Disturbing Psycho-social Trends in Social Media: The Phenomena of Cyber Bullying and Cyber Stalking

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Abstract

The double phenomena of cyber bullying and cyber stalking have received a lot of media and academic attention in recent years, especially after the locker room incident in May 2020 and quite rightly so. The surreptitious nature of this crime, coupled with the fact that it is mostly prevalent in school going children and teenagers in college; usually hushed up by guilty parents and/or siblings, make it difficult to pinpoint the locus of this crime and in fact many embarrassed parents even refuse to recognize it as a crime, debunking it's seriousness by calling it as "misdirected playfulness" and that "kids will be kids". This is extremely unfortunate as according to Microsoft's 'Global Youth Online Behavior Surveyi' of 25 countries, India ranked third with 53% of respondents (children aged between 8-17) saying they have been bullied online, behind China (70%) and Singapore (58%). Moreover, these kinds of cyber-crimes finds a high incidence of occurrence mainly in pre-teens and teenagers, both categories of children who while undergoing many hormonal changes and attitude shifts, are also highly stressed because of studies, competitive exams and peer as well as parental pressure. At an age where a chance stray remark or image can irreparably upset an already fragile psychological imbalance, these phenomena simply cannot be ignored.

In November 2017, an MBBS student in Kerala jumped to her death from the highest floor of her college building. An examination of her Facebook profile showed her displeasure over the nasty comments made one of her peers. Police suspect that cyber bullying provoked her to take this extreme step. In another incident 20 year old Gurmehar Kaur was repeatedly trolled and cyber abused after her long campaign against violence on social media platforms. While so far these incidents have been few and far between, in recent years such kind of extreme reactions to social media onslaughts have been on the rise and a matter of debate on state, national and of course social media platforms. In this paper, we examine the twin menace of cyber bullying and cyber stalking both from a national as well as international perspective and try to analyse why remedial action, especially in India, is so slow and insignificant as well as the present legal responses Recourses Also, it is hoped through this paper to reiterate the imperative to take urgent measures to counter this menace on a priority basis.

Keywords: Cyber bullying; Cyber stalking; social media; Cyber-crime; Cyber security; Cyber Laws

Introduction

While the Internet can be source of great learning, information and education, it has its darker side. As writer and researcher Soren Kierkegaard remarked: "It has a potential for misuse and has generated societal concerns. Today, the danger for children is even greater because the Internet provides anonymity to predators." Kierkegaard has knowingly or unknowingly nailed the root of the problem - Anonymity. While in many other physical crimes, it is relatively easy to identity the assailant and sometimes even track them down, in the vast expanse of cyber space, crimes

of this nature are, as the saying goes, like hunting a needle in a haystack.

A new phenomenon which has emerged in recent years which has provided to be a veritable scourge of the social media is the emergence of cyber bullying and cyber stalking. The two terms are often used interchangeably, but they are both different both in their nature as well as in scope and extent. In common parlance, cyber stalking is a word often used, when one is actually referring to cyber bullying and vice versa, but it is vitally important to note the differences between the two. Cyber bullying often takes place between pre-teen and teenagers through the medium of the Internet, or using digital technologies, especially mobile phones. Cyber stalking on the other hand is of a more serious nature. Often falling under the domain of adults with nearly 90% of this stalking confined to a sexual nature. Texting while cyber stalking has given rise to a new term called "sexting" indicating messages that are exclusively sexual in nature. Recipients of this kind of cyber-attack are prone to receive threatening intimidating messages that may be in the form of text or images or both and almost hundred per cent of the time, the identity of the assailant is either unknown or counterfeit.

Since this type of crime is more persistent, more harassing and of a much more intimate nature, stringent laws and a graded system of punishment or deterrence need to be enforced, but unfortunately, probably because of the relatively "new" nature of this crime, such systems are either dysfunctional or non-existent.

But not all messaging regarding sexual communication are seen as negative [1].

It can be used for healthy sexual expression. For example, the Internet offers the opportunity for the formulation of online or virtual communities where isolated or disenfranchised individuals e.g. gay males and lesbians can communicate with each other around sexual topics of shared interest; it offers educational potential; and it may allow for sexual experimentation in a safer forum, thus facilitating identity exploration and development [2].

Definitions and Origins

The term cyber bullying was first introduced by the Norwegian psychologist Dan Olweus who defined it as a sub type of violent behavior that is produced when a student is repeatedly exposed over a prolonged period of time to negative actions carried out by another student or group of students. But a proper definition of cyber bullying is hard to find and to reference since not only is the "Technology deployed across national contexts and languages varied and imprecise, but terms as diverse as "bullismo" "Prepotenza" and "violenza" in Italy tend to focus on physical abuse while "ijjme" in Japan emphasizes social exclusion and relational abuse [3].

Cyber bullying, as coined by Canadian Bill Belsey (2007), or bullying using technology, is a phenomenon that children and adolescents seem to be increasingly using to harm others (National Children's Home 2002; Campbell 2005). Cyber bullying using e-mail, text, chat rooms, mobile phones, mobile phone cameras, and Web sites is surfacing as a new medium used by today's bullies.

Computer crime is defined as any violations of criminal law that involve knowledge of computer technology for their perpetration, investigation, or prosecution [4].

Computer crimes, like any other profession or vocation is replete with its own jargon and terminology. Thus the term cracker is typically used to denote a hacker with a criminal intent. No one knows the magnitude of the computer crime problem – how many systems are invaded, how many people engage in the practice, or the total economic damage. Often, the most economically damaging kinds of computer crime are denial-of-service attacks, where customer orders might be rerouted to another supplier.

Cyber stalking in essence, means you are obsessed with finding out as much you can about the person (without actually asking them). For instance, the stalker finds out where s/he was born, birthdates, marital status, do they have kids, etc. Also, the perpetrator attempts to locate his victims address, alternate phone and other contact details. So, he or she is attempting to create a full profile of the victim so that s/he can be accessed at any time and place.

On the other hand, Cyber bullying is more direct. Mean and hurtful things are said to the victim, and more than often than not, the victim knows his or her assailant quite well. A common instance is in the case of a broken relationship where the boy hounds the girl as an outlet of inward psychological stress and the erosion of peace of mind. It is the typical "sour grapes" story where the hurting partner constantly nurses a grievance with the mindset that "If I am miserable, I will make sure that you are too.

A third category called Cyber harassment means you contact the person, like you would if you were cyber bullying them, but you don't say mean things to them. You keep emailing, texting, etc. May be How are you?" "What are you doing?" "Why aren't you responding to me? Please respond! In such instances, in spite of the victim appealing, exhorting or even threatening the cyber bully, such practices continue unabated, until the victim takes recourse to other measures like informing the parents of the bully or seeking legal aid.

Different Types of Cyber Bullying

A cognizance of the different types of cyber bullying is necessary. This enables parents and young adults to report cyber bullying and adopt measures to prevent cyber bullying. Below are mentioned some of the common types of cyber bullying

• Posting hurtful, nasty or humiliating rumors or comments about an individual online

• Publishing an embarrassing or nasty photo or video

• Creating a fake or nasty webpage about another individual

• Issuing online threats provoking an individual to kill themselves or hurt someone else

• Triggering religious, racial, ethnic or political vitriol online by posting hate comments or content

• Faking an identity online to ask for or post personal or fake information about someone

Reasons for Cyber bullying:

There seems to be no clear definitive reasons for the emergence of this new mutation of cyber-crime, but Professor Nishat Shah of Institute of Culture and Aesthetics of Digital Media cites three specific impulses attached to cyber bullying. According to him,

"One is the naturalization of violence that is common on social media. Second, it deals with anonymous or distantly mediated interaction which takes away both the human presence and the social empathy which is often encoded in our communication. Third, it refers to the orchestrated algorithmic structures that target specific people in order to silence them or to harass them through abuse of powerii. He goes on to add that "One of the biggest problems in reporting cyber bullying is that a large number of vulnerable victims don't even recognize that what is happening to them is bullying" [5].

Perhaps the most obvious reason for the continued practice of cyber bullying and stalking is the lack of deterrents to this crime. Or the fact that its malicious usage is regarded secondary to other more so-called serious crimes like rape and murder.

The goal of deterrence, crime prevention, is based on the assumption that criminals or potential criminals will think carefully before committing a crime if the likelihood of getting caught and/or the fear of swift and severe punishment are present. Based on such belief, general deterrence theory holds that crime can be thwarted by the threat of punishment, while special deterrence theory holds that penalties for criminal acts should be sufficiently severe that convicted criminals will never repeat their acts [1].

National and International Scenario

A look at the international cyber-crime scene will help place our own reported incidents in the right perspective. In a new poll released by UNICEF and the UN Special Representative of the Secretary-General (SRSG) on Violence against Children. (UNICEF, September 3, 2019), the data states that one in three young people in 30 countries said they have been a victim of online bullying, with one in five reporting having skipped school due to cyber bullying and violence. Some salient facts that emerged through this report are:

• Nearly half of young people (47%) have received intimidating, threatening or nasty messages online

• Children and young people are using social media for longer periods, and using multiple profiles

• Underage (U13) use of social media is common place

• Of children currently experiencing a mental health problem, over 2/3 (68%) say they experienced cyber bullying in the last year.

Many of the above facts are summarized in the graph below: Figure 1

According to Microsoft's 'Global Youth Online Behavior Survey' of 25 countries, India ranked third with 53% of respondents (children aged between 8-17) saying they have been bullied online, behind China (70%) and Singapore (58%).

Naturally in countries where internet penetration is dominant one would expect the incidence of this malaise to be higher and studies have borne out the fact that this is to a large extent true."Up to 15% of students in American schools are frequently or severely harassed by their peers only a slim Majority of 4th through12th graders (55.2%) reported neither having been picked on nor picking on, othersiv.''

In one of the schools in the US, an overweight boy in the school's changing room was photographed by another student with a mobile phone camera, and the picture was subsequently posted on the Internet (Mitchell 2004; Campbell 2005). Cyber bullying can also be carried out in chat rooms with the participants ragging a targeted student or continually excluding someone [4].

In its neighboring country, Canada, data that emerge is equally dismal. In a study conducted by Li in 2007, it was observed that
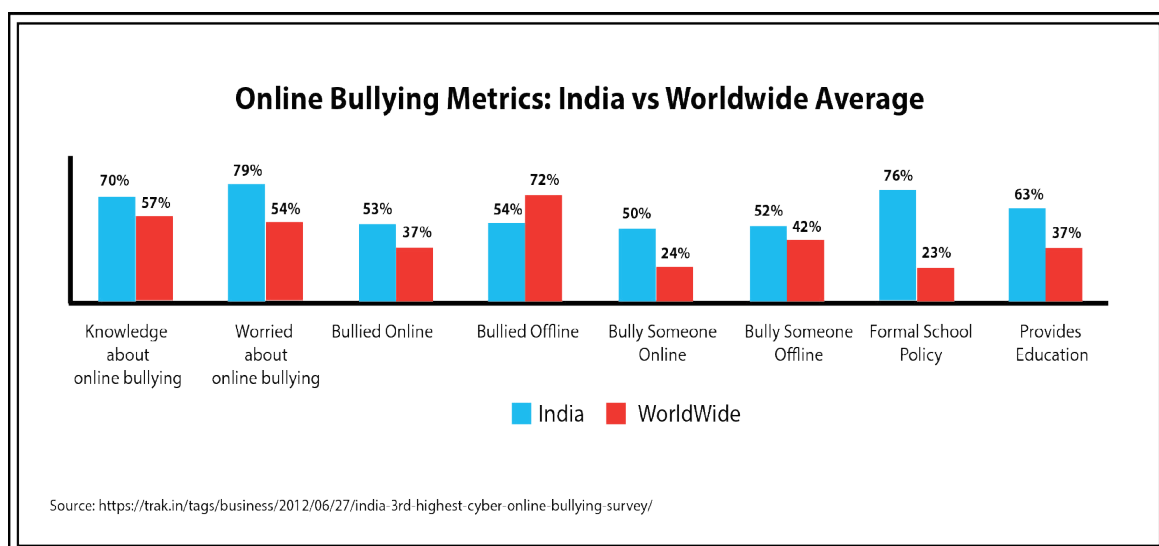

Figure 1 Global Youth Online Behaviour Survey.

out of 177 students more than two thirds of the students had heard of cyber bullying incidents and about one quarter admitted that they had been bullied.
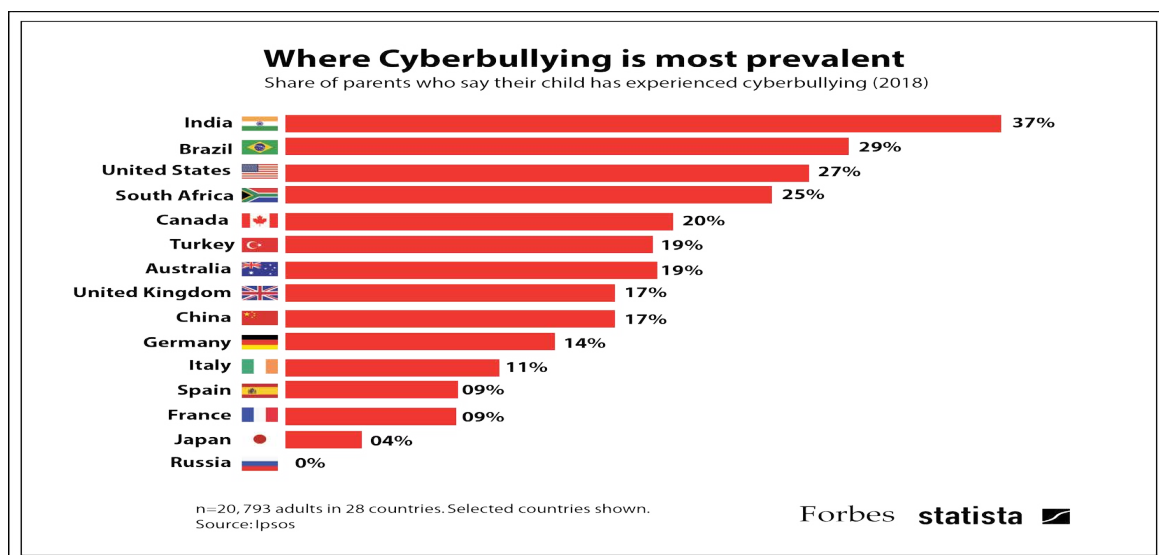
In other countries that were surveyed, it was found that 14% of an Australian sample (Campbell, 2005), 25% of a Canadian sample [5].and 12% of a Swedish sample reported being a target of cyber bullying. Figure 2

From the graph below, we can see that India is highest in terms of percentage of cyber bullying with Brazil and the US following close behind. Although India was somewhat late in entering the mobile technology race, it appears to have (unfortunately) forged ahead in the dark corridor of cyber bullying and stalking. This rise has prompted the Delhi police to undertake a study, a cyber-safety awareness programmer which was conducted in more
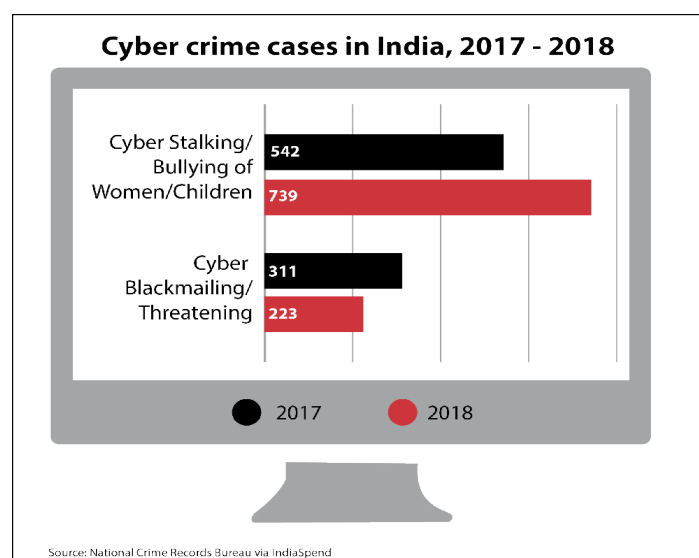
than 400 schools. Schoolchildren, from the age of 12 to those in Class XII, were given questionnaires to find out if they had ever been victims of cyber bullying and how they should react in such situations. Delhi Police spokesperson Madhur Verma stated that:

"More than 90 per cent of the school students are using social media and Facebook has emerged as the leader followed by Whatsapp, Instagram and Snap chat, "As per the records existing with the Delhi Police, since April 2014 as many as 508 cyber-crime cases were registered while 244 cases were registered under the IT Act with IPC.26 cases were found to be of sexual harassment. Data released by the National Crime Records Bureau showed that cases of cyber stalking or bullying of women or children increased by 36% from 542 in 2017 to 739 in 2018. Figure 3

While impersonal statistics may not suffice to drive home the

Figure 2   India is highest in terms of percentage of cyber bullying with Brazil and the US following close behind.

Figure 3   Cyber-crime cases in India.

point that this is one sector that calls for immediate attention, occasional stories spread or leaked out by the media of victims of cyber bullying, do grab eyeballs. For example when a 20-year-old student from Lady Shri Ram College, Delhi (Gurmehar Kaur) began an extended campaign against the violence little did she realize how much her online activities would alter the course of her life?

Another incident which came into prominence was the famous, or rather infamous locker room incident where screenshots from an Instagram group called "Bois Locker Room" which showed chats between a group of Delhi schoolboys studying in class 11 and 12 shared photographs of minor girls, along with graphical remarks on their bodies and attitudes. The incident horrified the general public as it became public in May 2020. As this scandal went Viral, many of the users of the group allegedly deactivated their social media profiles and also allegedly threatened to leak nude photos and hack accounts of the women who had exposed them.

The media and the annals of lurid literature are replete with many such similar episodes. Currently, awareness is not the issue at hand. The public at large already are fairly aware of the nature of this escalating menace. What needs to be immediately implemented on a priority basis is a swift and efficient legal mechanism of redress that is able to pinpoint with a high degree of accuracy cyber offenders and bring them to justice with the minimum of delay.

But this easier said than done. It is a little tricky to define cybercrimes in the Indian legal context. This is because it has not been precisely defined in either the IT Act 2000 or the IT Amendment Act 2008 or the National Cyber Security Policy 2013 or any other Indian legislation for that matter. However, the Indian Penal Code 1860 and a few other legislations do list down the offenses that come under the purview of a cyber-crime and the punishments for the same.

The Information Technology Amendment Act 2008 came into effect from October 27, 2008. Although there are several clauses and sub clauses, the most relevant portions of the Act can be identified as Sec 66A, Sec 66C and 66E, Sec 67 and 67A also directly relate to this unique form of bullying and stalking.

Stated below are offenses covered under the Information Technology Act

• (IT Act):

• Sec.65 – Tampering with computer source Documents

• Sec.66 – Hacking with computer systems, Data Alteration

• Sec.66A – Sending offensive messages through communication service, etc.

• Sec.66B – Dishonestly receiving stolen computer resource or communication device

• Sec.66C – Identity Theft

• Sec.66D – Cheating by personation by using the computer resource

• Sec.66E – Violation of privacy

• Sec.66F – Cyber terrorism

• Sec 67 – Publishing or transmitting obscene material in electronic form

• Sec.67A – Publishing or transmitting of material containing sexually explicit act, etc. in electronic form.

Remedial Steps

Laws relating to cyber offenses of this nature have not been defined clearly either in the IT Act 2000 or the IT Amendment Act of 2008. Although we do have a national Cyber Security Policy instituted in 2013, there is again no clear cut legislation in this area. For all such cyber related crimes there is no option but to take recourse to Indian Penal Law.

Sec. 66A provides an opportunity to genuine victims of cyber harassment to obtain immediate relief against content that may be insulting or injurious in nature, abrogation of which has now made Police authorities helpless in dealing with this menace. Of course, Sec. 66A can be used arbitrarily, but by doing away with the provision on account of its potential misuse, the Court has also discarded a remedial mechanism available to the common man to counter actual cyber offenses.

Fatema Agarkar, Founder ACE says

With National Commission guidelines, and many 'apps' that 'screen' these elements out, as adults we can marginalize this - schools must orient and guide students about digital usage, safety through dedicated and repeated sessions by cyber experts, and counseling; parents can extensively communicate with their children and set rules and guidelines and 'monitor.

Although without doubt, the biggest impediment in blunting the double edged sword of cyber bullying and cyber stalking is no clear cut laws on both these problems, there is also the problem of minors. Since minors have less legal burdens they are harder to control. Furthermore,

A lot of minors who may commit offences are legally presumed not to have Men's Rea (criminal intent or a guilty mind) or the burden of proving their Men's Rea is very strict" [2].

Conclusion

In the absence of adequate and satisfactory, as well as prompt legal action, the alternative seems to be for parents, especially parents of pre-teens and teens, since this by far, is the offending target group, to keep a

Watchful eye on their wards they are many online sites which provide access to immediate help and list on their sites, emergency helplines to contact as well. These same sites also caution the parent to watch out for tell-tale signs that flag imminent cyber-attacks. Some signs are:

• Considerable increase or decrease in your child's usage of a mobile, laptop or tablet

• Display of emotional responses such as sadness, anger or happiness to the activities on their device

• The tendency to avoid discussion on their online activities

• Hiding of the device screen when others are close by Indifference to social activities and gatherings, And outdoor activities

• Sudden deactivation of their social media accounts or opening of new ones

• Becoming depressed and withdrawn

Although the topic that we have just touched upon is relatively new on the cyber-crime scene (hacking, financial embezzlement and other forms of cyber fraud have deeper roots), it is not one that can be ignored, as with the onset on the pandemic and increased online activity, the chances of stalking and bullying in cyberspace is only expected to increase. There needs to be a concerted drive on the part of the Govt., NGOs, academic institutions and responsible individuals to collectively strive to if not erase completely, at least minimize future incidents and impress upon the impressionable mind that what they consider as "fun" or "getting back" are activities that leave lasting scars upon victims of a generation living under the presumably benevolent umbrella of social media.

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