Cyberbullying: A Socio-Legal Perspective

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ABSTRACT *The online harassment and cruel pranks played by teens and adolescents by forming hate groups to isolate and defame their peer/s can be termed as Cyberbullying. This paper attempts to highlight negative effects of peer aggression on the overall development of teens and adolescents and critically analyzes whether cyberbullying is affiliated with driving the victim to suicide. The recent statistics on cyberbullying show 52 percent teenagers complain of being cyber bullied. Moreover, Social Networking Sites (SNSs) act as catalyst platform for cyber bullying. The paper delineates the root cause of the problem, the current vacuum of legal obligation and thereby providing preventive suggestions to combat cyber bullying*

Prologue

With the advent of technology, major real world activates have shifted to the virtual world. With more dependency on internet for school, colleges, projects, work and social purposes, it also serves as a venue to vent one's frustration and aggression which would not have otherwise been possible offline. The virtual world is flooded with huge traffic and hence there has been requirement of law to control and discipline the online menace affecting young lives. Undoubtedly, internet and cyber space can be used for research and creative work but the possibility of using the internet for unlawful activities cannot be denied and overlooked. The 24x7 access to internet on handy devices has made it comparatively easy for bullies to harass their innocent prey with little or no liability and escaping consequences.

History of Bullying

The word "bully" can be traced back as far as the 1530s. (Harper, 2008). Bullying involves two people, the bully and the bullied i.e. the intimidator and the victim. Bullying is done with the intention to acquire superiority over others and many times to attract attention of others. Abusing the victim by various means such as verbal or physical aggression, sometimes assaulting face-to-face or even spreading rumors about the victim also amounts to bullying. Such type of bullying is done intentionally and repeatedly. The face-to-face bullying that took place in schools, and playgrounds has now shifted to the internet through online sites that are used to abuse and play pranks, post comments on other profiles and escape the liability and consequences of the same. This online form of bullying is known as cyberbullying which is carried out using internet, cell phones or other electronic devices. Intentional repeated online harassment may be done by sending offensive emails, blogs and text messaging, commenting on SNSs of others' profiles, and posting hateful and hurtful messages.

Moreover the internet allows the users to maintain anonymity to create his or her profile free of cost and as per their desire, totally unrealistic from what the user is in real world. Teens and adolescents are more likely to be involved in cyberbullying and online teasing as they are going through an impulsive and variable phase of life where they are more susceptible to criticism, strain and stress.

Table 1: Bullying and Cyberbullying

Bullying	Cyberbullying
Offline	Online
No anonymity	Anonymity
Face to Face bullying/ real world	Bullying with anonymity/ virtual world
Home was a secured place	Home or any-other place is no more secured place

Various forms of bullying

Physical bullying: Using physical force on the bully such as hitting, poking, tripping or pushing. Such act may amount to assault or battery.

Verbal bullying: This is the generic form of bullying where repeated name calling, insults, gossiping, homophobic or racist remarks are passed verbally.

Social (covert) bullying: Indirect actions such as lying about someone, spreading rumors, making a person feel humiliated or powerless, mimicking someone or ignoring for no reasons.

Psychological bullying: For example, threatening, manipulating or stalking someone.

Cyber bullying: All the above mentioned types of bullying when done with the use of electronic devices and equipment like cell phones, computers and tablets through chat-rooms, instant messages or SNSs are said to be cyber-bullying. Cyber bullying has no specific definition till date but most of the researchers have agreed that cyberbullying cannot be done without electronic communication technologies.

Cyber bullies go to an extent of disclosing the personal information of the victim, post gossip and instigate to form hate groups to gang up on the target. The victim is singled out because of his or her psychological facets more than physical facets. The victim may be picked on for physical reasons as overweight or thin, very short or very tall and other physical disabilities like walking, wearing specs etc.

The Pew Internet and American Life research's recent report based on survey of teens that examine teens privacy management on social networking sites, teens are shar-

ing more personal information about themselves on social networking sites. Such sites are experiencing a significant growth in teen users. It further states that 95% between age group of 12 – 17 years are totally online with 80% of them using social networking sites of which 88% have experienced some kind of mean or cruel behavior on social networking sites.

The Anti-bullying charity's findings in 2013 states that 69% young people have been victims of cyber bullying; a number that is comparatively much higher than its previous reports. According to the cyber-bullying charity, the Cyber Smile Foundation, every 20 minutes a child between 10 to 19 years of age attempts to commit suicide. With the recent bullying related suicides in United States and other countries a link between bullying and suicide appears to be building. Though bullying may not be the sole reason for suicide but cyber bullying victims are more likely to have low self-esteem which could cause them to consider suicide. The tremendous growth in cyberbullying driving teens to suicide and the aftereffects on their development cannot be overlooked. Hence, developing a mechanism along with an appropriate law to stop the menace of such online bullying is the need of the hour.

The following table highlights few cases where teens have attempted suicide due to intolerable cyberbullying carried on social networking sites or other online medium. These cases strongly feature a relation between interpersonal aggression and suicide.

Table 2: UK, USA & India- suicide cases

Victim	Year of suicide	Country
Daniel Perry	2013	UK
Joshua Unsworth	2013	UK
Hannah Smith	2012	UK
Ryan Patrick Halligan	2003	USA
Megan Taylor Meier	2006	USA
Rachael Neblett	2006	USA
Sarah Lynn Butler	2009	USA
Ms. Phoebe Prince	2010	USA
Tyler Clementi	2010	USA
Kenneth Weishuhn	2012	USA
Aditya Dubey	2014	India
Unnamed	2013	India
Unnamed	2010	India

Unfortunately these are only some of the names/cases that have been notified with suicide as the outcome of cyberbullying. Though the cases are rare this issue calls for an attention from stakeholders from all fields. The 2013 survey conducted by Liam Hackett in UK reports 69% youths aged 13 to 22 years have been bullied online with 20% being bullied aggressively and 37% were bullied often. In US by the age of 24, 60% have already been convicted for a criminal charge at least once for bullying. 44% of the middle school students in US report of having been bullied. The 2013 statistics report on cyberbullying by the Cyberbullying Research Center confirms a rise in the rate of cyberbullying in the schools.

A research conducted by Sameer Hinduja, and Justin W. Patchin reports 20% of the respondents seriously thought about committing suicide due to being harassed online. There is a significant correlation in the various forms of bulling with the drive to suicide. The report further concludes that comparatively cyberbullying victims have high tendency to attempt suicide unlike those who were not bullied. Thus it clearly states that cyberbullying victims who

have experienced peer aggression and peer harassment successfully end their life whereas many other victims of cyberbullying strongly consider and even attempt suicide.

In India 53% children have been victims of cyberbullying as per a survey conducted by 'Global Youth Online Behavior Survey' by Microsoft in 25 countries 2012, - it has been reported that India ranks third in cyber bullying, China tops the cyberbullying list with 70% followed by Singapore 58% when it comes to online offences. The ASSOCHAM Survey indicates that globally 73% of minors are active on Facebook below the age of 13. With such a high child population in India being cyberbullied and other online offences such as defamation and abuse, it upsets to note that the IT (Amended) Act 2008, has no special provisions for protection of children on internet,- other than sec. 67-B which is bailable, compoundable by the person who has been defamed and is triable by the magistrate. What are then the legal safety measures in law to protect teens and adolescents from bullying? The Information Technology Act 2000 as amended in 2008 has not proven fruitful to protect the online child population of India from various offences including cyber bullying.

Reason behind cyberbullying
Adolescence/ teens is a very delicate phase of life where children have to struggle with various issues of self-identity and self-esteem. As such in this stage of their development it is very obvious for them to have a strong influence on their peer group as well as emphasis on the way they are judged in their peer groups. In the tech-world, the status and popularity of a person is judged by the number of friends he or she has on the SNSs (Michele Ybarra).

The after effects
The use of internet to harass and tease others can cause emotional, social and psychological effects. Post bullying teens and adolescences hardly share their online experience with parents, with the fear that parents will create a scene and worsen the situation or that they will not take cyberbullying seriously as it does not hurt their child physically. As such a significant number of cyberbullying victims have serious thoughts and attempts to suicide compared to those who have never been bullied.

Suggestions
Just like ragging laws are made mandatory in schools so should the anti-cyberbullying rules and regulations. These should form a strict part of discipline in schools. The schools should have events, seminars and programs as a part of their curriculum where proper discussion on online offences and cyberbullying and the aftereffect and the harm that cyberbullying can cause may be vividly portrayed. Developing, enacting & amending laws to provide guidelines to school to reduce the menace of cyber bullying at the grass root level thereby protecting further online damage would be a commendable step.

Conclusion
Unfortunately there are no laws in India that directly address cyberbullying but it is covered under the topic of harassment and harm, defaming and humiliating children or teens. There is a dire need for a legislation governing internet with respect to cyberbullying as exists in USA at school level. Again having a law for online offences may be difficult to implement and monitor the aftereffects on the youth. Any form of adolescent and teens peer aggression offline or online must be taken seriously as the online harassment can have a grave real world implication. The

menace of cyberbullying can be curbed with the help and initiative of adults, parents, teachers' friends and school authorities. All parties need to interact, join hands and play an active role in combatting cyberbullying.

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