

INTERNATIONAL JOURNAL OF LAW
MANAGEMENT & HUMANITIES

[ISSN 2581-5369]

Volume 5 | Issue 3

2022

© 2022 *International Journal of Law Management & Humanities*

Follow this and additional works at: <https://www.ijlmh.com/>

Under the aegis of VidhiAagaz – Inking Your Brain (<https://www.vidhiaagaz.com/>)

This article is brought to you for “free” and “open access” by the International Journal of Law Management & Humanities at VidhiAagaz. It has been accepted for inclusion in the International Journal of Law Management & Humanities after due review.

In case of **any suggestion or complaint**, please contact Gyan@vidhiaagaz.com.

To submit your Manuscript for Publication at the **International Journal of Law Management & Humanities**, kindly email your Manuscript at submission@ijlmh.com.

Prevention of Child Bullying in India: A Study

SEEMA KUMARI¹ AND RAMANDEEP SINGH²

ABSTRACT

Abuse manipulates and twists a child's natural sense of trust and love. Bullying is one of the most prevalent occurrences seen among youngsters. In this internet era where use of mobile phones and computers has rapidly increased over time and cyber bullying has also become common practice. Although bullying is not age or gender restricted, it mostly occurs in schools and colleges. Bullying is a very common social experience throughout the country. They cling upon the hope that growing up will bring them freedom. Outcome of those aggressive acts are never good; it makes the morale of the victim go downhill especially when schools and parents wilfully neglect the severity of bullying, and it is just seen as quarrels between children.

Our government and educational institutes have been putting many efforts to put an end to this social evil of child bullying and ragging. This research is aimed to study the relation between bullying and its impact on a child's scholastically and socially sphere. It will also give an overview on violence at school along with welfare and health of students. In the present paper we will discuss the different types of bullying, its causes, and reasons, reviewing surveys conducted in other countries and its comparison with our countries current scenario while covering laws related to it. Therefore, giving particular attention to frequency of its occurrence and focusing on outcomes of bullying and victimization also dedicating a section on its prevention.

I. INTRODUCTION

Violence has numerous forms, and it is prevalent among teens in the form of bullying commonly referred to as child bullying. There is no strict and definite means to pinpoint the definition of the word child bullying as according to the passage of time we see various other forms of bullying being evolved. For instance, in the 1900's there was less use of computer means but in the 20th century it is a way of living and medium of connection giving rise to new type of bullying widely known as "Cyber Bullying". Violence in the form of bullying can be seen in the forms such as eve-teasing, sexual harassments, demanding money, fist fighting,

¹ Author is a Student at Lovely Professional University, Punjab, India.

² Author is a Professor at Lovely Professional University, Punjab, India.

insulting, taunts, poor or bad comments, making outcasts. India is a country where many people from vastly different races and cultures live together so in school, colleges, other educational institutes, public places we see diverse people coming from diverse backgrounds so passing racial comments has become quite common and frequent practice which also falls in the category of bullying. Being mean to others and teasing them may seem simple and harmless to most people but in the long run it is ruining the lives of victims. In the long run it not only affects the well-being of children but also causes damage to their studies, mental health, and physical health because in bullying the meanness keeps going even though the person knows that it is wrong but keeps on repeating repeatedly that too on purpose.

However, in current times people, parents, schools, governments are paying increased attention to this social issue as bullying is being reported continuously on social media, news, and newspapers. Specially laws making bodies and law enforcing bodies are also paying additional attention to it as it is in violence to the basic human and fundamental right of everyone to flourish and study without any threat in a well secure surrounding.

(A) Statement of Problem

Traditional bullying and cyberbullying have no restrictions. Bullying is not limited within a territory or defined borders as it is widespread in many countries all over the world either to a lesser extent or to the larger. Earlier as observed by the author like Dan Olweus bullying was defined as “undesirable and annoying violent or hostile conduct that is repetitive over time and encompasses an unevenness of control, power or strength.” But due to extensive research by many policy and law makers, academics and researchers bullying has been well-defined in more swotted manner for instance bullying and cyber bullying has certain after negative effects attached to it such as anxiety, worry, depression, trauma, disturbance, mental stress, suicidal thoughts, self-harm and psychological problems and it is not only related to the number of times it has happened but also to the fear in addition terror of victim that previously happened incident might occur another time or the same can be shared, circulated or distributed online.³ Nevertheless, most of the preceding studies have frequently focused and stressed on the aspects, factors, issues, and reasons relating to bullying. Besides, law and regulations, policy making, protection, safety, prevention, need of changed approach or method to tackle the problem should also be considered while addressing the issue of bullying. Therefore, the purpose of present research was to discover the influence of bullying on children interrelated

³ France. Ministère de l'éducation nationale, recommendations by the Scientific Committee on preventing and addressing school bullying and cyberbullying, in International Conference on School Bullying, <https://unesdoc.unesco.org/ark:/48223/pf0000374794/PDF/374794eng.pdf.multi.page=1&zoom=auto,-16,842>, (assessed on 10/03/2022).

to their health, well-being, and studies and to review prevailing legislative Acts and policies while suggesting modifications required to confront the bullying problem not only at national level but also with the efforts of individuals including parents, teachers, and students.

(B) Research Question

1. To what extent bullying has its influence plus severity on the victim?
2. What impact COVID condition have on cyber bullying in India?
3. Are existing legal frameworks of India sufficient to tackle and prevent the problem of bullying in India?

(C) Literature Review

According to the report of UNESCO, “Across the globe, out of three children one of them experiences and becomes the target of either traditional or cyber bullying. As per the data available from several regions globally it clearly shows that 32% of students has suffered from the unwanted bullying in one or other form by their peers at school, college, public place, social gatherings or other educational institutes.”⁴

In the paper published by the Global Education Monitoring Report Team it was observed that in India as per study conducted and data collected by the India Ministry of Women and Child Development, most of the students have been targets of bullying at school or at other places. Further based on physical abuse children were put into four groups according to the place of abuse such as abuse at home, in public places or streets for illustration when they were on their way to schools, in school and other educational institutes. Children between the age group of 5-17 among them 34% had been beaten by non-family members, 45% mostly were often beaten by teachers. Question about sexual abuse were also asked and among adolescences aged between 18-24, 4% were reported to be sexually assaulted.⁵

All forms of violence either directly visible or not proves physical or mental bullying normally mentioned as school violence in all ways it is in violation of children's and youth's ultimate right to education in a healthy environment. It is not likely for a country to realize their goal to

⁴ UNESCO, Behind the numbers: Ending school violence and bullying, https://unesdoc.unesco.org/in/documentViewer.xhtml?v=2.1.196&id=p::usmarcdef_0000366483&file=/in/rest/annotationSVC/DownloadWatermarkedAttachment/attach_import_bde4b99c-4c09-4466-b366-4a04ae1782c7%3F_%3D366483eng.pdf&locale=en&multi=true&ark=/ark:/48223/pf0000366483/PDF/366483eng.pdf#%5B%7B%22num%22%3A166%2C%22gen%22%3A0%7D%2C%7B%22name%22%3A%22XYZ%22%7D%2Cnull%2Cnull%2C0%5D (assessed on 17/03/2022).

⁵ Global Education Monitoring Report Team, Let's decide how to measure school violence, UNGEI (Feb. 17, 2022, 11:10 AM), <https://unesdoc.unesco.org/ark:/48223/pf0000246984/PDF/246984eng.pdf.multi> (assessed on 13/04/2022).

establish fair and quality education if children experience any form of violence in school and colleges. They feel very insecure and unsafe in those learning environment due to their experience of bullying and in result they drop or miss classes, avoid going to schools, get themselves transferred from one school to another. Thus, these consequences have adverse effect on the academic achievement of the country.⁶

II. ELEMENT RELATED TO BULLYING AND ITS TYPES

Bullying is not always a voluntary and deliberate act of an individual. Most of the time there are certain aspects which play a significant part, and it directly affects the acts of bullying such as family and schools.

(A) Bullying and its Correlation with Family

Unlike physical abuse, being emotionally abused does not leave children with visible scars or bruises that can be easy to detect. According to studies it shows that in U.S., every ten second, a report of child abuse is made that means on a year basis, this involves more than 6.6 million children who are affected. Emotional abuse weakens the individual's emotional development and sense of self-worth that can have lifelong damaging effects. There are certain signs of emotional abuse from family mentioned underneath-

- a. When a child grows up in an environment where they are constantly reprimanded or had their emotional needs neglected, they are more likely to experience their emotions in extremes.
- b. Some children with emotionally abusive parents are hostile towards their classmates and treat others poorly. As a result of internalizing the abuse, they may imitate their parent's harsh treatment and lash out on others. Victims of emotional abuse always felt things were out of their control, so they try to make up for it by doing the opposite, being the emotional abuser themselves.
- c. Victims of emotional abuse often grew up with parents who criticized and belittled them and dismissed their feelings. As a result, they are likely to grow up being pessimistic.

(B) Bullying and its Correlation with School and Peer

Many times, schools chose not to recognize cases of bullying but merely saw them as mere squabbles between students. Bullying in schools are sometimes physical, emotional or verbal

⁶ UNICEF, Violence against children, <https://www.unicef.org/protection/violence-against-children> (assessed on 17/04/2022).

but that doesn't make it easier on the victims. The teasing and isolation can be relentless and often involve the entire class sometimes led by the teachers, students and peers. Skin colour, caste, religion, height, physical appearance, gender and physical disability are the common reasons of bullying among children at school. Group pressure is also a common tactic for a bully. The bully may act in a discriminatory manner by taking down in front of other students. They deliberately treat the bullied child differently from the rest of the group and try to humiliate them. A bully also tries to bring people on their side to increase bullying power and put more pressure on the person being bullied. Few reasons for bullying are mentioned below-

- a) The bully thinks that they will get what they want.
- b) Bullies want to impress or show off to their friends and peers.
- c) They want to feel in power because someone is bullying them.
- d) They don't even realize that they are being mean.
- e) They see other people doing it.
- f) They think that by bullying others, it will help them fit in.
- g) Bullies are mean and rude to get attention.
- h) The bully thinks that they are better than others.
- i) Peer pressure.

Table: Types of Bullying

BULLYING			
Physical Bullying	Mental Bullying	Sexual Bullying	Cyber Bullying
<ul style="list-style-type: none"> • Pushing • Hitting • Kicking • Fist fighting • Destroying things/property 	<ul style="list-style-type: none"> • Verbal abuse • Taunts • Bad mouthing • Outcast • Emotional abuse 	<ul style="list-style-type: none"> • Sexual assault • Sexual comments/remarks • Unwanted touching 	<ul style="list-style-type: none"> • Harsh/mean texts • Imitation • Humiliating videos • Cruel comments • Spreading false rumours

			<ul style="list-style-type: none"> • Posting abusive messages
--	--	--	--

III. METHODOLOGY

(A) Research Approaches

Procedures used in present study are-

1. Identification of research subject- Prevention of child bullying: a study
2. Physical area of research- Physical area where research was conducted was Agra city, Uttar Pradesh, India.
3. Identification and classification of participants- Various parameters were taken into contemplation while selecting participants for the survey such as-
 - i. different age group (13-24 years),
 - ii. different grades (7th-10th class)
 - iii. different profession (students and teachers) and
 - iv. level of institutes for instance secondary school, higher secondary school, and universities.
4. Number of participants in research- For the current study survey was conducted in 3 secondary schools, 4 senior secondary schools and 3 universities all from different localities. Total 100 participants were selected and participated in a survey from aforesaid different groups.
5. Method used for data collection- Information was collected in the form of questionnaires containing different sets of questions for students and teachers.
6. contents of questionnaires- Questions were classified on the basis of basic understanding of the meaning of bullying, its different types and forms, different reasons responsible for the act of bullying, its impact, cyber bullying, frequency of bullying cases, preventive measure, awareness on laws and Acts related to it.

(B) Results

- General understanding of bullying- Maximum students (81%) were of the opinion that bullying is common and frequent among peers or senior-juniors, and it includes negative behaviour with the intent to harm or humiliate and in most cases, a person being bullied is not able to stop it or seek help.

- Influence of bullying on victims- Majority (67%) agreed to the point that victims have a deep effect of bullying on their mental health to the extent that they might be scared to go to school (26%) and as a consequence they miss out an opportunity to learn. They have lower self-esteem (32%) and less confidence in themselves (37%), and they are unable to unleash their full potential.
- Forms and types of bullying- Vast majority (76%) stated that they have been bullied as children or in their youth either in one way or another.

TABLE- (CATEGORY AND FORMS OF BULLYING)

Types of Bullying	Were victims
Was exposed to any kind (physical, verbal or cyber) of bullying	76%
Was outcasted	13%
Was hit, punched, locked or kicked	27%
Was mocked on my skin colour or race	5%
False rumours were circulated about me	32%
Was taunted on the basis of my height	7%
Was ridiculed on my physical appearance	17%
Was insulted and made fun of	28%
Was mocked on my academic performance	11%
was targeted online	21%

- What the bully wants to accomplish through their acts- 38% participants state that a bully wants to make the victim feel smaller, weaker, and helpless because in doing that it makes them feel bigger and stronger and in a position of power.
- Were the incidents of bullying reported? – Significant number of participants (79%) admitted to the fact that even there are such incidents but most of them are not reported to teachers, higher authorities or educational institutes because victims think that they might get in trouble with the bully again if they make a complaint about it. Few of them

stated the fact that even when such incidents are reported it is brushed off as a joke and no one takes it seriously and tries to understand the gravity of it.

- Punishment for bullying- majority participants (72%) had knowledge about anti-ragging laws in India and were aware that ragging is a punishable offence according to India laws. Disciplinary actions can be taken against them in the case of ragging.

IV. ROLE OF JUDICIARY

SECTION 83 OF IPC⁷ - It says that nothing is an offence if it is a crime committed by a child, but the question arises who is a child? Those who are above seven years of age and below twelve years of age provided the child is not intellectually mature. Intellectual maturity means that whether the child knows what is the crime that he is committing, the nature of the crime, the situations in which he is committing that crime as well as the consequences of that crime. If he is not mature enough, he cannot be prosecuted but if he is mature enough, he can be prosecuted, he is liable for his actions.

(A) Juvenile Justice Act⁸

For any every crime there must be a law such that justice is being carried to the victim and further the perpetrator is given a punishment such that this punishment acts as warning for others. This is the basic idea of the criminal justice system of India. Crimes which are committed by the children in India are dealt with under this justice system.

History of Juvenile Legislation

Previous legislation which has been enacted and drafted in India concerning child in conflict with the law (CCL) are- The Apprentices Act, 1850. The Reformatory School Act, 1876. The Recommendations of the Indian Jails Committee, 1919-20. Children Act, 1960 which was the first legislation drafted for the children after India became independent and Juvenile Justice Act, 1986.

According to the Juvenile Justice Act, 1986 who is a child? A boy is a child if he is less than 16 years of age, a girl is a child if she has not yet attained the age of 18 years. Now the crime committed by these children below the age of 18 and below the age of 16 how are we going to deal with them, as these children were not to be tried in a regular criminal court but by a juvenile justice board, but certain changes were there in 1985. The year of "*Beijing rules*" also known as "*United Nations Standard Minimum Rules for the Administration of Juvenile Justice, 1985*".

⁷ The Indian Penal Code, S. 83, Act No. 45 of 1860, (India).

⁸ The Juvenile Justice (Care and Protection of Children) Act, Act No. 2 of 2015, (India).

This Beijing rule states that those who are juvenile cannot be treated at equivalence with adults which simply means that juveniles should be treated differently from an adult. There are countries who have fixed a certain age beyond which a person is criminally liable for his actions. Beijing rules tell us that while deciding on this age or beginning age, countries shall have to look into the emotional, mental and intellectual capacity of a child. For instance, in India a boy between 12 and 16 years of age was to be prosecuted for a criminal offence, but he should not be sent to an adult jail instead would be sent to another separate institution so that adults do not brainwash juveniles and he is transferred back into society. Reform was the central agenda of these Beijing rules.

Yet again, in 1989 “*UN Convention on the Right of the Child*” was introduced and according to this Convention a juvenile is a child who has not yet attained the age of 18 years. This Convention also clarified that juveniles should not be tried as adults and in 1992 India ratified this Convention. India needed to change the laws not just to be in unison with this convention or Beijing rules but to meet the fundamental and constitutional obligation stated under Article 15 Clause 3⁹. So, India enacted new legislation which was “*Juvenile Justice (Care and Protection of Children) Act, 2000*”. Under this Act the distinction between boys and girls was eliminated and they are to be treated as juvenile if they are less than 18 years of the age. According to this Act of 2000 any information about juveniles should not be disclosed in case they commit any crime. In such scenarios they should be tried by Juvenile Justice Board (JJB) and maximum punishment of 3 years can be inflicted upon them.

According to the National Crime Records Bureau (NCRB) in the years 2003 to 2013 juvenile crimes increased rapidly and most of them belonged to the age group of 16-18 years so there was urgent need to make amendments in the law in order to try these children who had committed adult crime. Very infamous case of NIRBHAYA GANG RAPE CASE ¹⁰ which happened back in Dec 16 of 2012 one of the offenders in that horrific crime was a juvenile who was just 6 month short from 18 years of age all he was punished was 3 years in a reform home and after which he was released again SHAKTI MILL GANG RAPE CASE ¹¹ in Mumbai there also convict was juvenile. Protection provided to juveniles under the Act was being misused by those young offenders so, once again reform was required. Legislative bodies were enforced to amend the laws due to the public opinion, demand of justice and huge controversy surrounding the penalty of those young offenders. There was a huge demand to raise the legal

⁹ INDIAN CONSTITUTION. art. 15, cl. 3.

¹⁰ Mukesh & Anr v. State for NCT of Delhi & Ors. (2017) 6 SCC 1 (India).

¹¹ The State of Maharashtra v. Vijay Mohan Jadhav and Ors. 2021 SCC OnLine, Don 4563 (India).

threshold for punishments of juvenile offenders.

Therefore, in 2015 newly amended Juvenile Justice Act came into force which allowed juveniles falling in the age category of 16-18 years to be treated as adults in case they commit any serious heinous offences. Present 2015 Act also ensures that juveniles were not given death penalty or life imprisonment without the possibility of release which means that specified time period for life imprisonment has to be mentioned by the courts. Under this Act Juvenile Justice Board have powers to pass orders of three types after inquiry has been done-

- i. That the young offender requires counselling, or he needs to perform certain community services after that he can be released.
- ii. That the young offender requires to stay at an observation home.
- iii. Or they can refer the juvenile offender to a Children's Courts in order to decide whether to treat him as an adult or not.

"We are not talking about the Juvenile Justice Act but Juvenile in Justice Act".

There is no prosecution in juvenile courts so the judge questions the young offenders themselves to decide the probation they will be put under and then the main work of the whole juvenile system starts. They need to make sure the young offenders do not run away or commit another crime. The officer in charge needs to constantly manage and supervise them because the indispensable purpose of the Juvenile Act is to provide the proper environment in which anti-social juveniles can correct their behaviour. The aim of the Juvenile system is not to punish them but to reform them.

Amended Juvenile Justice Act, 2021¹²

Mainly the amendment in previous Juvenile Justice Act, 2015 was brought by the Ministry of Women and Child Development of India. This Act is applicable in whole India including Jammu & Kashmir. In 2018-19 National Commission for Protection of Child Rights (NCPCR) conducted a survey on 7000 Child Care Institutions (CCI) additional findings showed that there are 1.5% of CCI's who don't comply with the rule of Juvenile Justice Act. 29% of CCI's were with major shortcomings and shockingly not a single CCI in whole of India was found in 100% compliance with Juvenile Justice Act. After the amendment of 2021 more responsibility was imposed on District Magistrates that they should check educational qualifications and their criminal background of the Child Welfare Committee and vice versa CWC will also have to repeatedly report back to District Magistrates. Under this Amended Act these special powers

¹² The Juvenile Justice (Care and Protection of Children) Amendment Act, Act No. 23 of 2021, (India).

of administration have been invested with courts so that they can ensure safety and welfare of children and offer them with required protection and care.

(B) Child Welfare Committee (CWC)

This is a quasi-judicial authority which is established by the state government under the Juvenile Justice Act in each district. This committee has power to deal with the cases of those children who are in need of care and protection (CNCP).

Childline

Childline is India's first and largest 24 hours emergency phone service. Its purpose is to provide assistance to all those children who need protection. Any person or children themselves can call at toll free number 1098 and can freely access the Childline services. This helpline not only provides aid to children below 18 years but in case of emergencies they also help young adults till 25 years. Whole system is activated within 15 minutes when any call is received at the Childline number and within 60 minutes they reach that child. Together with various government and non-government agencies rescue processes, counselling, medical treatment and rehabilitation are done so that the needs of the child can be fully addressed. If anyone sees any child being abused or bullied or any parents whose child is being bullied and do not know what to do and which authority to contact, then just give a call at the Childline number.

(C) POCSO Act¹³

This is a special Act which has been making headline from time to time. Lately it was widely discussed topic in India when the chairperson of National Commission for Protection of Child Rights (NCPCR) Mr. Priyank Kanoongo in a video statement mentioned that on social website twitter there are pedophile groups (these are the group of people who are sexually attracted towards children). He also stated that on microblogging websites there are many contents of child sexual abuse and there are more than 30 inappropriate website which are accessible through twitter. Due to this incident NCPCR wrote to the Centre and requested that children should not be given access to twitter till this online social platform becomes safe for them to use. Even before this incident twitter has been in tussle with India due to IT rules. POCSO Act is a law which was enacted in year 2012 with the objective to protect children from sexual assaults and abuses. It is a gender-neutral Act which aims to discover victims of sexual abuse below the age to 18 years. It is a very important Act as Indian Penal Code (IPC) doesn't recognise sexual abuse on male child. Notable point is that it is a very child friendly Act under

¹³ The Protection of Children from Sexual Offences Act, Act No. 32 of 2012, (India).

the criminal justice system of India so that victims can be protected against re-traumatization. It includes child friendly courts; provisions of this Act can be read with Indian Penal Code and even it has over riding effects on the sections of IPC.

Under the Commission of Protection of Child Right (CPCR) Act, 2005 in 2007 NCPCR commission was formed. This is the apex body of India concerned with the child rights of the country which works under the Ministry of Women and Child Development, Government of India (GoI). The main work of this commission is to ensure that all the laws, policies and programs are in consideration with child rights.

Major problem with NCPCR is that the commission does not collect or keep any data and statistics on POCSO cases which have been presented before police authorities and courts. POCSO e-Box is an online portal which was initiated by NCPCR in 2016 in the form of complaint box where cases related sexual abuse can be informed. Any child can make a report on this portal and the complainant ID is kept confidential.

In March 2020 government of India introduced POCSO Rules, 2020 under which they strictly emphasized on mandatory police verification of all the staff who are in direct contact with children such as schools, academics and care homes personnel. Central government notified through the notification to the state government that they should formulate a child protection policy at state level which will have zero tolerance towards any kind of child violence, bullying or abuses and this policy should be accepted by all the organizations or institutes which are related to children. Every employee should be given periodic training on how to protect a child, ensure their safety and provide them a healthy environment. It was also instructed by the centre to develop proper age-appropriate material and curriculum for children in order to provide them proper sex education.

Among the population there is a contradiction of thoughts regarding the demand to reduce the age from 18 years to 16 years as mentioned under POCSO Act. At first this topic was raised by Madras High Court that the age limit should be reduced giving reasoning as that now a days children get matured early because they have open access to lot of information readily available on internet and also most of the sexual bullying and assault cases were reported between the age group of 16 to 18 years and majority were consensual in nature but in ground reality mostly boys are accused as bully but the truth is that both of them are victims as well as perpetrators. If the age limit is reduced to 16 years, then it will automatically reduce the number of pending cases in courts. In Juvenile Justice Act of 2015 child is defined below 16 years for the reason that if any child of 16-18 years commits any serious crime then they will be treated as adult so

why not apply the same concept in POCSO Act to unify the age limit in both the Acts which are intended to protect the interest of child.

V. ROLE OF PARLIAMENT

(A) Formulation of Policies

Parliament, as we know, makes laws, it plays an important role to prevent child Bullying. It is in fact one of the most relevant factors that can bring change in society regarding Child Bullying. Child bullying, be it child cyber bullying or other kinds of intimidation, are quite prevalent in our Society, Country and whole wide world. The situation is only getting worse, that is why a solution to this, and quick action is very much needed. Due to increasing Child Bullying in Schools and Colleges in India, governing bodies of Schools and colleges have come with laws for Schools and colleges besides the other general Laws about Bullying in India. Bullying in school is quite vividly seen these days. Children make fun of each other for various reasons and sometimes children collectively target one person to harm or make fun of. This does have a lasting effect on the mental health of a child, so proper regulation regarding the same is much needed. The Central Board of Secondary Education (CBSE) has come up with guidelines to prevent Child Bullying in Schools. It has talked about forming an Anti-bullying Committee, counselling, making a positive environment for Children to live, etc. According to the guidelines provided by CBSE, children are to be properly counselled, guided and looked after. CBSE guidelines also talks about appointment of monitors who would act as a guide to other children about anti bullying. He/she is to approach the concerned authority as soon as one gets to know about bullying around. Other than just keeping a check on them, there also should be ones who can educate children about Intimidation, bullying and its bad aspects, Children understand better when taught by people their age. Regular Parents teacher meetings, creating an environment of trust for children are other important factors that CBSE guideline talks about. Bullying does not stop in School, it is also quite popular in Colleges, UGC circular has come up with few guidelines to prevent child bullying in India. It talks about anti-ragging policies for colleges. The notification makes it important for colleges to make sure there is no ragging happening in college premises by various steps like, prohibition of ragging in colleges, clearly mentioning in admission brochures about punishment for promotion of ragging and similar matters. It also makes it important for colleges to have an eye on hidden areas of college so as to prevent raging, regular interaction with children, regular surveys regarding raging from freshers, Students are to sign anti-ragging forms during admission and so on. Besides, it is first and foremost the duty of Parliament to ensure that we have enough laws and rules to govern

Bullying in India, and to make sure they are enough to prevent such problems like Child Bullying. It is very important for the parliament to think about this issue from the ground perspective, making laws imagining situations would not work. Parliament should rather work on real numbers, facts and figures about child bullying.

(B) Application of Policies

Implementation process of policies and anti-bullying laws which is formulated carefully and with utmost consideration is not an easy task either for legislative or administrative bodies of India. Bullying per se is not a cognizable criminal offence as per IT At and in IPC. so, in such scenario police have no role to play unless and until those bullying has some element of sexual bullying or assault involved into it or some element of cognizable offence such as actual physical harm. Police intervention in cyber bullying is very less because people don't turn up to police for help or to make complaints against such events. There are many cybercrime units which have been established in many of the states in India under the instruction and legislation passed by the parliament, but no reports are made on bullying cases. So, these cyber agencies tried to identify the cause behind and concluded that it may be lack of awareness that's why people, students or anyone who has been targeted by online bullies don't make complaints. Thus, new strategies were formulated regarding this issue, and they started to create awareness about cyber bullying, its types and how to make reports about those unpleasant situations that one faced online, teaching them about basic cyber safety tips and how to secure themselves from those threats. They started visiting schools and other educational institutes, conducting workshops for schoolteachers, and instructed them that they should also act as medium and encourage the child to come forward and report those incidents about online abuse or simple bullying. Their main intention is also to do counselling of parents concerned so that on an individual level they can also protect their or other children from traditional and cyberbullying. A new police unit is being formed especially for women and children because according to the data of many surveys conducted by them in India it was found that women are more victimized of cyberbullying as compared to men and many times it is easy to identify those bullies because children or juveniles they generally don't use anonymity tools to hide them deeply in web servers so they can be identified which makes it easy for them to address those cyber bullying grievances.

VI. CYBER BULLYING

(A) Cyber Bullying in India

Cyber bullying the word itself shows a clear understanding of the subject matter. It can be

basically understood as bullying which is executed through the means of electronic devices such as computer, mobile phones, PC, laptops, gaming PC or tables etc with the use of the internet. In simple terms if any person on the internet circulates bad pictures of others, uses wrong and bad language towards him, threatens him or mocks him then all these actions are considered as cyber bullying. Even though in such bullying the preparator is not physically present, visible and hidden but its negative effects are very long lasting.

Cyber bullying sees no boundaries, it is a worldwide problem becoming tougher and tougher to tackle because as our technology develops the complexity of such bullying also increases. In most cases sources of such malicious and hurtful comments are unknown because perpetrators hide them well behind the screens.

Certain types of cyberbullying are categorized and mentioned below-

- a) Catfishing means stealing online identities of other people and recreating other profiles with the same information for dishonest purposes.
- b) Bully damages other images and reputation by dissing them online. It includes posting damaging and insulting photos or videos online.
- c) Cyber stalking- where commonly bullies target young adults for bullying purposes.
- d) Trolling means deliberate provocation for response. Bully in such cases personally attacks by using wicked and malicious comments on the victim to make them angry and get their response.
- e) Intentionally excluded from their respective online friend groups or chats.
- f) Publicly humiliating a group or individual by posting their private or embarrassing information online without their consent.
- g) Sometimes the bully acts kindly and friendly to others to gather their information and secrets and then posts it online.
- h) Fraping- when someone logs into another person social media accounts and impersonates them posting inappropriate posts. Even though such comments or posts are deleted still it exists somewhere on the internet as it does not permanently get deleted.
- i) Cyber harassment- it includes threatening contents sent either in chat groups, emails or through personal text messages.

- j) There are many fake profiles on social media where people intentionally hide their real identity to bully others or acquire their personal information.

(B) Indian Laws on Cyber Bullying

If we turn and look back several decades in the past humans used to live only in one physical world but in the present due to their technological intelligence, they have created two worlds for themselves one as physical and another as virtual world, from which the global issue of cyber bullying came into existence.

Presence of a person on the internet or social media has become a necessity these days to such an extent that the right to the internet has been recognised as a basic human right and way of living for all. Person's activities, posts plus comments talk a lot about them. After the global pandemic of COVID-19 importance of cyber world has increased rapidly because everything now is present in virtual world for instance marketplace, health sector, education, workplace as well offences and cyber-crimes so bullying also evolved and make its way into virtual world in the form of cyber bullying. Cyber bullies think that they are completely hidden behind the screen and are untraceable but every click on the internet leaves behind certain traces known as digital footprint. Its records are kept on servers and are easily accessible and can be used to prove the offence of cyber bullying. Even though, under India law there is no such particular Act which especially deals with the subject matter of cyberbullying but under other relevant and existing laws such cyber-crime is defined as offence and is punishable in nature. Few relevant legal provisions are mentioned below-

1. Section 67 in The Information Technology Act, 2000- under this section those persons are liable who are posting porno graphical content. Doesn't matter whether it is related to you or not or is posting on your profile for such matters you can make a complaint in cyber police.
 - Punishment- 3 years imprisonment (on 1st conviction), 5 years imprisonment (on 2nd conviction)
 - Fine- 5 lakh rupees (on 1st conviction), and 10 lakh rupees (on 2nd conviction)¹⁴
2. Section 66E in The Information Technology Act, 2000- A bully can be held liable if he intentionally makes private pictures and personal information of a person public in cyber space and telecasting it, infringing their privacy without their consent then complaint against such bully can be made.

¹⁴ The Information Technology Act, S. 67, Act No. 21, Act of Parliament 2000, (India)

- Punishment- 3 years imprisonment
 - Fine- 2 lakh rupees or with both¹⁵
3. Section 507 in The Indian Penal Code, 1860- if anyone cheats another party and puts threatening posts against them with fake or false identity then that act is penalised under this section.
- Punishment- 2 years imprisonment¹⁶
4. Section 292A of IPC- If any person wants to exhibit any document that of another person either offline or online which is grossly indecent in nature will be held liable.
- Punishment- up to 2 years imprisonment or with fine or both.¹⁷

Although this preventive measure sounds pretty reasonable but when truly applied in actual situations it doesn't go as it was anticipated to go. More than 95% of victims who were exposed to cyber bullying never even mention it in front of their parents or friends and are even less expected to turn up before competent authorities. A possible explanation to this can be that all the burden to stop this horrible cyber bullying is heaped on the shoulders of victims and perpetrators are free to look for their next target.

(C) Preventive Measures for Cyber Bullying

Cyber bullies show increasingly horrible behaviour if responded back. Non-response when it comes to cyber bullying is far more powerful than a reply because when victims comebacks to cyber bullying it is more likely to escalate since bully thinks they can keep things throwing at victims and bullying itself gets more and more ugly besides victims also find themselves in such a situation that they don't want to escalate further. When it comes to dealing with cyberbullying the first thing one can do, block them is to make their contact as minimal as possible. Cut off those contact trails wherever possible because what cyber bullies are looking for is a reaction from the other side. Cyber bullying should not be hided because it is something which should not be happening and there are ways of stopping it from happening as well as in fact some people have actually been taken to court and prosecuted for it.

(D) Impact of Covid on Cyber Bullying

After COVID situation there was a downfall in physical bullying since schools and other institutes were closed due to social distancing norms. On the other side, the graph of cyber

¹⁵ The Information Technology Act, S. 66E, Act No. 21, Act of Parliament 2000, (India)

¹⁶ The Indian Penal Code, S. 507, Act No. 45, Act of Parliament 1860, (India).

¹⁷ The Indian Penal Code, S. 292A, Act No. 45, Act of Parliament 1860, (India).

bullying has increased and gotten even worse at an alarming rate. In traditional bullying it was often seen that students were bullied by their teachers, but due to COVID when the whole educational sector shifted to online mode the whole situation flipped and now teachers were also bullied by students in cyber space and became victims of cyber bullying.

VII. ANALYSIS

Prevention is worth about ten tons of cure, but the problem lies as adults often give children wrong advice on how to handle bullying. Children are advised to either walk away, ignore, or tell an adult but the reality is it does not work. There is no clear answer on what causes bullying although we have some hints about it for example maybe the bully feels insecure. Whatever the reason is, their behavior is a reflection of them being the bully. All previous studies on bullying stand firm on the point that bullying is an imbalance of power where someone is trying to have power over a target, they want to see the other party lose and they want to win. The more upset or angry the target gets the more fun the bully has. But when bullying is violent then that is called battery and assault which is a crime under legal provisions. Current Indian regulation has disregarded certain areas which need consideration.

India does not have any precise and special law which specifically deals with the epidemic problem of bullying. Although acts of bullying are punishable under different laws of India but most of them only consider sexual harassment, assault, grievous hurt or bodily harm as an offence. They failed to give attention to the emotional and mental injury which the victim suffers due to bullying. In India there are laws regarding punishment for bullying but there is no legislation which talks about how to collect and gather better information or data on child bullying so that preventive policies can be formulated accordingly. Lawmakers take non reporting of bullying incidents as an excuse because cases are not being reported to them that's why they are unable to do much on it, but they have to take charge to collect data at all the levels because here we are talking about children not adults.

VIII. SUGGESTIONS

Few little steps can make bigger changes. Implementing new plans will be helpful to address child bullying issues in India. Many studies and surveys are being conducted and data are collected on frequent occurrences of bullying, but those data can be deceiving because 90% of cases are never reported so more plans are required to track these bullying.

- Certain precise procedures are demanded by laws especially in schools for school officials and students that they need to report bullying incidents for instance within 24

hours or any specified time period either to parents or concerned authorities such as police, disciplinary committee of school about both bullies and victims.

- The law on this point must be very strict and impose legal responsibility on teachers, staff and officials to report.
- Anonymous complaint which would be a more approachable way to because most of the time children fear retaliation.
- Prevention and training camps can be organized not only for schools but for parents also so that they are well versed about the situation and can guide their children.
- Free legal advice sessions should be also conducted for parents so that whenever needed they can approach the court of law.
- Periodical counselling sessions should be conducted in schools to keep a check on the well-being and mental health of children.
- Schools in collaboration with tech firms should conduct classes teaching children about cyber safety.
- Each year a detailed report should be demanded from schools on bullying cases so that it can be compared and pondered upon by lawmakers to formulate new rules, regulations and policies.

IX. CONCLUSION

There is a difference between childhood ordinary conflicts and child bullying. Bullying is repetitive in nature either traditional or cyberbullying. With passage of time bullying problem is becoming more enormous and see no boundaries earlier in 1900's bullying was somehow bounded within the schools and streets but in present time unfortunately when the school bell rings it does not necessarily ends at school it goes on and due to virtual world we are living in and it is terrible as it destroys the morale, essence and will power of a child. This bullying thing not just be seen as part of growing since it is not. Every victim of bullying deserves the right to be taught how to solve this problem. Even for schools it becomes a very tricky thing to track online bullying as it doesn't take place on school grounds. Bullying culture is very prevalent among children nowadays. It is very unfortunate that a child at such a young age has to go through such a harsh experience. When someone is bullied, they are at greater risk for depression and anxiety. They suffer from sadness, loneliness, have low self-esteem, have problems with disruptive sleep also can have physical consequences. It affects their cognitive development and emotional development as well. There are all sorts of academic outcomes.

They think bullying is a short-term bad thing, but it has long lasting effects as victims continue to have trouble even decades after the bullying has stopped. Due to internet cyberbullying became very common since one can stay anonymous. Perpetrators of cyberbullying are more if compared with traditional bullying. As they do not really think twice or much, they just comment very fast. In cyberbullying even those who were once bullied become bullies.
