten, enrage, or shame the target. Online bullying is more deadly than traditional bullying since it is anonymous, and it is also more difficult to stop because the victim isn't aware that they are being harmed.

One of the most concerning effects of cyberbullying on psychological health. Cyberbullying victims may experience emotions of isolation and loneliness, as well as low self-esteem, anxiety, depression, a decline in academic performance, and other psychiatric illnesses. Cyberbullying can affect anyone, regardless of their age, gender, or country of origin.

Cyberspace has developed into a genuine world devoid of laws and civilisation because it is challenging in a systematised and organised society, even though the rule of law is intended to prevail and order and authority exist to protect citizens.

- Harassment: This is any inappropriate physical or verbal behavior that aims to make another person feel distressed, afraid, or worried. In the context of cyberbullying, harassment can take many different forms, such as sending messages or frequently releasing harmful content, for which offenders may be subject to fines or jail time in some circumstances.
- Impersonation: Establishing false identities for profiles or accounts in an effort to

undermine and defame the victim.



W H I T E   B L A C K  
L E G A L



- Exclusion: Willfully excluding someone from online conversations or groups, or spreading lies about the victim to keep them away from their peer group.
- Cyberstalking is the practice of watching someone else's online activities or personal life while using that knowledge to harass, intimidate, or threaten the victim.
- Sexting: Obtaining pornographic images or videos from a victim under duress and disseminating them without the victim's consent.

### **Legal repercussions:**

Cyberbullying can have a range of legal repercussions depending on how serious the behaviour is. Prosecutors frequently cite existing laws when dealing with cyberbullying incidents, and criminal harassment statutes are used as a foundation for rendering decisions in significant situations such as suicides or other terrible events. Here are a few instances of legal repercussions:

- Criminal charges: If cyberbullying involves harassment, hate speech, or threats, there may be legal repercussions. Cyberbullying is forbidden in several countries, including the US. In some circumstances, cyberbullying may be considered a kind of cyberstalking, which is against the law.
- Civil culpability: Cyberbullying may also result in civil liability. Cyberbullying victims have the right to file a lawsuit against the offender for damages including emotional distress, reputational harm, and other associated losses. In some circumstances, parents of minors who engage in cyberbullying may be held responsible for their children's behavior.
- School repercussions: Cyberbullying may result in school-related problems. Many schools have anti-cyberbullying guidelines in place, and students who violate them may be subject to disciplinary measures including suspension or expulsion.

- Workplace repercussions: Employees who engage in cyberbullying may face disciplinary action, which may include termination, as well as other workplace consequences. In some cases, employers may be held accountable for workplace cyberbullying.<sup>1</sup>

- Although there isn't a specific law in India that prohibits cyberbullying, the following rules do exist:

- According to Section 507 of the Indian Penal Code, if someone is subjected to criminal intimidation through an anonymous message, the offender might spend up to two years in prison.<sup>2</sup>

- According to Section 509 of the Indian Penal Code, violators who attempt to violate a woman's modesty through words or deeds which can also be done through electronic means by invading the woman's privacy are subject to a year in jail, a fine, or both.<sup>3</sup>

- Among other things, the Information Technology Act of 2000's Section 66A regulates the dissemination of offensive materials through communication services. This Section provided a means for actual victims of online abuse to get instant relief from potentially humiliating or hurtful content. Police officials are now powerless in the face of the growing threat of cyberbullying.

- A person who intentionally violates someone's privacy might receive up to three years in prison or a fine of up to three lakhs under Section 66E of the IT Act.<sup>4</sup>

Additionally, in colleges and institutions that have received UGC approval, anti-ragging committees have been constituted. Furthermore, according to the UGC, institutions and universities must adhere to the anti-ragging policy in order to maintain their accreditation.

---

<sup>1</sup> Stopbullying.Gov, <https://www.stopbullying.gov/> (last visited April 18, 2023)

<sup>2</sup> Indian Kanoon, <https://indiankanoon.org/doc/1255223/> (last visited April 22, 2023)

<sup>3</sup> Myadvo.In, <https://www.myadvo.in/bare-acts/indian-penal-code/ipc-section-509/> (last visited April 22, 2023)

<sup>4</sup> The Information Technology Act, 2000 India Code,

[https://www.indiacode.nic.in/bitstream/123456789/13116/1/it\\_act\\_2000\\_updated.pdf](https://www.indiacode.nic.in/bitstream/123456789/13116/1/it_act_2000_updated.pdf) (last visited April 22, 2023)

## Case law:

In the historic ruling of **Vishaka v. State of Rajasthan (1997)**, the Supreme Court acknowledged cyberbullying as a problem for the first time. The Supreme Court established rules and procedures in this case to safeguard women from sexual harassment when dealing with bullying. In the 2015 case of **Shreya Singhal v. Union of India**, Section 66A of the Information Technology Act, 2000, which protected cyberbullying in India, was overturned.

In **Sazzadur Rahman v. The State of Assam and Others**, the defendant made a false Facebook page for the victim, who was 15 years old. The accused used the victim's name in the fake profile, posted lewd photos of her, and made disparaging comments about her, which led to the victim's mental instability and prevented her from advancing academically.

The accused's request pursuant to Section 311 of the CrPC was denied by the trial judge. Following that, a petition under CrPC sections 482 read with 401/397 was submitted to the Gauhati High Court seeking to have the trial court's decision set aside. In rejecting the case, the Guwahati High Court ruled that neither the revisional jurisdiction nor Section 482 CrPC permitted interference with the trial Court's discretion, which appeared to have been used wisely in light of pertinent information.

The victim in **Shubham Bansal v. The State (Govt of NCT Delhi)** experienced discomfort, insult, and harassment as a result of the accused's creation of a fraudulent Facebook account using Nidhi Taneja's name and the victim's phone number. A FIR was then filed against the accused. The matter was remanded to the Metropolitan Magistrate for review after the victim submitted a new application under Section 173 (8) of the CrPC asking that the investigating officer conduct more investigation.

The accused then asked for the abandonment of the case against him in accordance with Sections 66A of the IT Act and 509 of the IPC. The Delhi High Court refused to consider the accused's argument, but it did instruct the investigating officer to hold off on submitting his final report until the Magistrate made a decision on the victim's pending application.

The honourable court stated that the investigating officer was free to submit a report based on the inquiry's findings up to that point, reserving the right to submit a follow-up challan or report in

response to the victim's ongoing request for additional investigation under Section 173 (8) of the CrPC.<sup>5,6</sup>

### **Strategies for prevention and intervention:**

Parents, schools, and law enforcement must all work together to prevent and address cyberbullying. Some strategies for stopping and addressing cyberbullying include:

- **Education:** Raising awareness of the dangers of cyberbullying among kids, parents, and educators can help avoid it. In order to raise awareness of cybercrime among students and teachers, schools should conduct anti-bullying initiatives and teach children about internet safety, privacy, and responsible online behavior.
- **Internet monitoring:** In order to spot instances of cyberbullying or cybervictimization, parents and educators should keep an eye on their kids' online conduct. It's important to encourage kids to use the reporting features that are available on many social media sites, which allow users to report abusive behavior.
- **Communication:** Encouraging open communication between kids, parents, and teachers can help stop cyberbullying before it becomes a major issue. Students should be encouraged to report any instances of bullying or abuse by their parents, teachers, and peers.
- **Legal Intervention:** In some circumstances, cyberbullying may constitute a criminal offense. Cyberbullying incidents can be investigated by law enforcement, and offenders can be brought to justice.
- **Create Safe areas:** Schools and other groups should create safe areas where students may talk about issues like cyberbullying. By doing so, the humiliation associated with bullying may be lessened.
- **Implement penalties:** People who engage in cyberbullying should suffer penalties. In extreme cases, this could result in expulsion from school, a ban on using the internet, or legal action.

---

<sup>5</sup> Vinod Joseph and Mitali Jain, India: Anti-Cyber Bullying Laws In India - An Analysis (2020)

<sup>6</sup> Shikha Bhatnagar, Cyber Bullying: A brief Analysis, LEGAL SERVICE INDIA

Cyberbullying is a severe problem that can have long-term effects on individuals and society. To protect yourself and others from the detrimental impacts of cyberbullying, it is critical to increase awareness about it and educate students, parents, and educators about its hazards. Cyberbullying prevention and intervention necessitate a collaborative effort from parents, schools, and law enforcement. We can make the internet a safer place for everyone if we all work together.<sup>7,8</sup>

### **Understanding cyberbullying:**

Cyberbullying is the use of electronic communications such as social media platforms, email, instant messaging and text messages to harass, threaten or harm an individual. These are deliberate repetitive acts intended to cause emotional distress, embarrassment, and humiliation to the victim. Cyberbullying can take many forms, including spreading rumors, posting offensive or abusive content, identity theft, and extortion and intimidation.<sup>9</sup>

### **Effects of cyberbullying:**

Cyberbullying can have a serious impact on the mental, emotional, and psychological health of victims. It can lead to depression, anxiety, social isolation, low self-esteem, and even suicide in extreme cases. The anonymity provided by the Internet encourages and facilitates perpetrators to commit such acts, often without immediate consequences.

### **Indian law against cyberbullying:**

In India, cyberbullying is covered within the Information Technology Act 2000 and its subsequent amendments. Relevant sections dealing with cyberbullying include:

**Section 66A:** This section of the Information Technology Act, which was overturned by the Supreme Court of India in 2015, was formerly used to send offensive messages or it was a crime to cause such malice. Although not applicable today, it is important to mention its historical significance.

---

<sup>7</sup> What is Cyber Bullying or Anti-Bullying Laws in India, MYADVO.IN

<sup>8</sup> Ferrara, P., Ianniello, F., Villani, A. et al. Cyberbullying a modern form of bullying: let's talk about this health and social problem. *Ital J Pediatr* 44, 14 (2018).

<sup>9</sup> Cyberbullying Laws in India – The Law Express

**Section 67:** This section is about posting or transmitting obscene content in electronic form. This law makes it a crime to post, transmit, or cause the posting or transmission of obscene or sexually explicit content. This section can address cyberbullying that involves the distribution of explicit or obscene content.

**Section 67A:** This section focuses specifically on cyberbullying that involves sexually explicit depictions of children. It is a crime to publish, transmit, or cause the publication or transmission of child pornography.

**Section 67B:** This section is intended for you to post, send, or cause to be posted or sent, sexually explicit material involving a person with whom you have a consensual intimate relationship without that person's consent. It criminalizes the sharing of intimate images and videos without the person's permission and is often referred to as "revenge porn."

**Section 66E** – Section of the IT Act provides penalties for breach of privacy. The article states that anyone who intentionally violates privacy of any kind by sending, taking, posting, or otherwise sending, taking, or posting private photographs of another person shall be punished with imprisonment of up to three years or a fine of up to three lakhs.

**IPC Section 507** – This section states that if someone is criminally threatened by anonymous communication, the person making the threat will be punished with some form of imprisonment for up to two years. Bullying and cybercrime. In this section, bullying is addressed using the term "anonymously."

### **Classification of cyberbullying as a cybercrime:**

Under Indian law, cyberbullying is classified as a cybercrime under the various articles above including Section 66A (before repeal), Section 67, Section 67A, Section 67B and Section 509. These provisions enable the prosecution of individuals involved in cyberbullying. -Participate in activities and provide relief to victims.<sup>10</sup>

Furthermore, it is worth noting that the Indian government is in the process of enacting comprehensive legislation specifically on cyberbullying and related crimes. The bill aims to

---

<sup>10</sup> What are the Cyber Laws in India? (myadvo.in)

create a stronger legal framework to combat cyberbullying, including reporting mechanisms, faster investigations and provision for tougher penalties.

## **Types of cybercrime**

Different types of cybercrime are punished differently in India.

### **Identity**

**theft** When an individual's identity is stolen to misuse their financial resources or to obtain loans or credit cards on their behalf, such crime is known as identity theft.

**Cyber Terrorism** – A cyber terrorism offense occurs when an individual, organization, group, or nation is threatened with extortion or harm of any kind. Generally, this involves a well-planned attack strategy against both government and corporate computer systems.

**Cyberbullying** – When a teenager or young person harasses, defames, or threatens someone through the Internet, phone, chat room, instant messaging, or other social networks, that person commits the crime of cyberbullying. There is a possibility that When adults commit similar crimes, it is called cyberstalking.

**Hacking** – The most common cybercrime is hacking. In this crime, an individual gains access to another person's computer and passwords for ill-gotten gains.

**Defamation** – Everyone has a right to speak, including on Internet platforms, but if what you say crosses the line and harms the reputation of an individual or organization, you can be sued for defamation.

**Copyright** – With the vast increase in Internet users and the explosion of data/information across all platforms, copyright in a work helps limit the use of the work. Any use of copyright without your consent is punishable by law.

**Trade Secrets** – Internet organizations invest significant time and money in developing software, applications and tools and rely on cyber laws to protect their data and trade secrets from theft. This is a criminal offense.

**Free Speech** – When it comes to the internet, there is a fine line between free speech and cybercrime. Because freedom of expression allows individuals to express their opinions, cyber laws prohibit obscene and indecent behavior online.

**Harassment and Stalking** – Harassment and stalking are prohibited, even on internet platforms. Cyberlaw protects victims and prosecutes perpetrators from this crime.

