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The Effectiveness of Anti-cyberbullying Laws in Protecting its Subject's Mental Health

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ABSTRACT

The only constant aspect in this 21st century is change, and today's world has proved to be positive due to its speed of evolution & development compared to the past decade. One of those ever-evolving aspects is technology; as we evolve into a digital world, education, Jobs & entertainment take place online on electronic platforms, including crimes. The most common cyber-crime affecting mental health is cyber-bullying on social media platforms. The law is a two-edged sword that protects and punishes vested with the power to protect its subjects wellbeing; however, anti-cyberbullying laws haven't been clearly defined in the Indian penal code instead, the IT Act has merely defined & enumerated offences of cyber-crimes, including cyber bullying.

Therefore, one question still stands, has the lawfully covered and done its due diligence towards the protection of its subject's mental health against the atrocities of cyber-bullying?

Can the law use its sword to protect its subject's mental health against cyber-bullying?

These questions are answered in this research as a deep study is taken to determine ways in which the law has & can fully protect its subject's mental health against cyber-bullying.

I. INTRODUCTION

To understand how the law can protect its subjects mental health against cyberbullying, it is first necessary to understand the meaning, aspects of cyberbullying & its relation to affecting mental health.

Cyberbullying is using digital technology to abuse, manipulate, attack, dox, and troll other users, especially on social media/ online platforms.

As a result of such heinous crimes, the legislature introduced cyber laws, but to be more specific, there are anti-cyberbullying laws to curtail, limit & punish such acts from occurring.

Cyber laws are also referred to as the law of the internet with the aim of limiting crimes, and

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scams that occur on the online/network/internet platform, including cyberbullying.

The highest rates of cyberbullying offences come from social media platforms today; thus, the kind of cyberbullying to be focused upon in this research is received from social media platforms.

II. Traditional "anti-cyber bullying laws" under the IPC in India;-

The Indian Penal Code, 1860 ("IPC")

- o Section 507 in The Indian Penal Code - Criminal intimidation by anonymous communication.
- o Section 499 in the Indian Penal Code - Defamation.
- o Section 509 in The Indian Penal Code - Word, gesture, or act intended to insult the modesty of a woman.
- o Section 354A of the Indian Penal Code - Sexual harassment and punishment for sexual harassment.
- o Section 354D of the Indian Penal Code - Stalking.

The Information Technology Act, 2000 ("IT Act")

- o Section 66A. Punishment for sending offensive messages through communication service.
- o Section 66E in The Information Technology Act, 2000 - Punishment for violation of privacy.
- o Section 67. Punishment for publishing or transmitting obscene material in electronic form. 67A. Punishment for publishing or transmitting of material containing the sexually explicit acts, etc., in electronic form.
- o Section 67B. Punishment for publishing or transmitting of material depicting children in the sexually explicit act in electronic form.

As seen above, the law provisions haven't detailed the concept of cyberbullying in their wording, therefore, it's an aspect that is generalized in other criminal offences & torts without specifically directing it towards cyberbullying. Cyberbullying has not been defined anywhere in the IPC or the IT Act 2000.

It is without a doubt that the offense of cyberbullying has merely been brushed over. Its discernment has been left towards the interpretation of the judiciary & circumstances surrounding such issues.

(A) The aspect of mental health

"Mental health refers to cognitive, behavioral, and emotional well-being. It is all about how people think, feel, and behave."

According to the law in the "Mental Health Care 2017" has defined mental illness as follows.

"mental illness" means a substantial disorder of thinking, mood, perception, orientation, or memory that grossly impairs judgment, behavior, capacity to recognize reality or ability to meet the ordinary demands of life, and mental conditions associated with the abuse of alcohol and drugs, but does not include mental retardation which is a condition of arrested or incomplete development of mind of a person, especially characterized by subnormality of intelligence[2];."

There are many degrees, and stages to the severeness of mental illness, the ones to be discussed in this research linked to cyberbullying from social media platforms are as follows;

- o Depression
- o Suicide
- o Anxiety
- o Eating disorders
- o Paranoia

(B) The Link between cyberbullying, its laws & effect on mental health

Social Media is a free world with no strict laws or limitations where a person can say/do anything with no guard or accountability for the effects of their words or actions.

The authorities responsible have done their due diligence by providing means to either block, delete, restrict, or report such atrocious actions once they occurred, but one cannot turn a blind eye to the effect caused regardless of the means given to curtail such acts.

That is where cyberbullying laws come into discussion; the Anti-cyberbullying laws provide the judiciary & executive with the manuscript for protecting its subject (Citizens) from such harm being caused to their mental health through cyberbullying.

It is without a doubt that they can only go so far when it comes to protecting one's mental health because such illness is not visible by eyes nor measured in numbers, but the due diligence must be accomplished to control such effects because this offence is not committed by computers or software's but by people against people meanwhile, the government can

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[2] Sec 2 (s) of Mental Health Care Act (2017) < https://www.indiacode.nic.in/handle/123456789/2249 >

control & restore law & order amongst its people.

Anti-cyber laws can protect their subject's mental health through numerous ways, and to what extent will be further discussed in the main body results of this research below.

(A) Research Objectives

- o To raise awareness of the gravity & atrocity effects of cyberbullying on mental health.
- o To assert to law-making bodies & judicial authorities to assert severe punishment& protection against cyberbullying
- o To educate the public that we are past the stage of raising awareness of mental health, now people need to understand how "mental health" works so that we can protect it better & understand its prefix.

(B) Research Questions

Laws present in IPC & Sec 66 of the IT Act 2000 are said to be laws against cyber-crimes, more specific cyber-bullying, nonetheless, it has not specified any definition regarding cyber-crimes/bullying. It has rather merely avoided the topic and brushed over a view aspects of cyber bullying without giving it separate specialization bearing in mind, the gravity caused by such offence especially in today's world where mental health and wellbeing are such renown and issues of so much significance.

This research is going to examine how current Anti-cyber bullying protect its subject's mental health through the following research questions;

1. How is the law responsible of protecting its subject's mental wellbeing (mental health) and how can the law protect its subject's against mental illness caused by cyber bullying from social media platforms?

2. How effective are the current anti-cyberbullying laws towards protecting its subject's mental health & wellbeing?

(C) Literature Review

At the onset of this research, an archival study was conducted with reference to the perspective of other authors & researchers published journals regarding this similar topic.

As indicated in chapter one, Anti-cyber bullying laws are meant to regulate bullying on social media and the internet are generally present in Indian statutes, however the research question no.2 above interrogates their level of efficiency & efficacy on protecting its subject's mental health. **The law mantra journal** has the following views on a publication titled; "A review of loopholes in the Facebook Anti-bullying & content removal policy" published on law mantra

journal. Their journal further asserted that Face book does not remove content by itself instead one has to report and when reporting about the violated content, One has to mention the law or community standard that has been violated, failing to specify the law or community standard guideline violated will Facebook will not remove your content.[3]

The published paper also insisted upon the fact that Indian laws are competent to punish traditional bullying offences like defamation, harassment & stalking, but doesn't have specific laws pertaining to cyber bullying occurring on social media platforms.

On the other hand, there are multiple case laws held in court addressing the issue of cyber bullying.

The case titled of **Jitender Singh Grewal v. The State of West Bengal**, a false account on face book was created by the accused and used it to post inappropriate images of the victim. The accused was then charged under sec 354A, 354D, 500, 509 & 507 of IPC without forgetting sec 67 A of the information technology Act, 2000. However, the accused soon applied for bail on which the request for bail was rejected by the trial court & Calcutta high court.

The case of **Prakhar Sharma v. The State of Madhya Pradesh**, the accused made a false facebook profile & posted obscene photos of the victim that the accused downloaded from the victims real face book account. The accused was charged under Sections 66 (c), 67 and 67(a) of the IT Act. When the accused appealed for bail, it was dismissed by the Madhya Pradesh High Court.[4]

Critics

1. Most of these cyberbullying cases held in Indian courts are amongst parties who are familiar/known to each other in one way or another. They rarely hold trials of situations where the victim has been cyber bullied by more than one unknown person/people (also known as internet trolls) who attacked the accused with a flood of hate speech comments & circulate an image accompanied with direct harassment towards the victims even when the accused is unknown to the victim. This is the most common form of cyber bullying in these current days.

2. Most case laws don't cover trials where the cause of action arose in a jurisdiction out of India's territorial limits. This is an ongoing challenge under cyber-crimes that leaves

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[3] Volume 6/issue1&2|Law mantra|< https://journal.lawmantra.co.in/wp-content/uploads/2019/09/8.pdf>| accessed on 1 Jan 2022

[4] V.K.Usha Bhonsle "cyberbullying in India during covid 19 pandemic|2021|law audience journal| https://www.lawaudience.com/cyber-bullying-in-india-during-covid-19-pandemic/#_ftn10 | accessed on 14 March 2022

a wide section of accusers unjustified for, which proceeds to increase the crimes of cyber bullying. This is a big loophole in international law when it comes to the virtual law, there are no specific sanctions for cyber bullying that occurs in different countries. The rising ongoing crimes of international cyber-crimes require an established law regarding International Ant-cyber bullying laws.

An article published on the Indian journal of psychiatry affirms with the research question by stating that the current cyber bullying laws are not very effective towards protecting its subject's mental health. The article clearly emphasizes on the making of a more firm & practical law by the legislators with the help from the mental health experts so as to form laws that will actually curtail the effect of cyber bullying on mental health.

Under the current Indian IT/Cyber/Criminal laws – cyber bullying is punishable up to 3 years of imprisonment with a fine, however these provisions fail to understand the prefix around the cyberbullying offence. The mental health experts should assist legislators in formulating regulatory laws that will help control this menace.[5]

Meanwhile a publication on **research gate on a journal of contemporary issues in business & Government** has shown a critical analysis of law, criminal responsibility & jurisdiction. This research paper has covered the aspect of the criminal's acknowledgement towards the consequences of his actions. The author points out that a single illegal act is not enough to pin crime responsibility on the accused, The Actus Reus (guilty act) and Mens Rea (reasonableness) tests are used in common law to determine criminal liability (guilty mind) thus the prosecutor must show that the person who committed the offence was mentally capable of understanding what he or she was doing was illegal.[6] It shows light towards the cyber bullying among minors aged about 10-18 years are users of social media platforms. Among these minors are also the offenders that actively participate in cyber bullying others.

In India the minimal age of criminal responsibility is 7, due to the nature of their age, lenient punishment is given to juveniles, and their crimes are usually viewed from a point of sympathy & compassion seeing that they do not have the level of maturity for the crime they committed.

However this approach does not guarantee the safety of those in our communities & societies, the lenient punishments are overlooked due to their leniency thus making the juvenile law lose

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[5] T.s. Sathyanarayana Rao, Deepali Bansal, Suhas Chandran| "cyber bullying; a virtual offense with real consequences|2018| https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5914259/ |accessed on 3 mar 2022
[6] Nibras salim|cyber bullying- a critical analysis of law, criminal responsibility & jurisdiction |2021|https://www.researchgate.net/publication/352091048_Cyberbullying_A_Critical_Analysis_of_Laws_Criminal_Responsibility_and_Jurisdiction| (accessed on 22 march 2022)

its firm hand towards curtailing the crimes done by minors.

It is understood that they are not at their maximum capacity of maturity but a minor from 7 years to 18 years of age with a sound mind is able to identify the contrast between wrong & right. The authorities have distinguished between serious offences & minor offences. Cyberbullying is a virtual offence that may seem minor but has real detrimental consequences including suicide.

On the other hand an **international journal of psychiatry in Qatar** has entailed one of the method its country has recently acquired is to improve its cyberbully legislation. In Qatar recently there have been some initiatives such as cybercrime prevention law and the development of a national ICT strategy, a website detailing safe practice guidelines for internet usage.[7]

Meanwhile these safety internet guidelines for internet usage are available in India but the only difference between these two countries is that, the former one has acknowledged and separately legislated a law for cyberbullying specifically. This is something that hasn't been mentioned nor defined in the IT Act 2000 nor the IPC. Many Indian website entail such safety guidelines but they're not laws, they are not formulated as a way one has to go through before accessing social media.

The task of safety & protection has been left on the hands of the internet users themselves, to the extent that young kids to teenagers have unlimited access to obscene images & hate speech that are inappropriate for their age group. Conservative countries/states have requirement criteria of guidelines that an app must meet before it's circulated for use in their community/countries. This is also a good strategy towards curtailing certain words, videos, inappropriate images from circulating on social media apps.

Moreover a national ICT strategy hasn't been implemented throughout the country to manage such offences from internet users.

For instance, in a **UGC approved journal called International journal of Computer sciences & engineering, a research paper by Ruksar Fatima** discusses about the use of denosing the auto-encoder to detect cyber bullying on social media.

In this journal they discussed about developing a software called the OSN in its long form is Online Social Networking (OSN) system.[8]

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[7] Muthanna Samara, Aiman el asam | a review of cyber legislation in Qatar | 2016 | https://www.sciencedirect.com/science/article/abs/pii/S0160252716301467 |accessed on 20 march 2022

[8] Ruksar Fatima, umme Khadija cyber bullying detection on social media on denoising auto

The system then records & feeds on harassing, hate speech, bullying code language & features once it senses use of those words on any social media platform, an automatic extraction of bullying words based on word embedding's and blocks them before one is even able to send, post or before it even reaches the victim.

All in all, technology has proven itself in these coming years towards curtailing the problem of cyberbullying on social media apps through different soft wares. However it is difficult to expect each individual to personally install these soft wares by themselves, because its operation is bureaucratic and strict to tech personnel's. This is where the government & legislature take charge to ensure that such guidelines are followed by the social media platforms for use in their countries.

One will always come across with a certain message when trying to watch a video on you tube saying **"this video is not available in your country"** likewise Instagram has also restricted certain audio sounds from specific countries or regions stating **"this audio is not available in your country",** Similarly face book displays different content & blocks specific content from certain communities due to their conserved ethics or norms. This is shown to be possible therefore certain cyber bullying content can definitely be blocked from circulating once certain measures are implemented by following a particular national ICT strategy.

(D) Research methodology

"1)   How is the law responsible of protecting its subject's mental wellbeing (mental health) and how can the law protect its subject's against mental illness caused by cyber bullying from social media platforms?

2)   How effective are the current anti-cyberbullying laws towards protecting its subject's mental health & wellbeing"

To bring to mind our research question/problem above keeps one in line of why a certain research design was chosen to plan & take initiative to research the problem.

The type of research that was approached in this thesis is the Qualitative research type. The qualitative research was adopted because the nature of this research problem required an in depth insight into people's opinions, personal experience and a switch between their emotions. The nature of this topic required conversational answers between the researcher and the participant, which is something that could not be measured in numbers.

The research problem is an ongoing societal/community problem because the crime happens

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encoder|2018|https://www.ijcseonline.org/| accessed on 21 march 2022

in a virtual world but has real life consequences. Therefore a thorough study had to deal with the quality responses from the society with hopes of generating new solutions from victims & other participants.

However unlike the usual uniform research designs, in this research there were mixed methods used in order to collect the data needed. Due to the nature of our research problem mixing the methods of research was essential to get an accurate set of data.

Sampling is a method that is often used in quantitative research, however in this research the systematic sampling was applied. This approach was practical when we picked every 5th number out of different groups as representatives so as to get a representative from groups with different interest areas and reduce biasness based on friends or people with similar characters. This assisted us to get an accurate set of data.

The method used to collect data were 2 methods from the qualitative research type namely;

- Interviews.
- Questionnaires.
- Archival study.

The method of interviews was used to collect information from professional personnel specialized in the fields of mental health & law so that we could get a more formal insight into the problem and possible solutions or suggestions that would work.

Interviews were also conducted with a few of the victims who agreed to participate and share their experience on mental harassment due to cyberbullying on social media.

Another method that was used are questionnaires. Questionnaires were circulated in Google forms. Most of these questions were close ended questions because we wanted to get an accurate percentage in a population scale of the people who've experienced and taken action to solve cyberbullying cases as part of our data analysis.

Archival study was another useful method that we had to use because it was the only way we could gain access towards statistics of the past few years and the current year for comparison of growth or decrease in trends.

We also had to look at precedents available on different journals, books & legal websites to provide us with the information regarding the conduct of cyberbullying cases in the Indian courts & jurisdiction.

Evaluation of the research methodology:

The choice of using mixed methods to collect data in this qualitative research worked to the best of our benefits. Sticking to methods required for that specific type of research would render the data collected unreliable. Therefore we had to move out of the box & bring in other methods from doctrinal & quantitative research so that we analyze and attain valid, reliable & applicable results.

Weaknesses using these research methodology;

Our experience in this research was met with some shortcomings that put to test the reliability of this research;

Although we successfully attained National crime records from a reliable source such as the ministry of home affairs website, the data available on the website of the criminal records was only available to 2020. In other words 2021 records were not available/ updated on their website. Thus partial of the statistics are missing a whole year record of 2021.

Due to the nature of the problem, many people were not willing to fully participate when asked questions or share their experiences with cyberbullying and mental health. The problem is a very sensitive & emotional topic on which one may not be able to willing to open up easily. Therefore we got very few participant who acted as representatives for the rest of the community.

Our questionnaires & interviews were conducted in the English language thus due to the language barrier between the local and us, we were not able to get responses from people of all calibers who were non-English speakers.

III. DATA COLLECTION

We used the survey method through circulating questionnaires to collect data in this research. We used the survey method to peruse towards a mass virtual population due to shortage of resources and time thus it was our best option.

The research participants were selected using the purposive sampling method. This method required us to purposely select participants who had access to the internet and used social media. We then followed the next process that involved grouping the participants according to their age groups. The participants were divided in to 4 different age groups namely;

- 10-20
- 21-29
- 30-35
- 35 and above

We then approached the systematic type of sampling and selected the 5th number out of every age group who therefore acted as a representative of the rest of the participants of that group.

Subsequently they were given a set of questionnaires which were in the close-ended type of questions because we wanted an accurate range of statistics of the age group with the most effects and an accurate number.

The participation of the questionnaire was voluntary especially when it came to sensitive questions due to the nature of the topic. Therefore the questions were not compulsory. Short and clear so as to promote clarity aiming for minimal confusions even for participant who are English speaking beginners.

The set of questions & results are attached along with this research paper in the appendix below.

The interview process.

This interview was an informational type of interview that included interviewing selected professionals familiar with the said topic namely a mental health personnel (a psychologist) and a cyberbullying victim so that we could get a full insight on the issue describing their lived experiences.

The interview process was guided by a set of open ended questions that aimed at allowing the interviewee to freely express their personal experiences with minimal interruption.

We considered the possibility of the interviewee to experience psychological or emotional discomfort during the interview due to the nature of the problem thus a free environment to express their emotions had to be endorsed.

Archival study.

In some cases we had to dig through the archives of the data available on different legal websites and national statistics in order to gather accurate data.

The statistics shown from the national crime records from the ministry of home affairs which showed us the no of cyber bulling crimes based under the IT Act 2000 in each state & union territory in India.

We were able to collect data from the states that ranked the highest in cyberbullying crimes based on sexual exploitation, personal revenge and abetment to suicide due to cyber bulling offence. Consequently we analyzed the common things and causes between these states that led to them ranking the highest when it comes to cyberbullying crimes.

IV. DATA ANALYSIS

The authenticity, accuracy and reliability of this data can be measured through the analysis of the methods used to collect this information.

Firstly, the questionnaires were created in a close ended manner which guaranteed us accurate and definite answers enough to pin them under statistics without leaving any form of uncertainty.

It is convinced that the participants were able to understand the set of questions before them enough to answer those questions because they were formulated in simple English in a way that any literate English speaker would understand.

The selected participants were all literate & educated enough to be aware of daily issues including cyberbullying. Therefore the results of the so called questionnaires & interviews were authentic & reliable.

The data collection process was made in a free environment, we did not force or make the participants feel inclined to answer the questions we asked them. Thus the answers given were not false or due to influence but as real and authentic as they can be coming from their own comfort and expressing feelings regarding their own personal experiences.

The data collected is reliable because we consulted a psychologist professional who has been practicing in this field for more than 6 years and has experienced many cases of mental health patients due to cyberbullying.

Another measure that establishes the reliability of the data collected are the journals & books this information was taken from.

Several studies and analysis was done & selected from UGC approved journals in studies relevant to the problem of this research paper. The references were taken from reliable sources approved by the highest board of higher education being UGC.

The records/statistics were obtained from the national crime records under the website of the ministry of home affairs. They yearly show records of cyber-crimes yearly from all over Indian states & union territories.

(A) Limitations

The small sample size

The small sample size that limited us from getting the experiences of all cyberbullying victims and offenders across India, which is already impossible to do. Thus the only data that was

available to showcase that is from the national crime records.

Another limitation is that the national crime records data only records matters that were reported to its police desk thus it is believed that there are multiple victims of cyberbullying who even arrived to suicide, and their cases never reached the police desk.

Mental health is still a stigma

Mental health is still a stigma in our communities especially among the male gender. It was harder to get person from the male gender to open up and share their experience compared to the female participant. Thus perhaps if I go a male researcher to interview and ask questions, it may have been easier for them compared to opening up to a female.

Language Barrier (foreigner)

Besides that, the fact that I am a foreigner also made it difficult to reach out to the local community and open up about their experiences. Language barrier was also a limitation because one is often more comfortable in their mother tongue than English.

Recent Data availability

The data that was available in the national crime records on the ministry of home affairs website was only available until 2020 only. Thus a whole year was missing in their records, however an accurate estimate of increasing trends of cyberbullying was estimated using the numbers that were available and all the graphs will be shown on the results/findings section below.

V. RESULTS/FINDINGS

"1)   How is the law responsible of protecting its subject's mental wellbeing (mental health) and how can the law protect its subject's against mental illness caused by cyber bullying from social media platforms?

2)   How effective are the current anti-cyberbullying laws towards protecting its subject's mental health & wellbeing"

The results/findings in this research have answered the two research questions above. The 1st research question is answered and categorized in two themes addressing how the law is responsible for protecting our mental health & how it can protect mental health against cyberbullying on social media platforms.

The 2nd question is also answered in 2 themes below addressing the effectiveness of the current cyberbullying laws.

1.   It's a virtual world with real life effects

This theme addresses the participants view on the fact that because cyber bullying is an online offence in a virtual world, It's not taken as serious as it needs to be, victims have a hard time explaining the effect it has on them because most people find it difficult to not only understand but believe that 100 hate comment online or a circulation of pictures designed to harass you would cause that much effect.

One of the interviewees explained the following

"it's something that eats you from the inside, you never forget how low it made you feel and the fact that it's always going to be there is even worse because it gives you a new identity and people forget your name, some don't even want to know your name because you're now identified as the "girl who's pictures got leaked or the fat girl" it's an effect that is always going to be with you even after the person who did this to you pays bail and gets out or gets out of jail after a year.

It something that stays with you forever, it's not easy to forget, it's not easy to live with"

On interviewing Psychologist- Dr. Maxwell k. (MS psychology) further explained on what happens in the victims mind;

"Mental health of an individual is driven by the type & duration of the bullying experience, victims of bullying have a hard time recovering, **the effects of bullying have a hard time recovering & the effects of bullying are persistent and may even be visible after 40 years .[9] The experience engraves a deep scar in the human brain of the emotions on how it felt, the reaction & almost full memory of it is stored in the brain[10]. The victim is often susceptible to trigger that trauma once they come in contact with that experience all over again**."

In reference to the above statements cyberbullying proves to have significant effects on the victim effects on the victim, this is a serious offence that cannot be left to a person's ability to withstand such powerful emotions.

It is without doubt that the ability to withstand pain differs individually but that does not mean the law should leave this duty to each individual personally. The law in this case of cyberbullying specifically has an unending responsibility and duty to protect these victims because they are part of the citizens that have rights under the constitution of India.

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[9] Interview with Dr.Mandeep Rathore k, MS psychology , faculty of mental health (Manastha)
[10] "Muthana Samara, "bullying & cyberbullying ; their legal status and use in psychological assessment"| Dec 2017 < https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5750868/#B74-ijerph-14-01449 >

2. Cyberbullying is an offence equivalent to crime deserving a criminal's punishment.

Cyberbullying has real life effects including self-harm & suicide. Although these effect may not be directly committed by the offender but in one way or another the offender has indirectly pushed the victim towards such ends.

The law has a loop hole in this aspect, a question that still stands is **what the difference between a murderer under culpable homicide & an offender who caused the suicide of that victim?**

Even though there decision to end his/her own life arose within the victim but if you look at the circumstances of the case, that suicide or self-harm wouldn't have happened if the offender wouldn't have committed the offence.

Cyberbullying offenders get a judgment beneath or below the crime they committed. The punishment for cyberbullying offences under the Sec 66 A of the IT Act 2000 is maximum 3 years depending on the facts of the case. It should be known that most sentences are below those 3 years, the offenders rarely get a 3 year sentence, meanwhile the effect left on the victim will go on for a life time or even death.

The punishments under the IT Act 2000 for cyberbullying cases is a ridicule of the maxim **Fīat jūstitia ruat cælum** because it goes against the fundamentals of justice & law.

Solutions

According to criminology, there are four types/theories of punishment.

Retribution, Deterrence, Rehabilitation, Incapacitation & Restoration.

The type of punishment rendered to a certain offence may assist on the reduction of such offence because one knows the consequence involves after.

Currently cyberbullying offences have adopted the incapacitation type of punishment. This is whereby a person is taken away from society to either prison or house arrest in order to rid him/her of his freedom, with expectations that he/she will learn their lesson. However this form of punishment has often being criticized because it doesn't address rehabilitation. Which is one of the reasons crime remains high in societies that practice this type of punishment.

I'm not advocating that an eye for an eye punishment should occur like in the retribution theory of punishment but at least the judiciary should push for a Deterrence type of punishment.

In this type of punishment (deterrence punishment) aims to prevent future crime by inducing fear among public due to the punishments rendered. This type of punishment has a big impact

on the public who are less likely to commit a crime after learning the punishment another person experienced.[11]

If this kind of punishment is used while rendering it may instill fear amongst cyberbullies to stop committing these offences.

3. Cyber problems require cyber solutions.

There is a saying that goes "prevention is better than cure" this is to say that along with the law & judiciary playing their part to curtail the cyberbullying offences, the IT sector also can play and has a huge role towards completely solving the cyberbullying issues.

Several journals that we have referenced to in the literature review have given modules / software's that can automatically detect cyber bullying speech or content and immediately block it before the user can see it.

The social media companies' yearly update their software's to accommodate today's market goals thus they are definitely capable of including modules with cyber bullying detection.

10-15 years ago a user was not able to block or restrict profiles/accounts but today a user can do so because of the developments made by the social media apps thus the social media company are sitting on these software's/modules that can prevent cyberbullying completely but maybe sitting on them for their own benefits.

The questionnaire that was circulated shows that 90.5% are not aware of guidelines or software they can install in their phone that would act as a cyberbully blocker, as shown below;
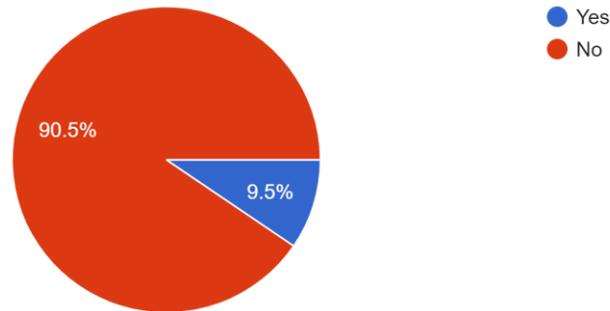
what is your age group?
21 responses

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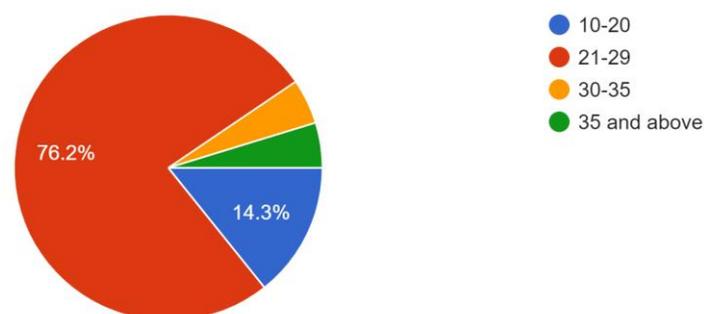
[11] Point park university, "criminal justice" (May 26 2021)| https://online.pointpark.edu/criminal-justice/types-of-criminal-punishment/ | accessed on 23rd feb 2022
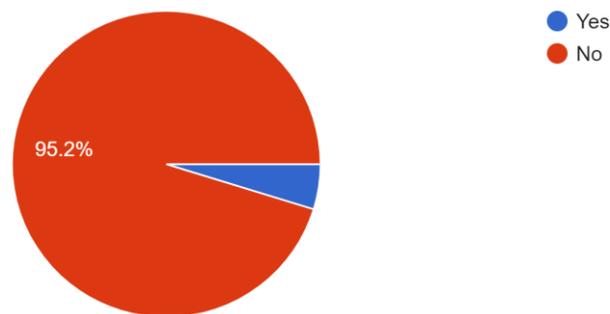
Are you aware of any app/software that immediately detects/blocks cyberbullying content before the user is able to see it?
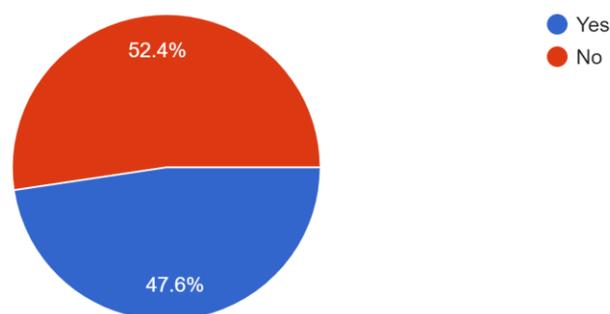
21 responses

Have you installed any app/software that immediately detects/blocks cyberbullying content before the user is able to see it?
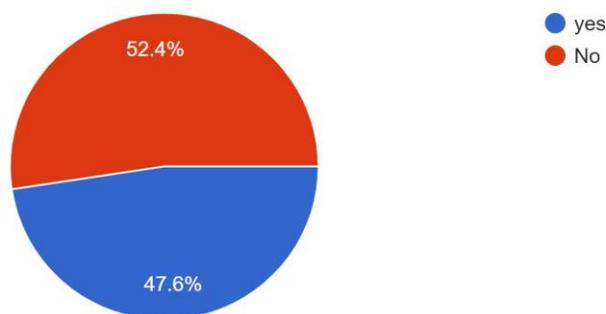
21 responses

Has anyone you know ever personally experienced cyberbullying or elements of cyberbullying on social media?
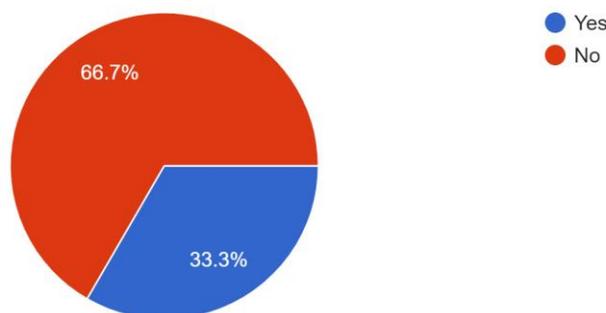
21 responses

If yes , Did they report, block, restrict such post, comment?
21 responses

Have you ever experienced cyberbullying on social media?
21 responses

As one can gather from the data presented in the charts, more than 90.5% participants are not aware of any app or software that can act as a bully blocker on their phones and only 9.5% are aware of such apps or software. It also shows that out the 9.5% who are aware only 4.8% of them have actually installed those apps/software

It's the duty of the social media companies and the government to work together towards creating an ICT national Strategy that will require the installation of these apps in order to avoid collateral damage.
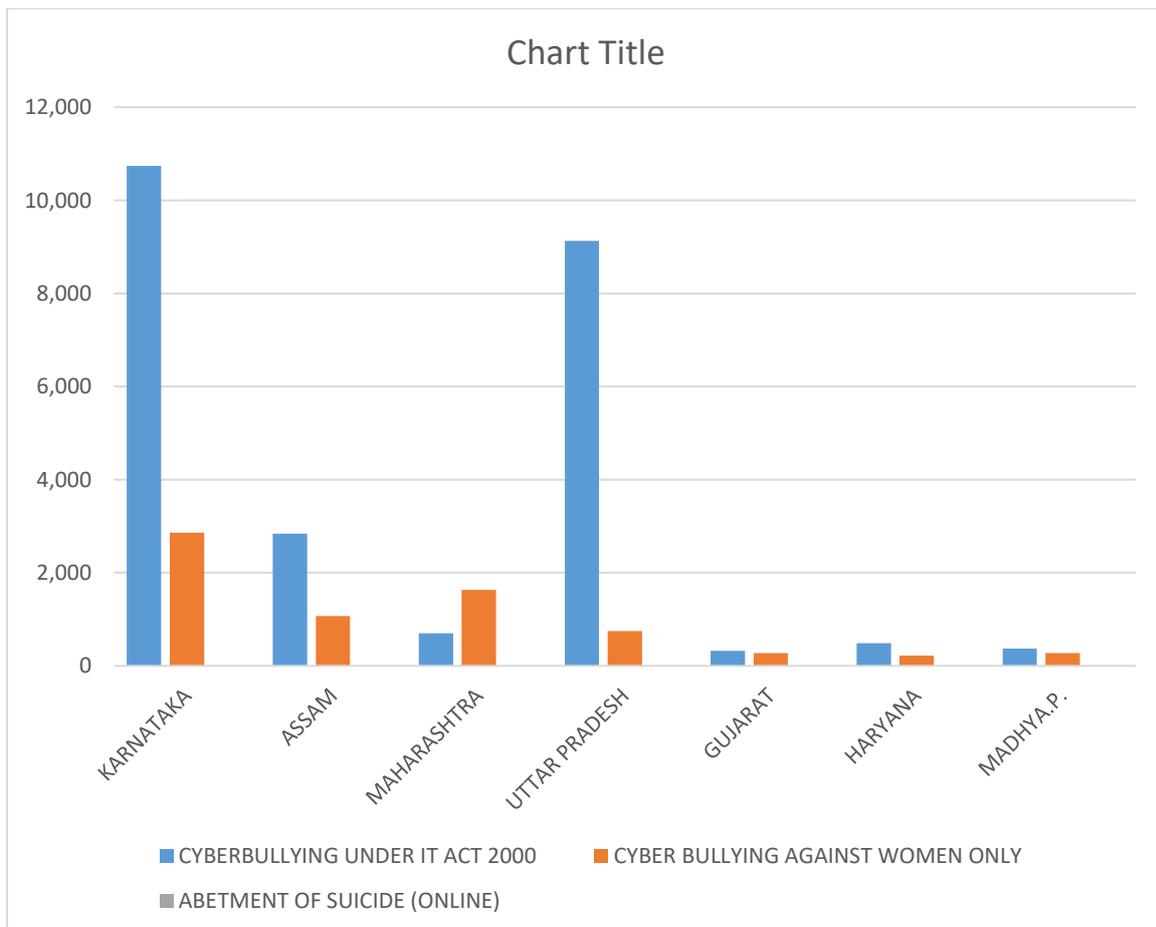
The next result goes on to answer the 2nd research question.

2)   How effective are the current anti-cyberbullying laws towards protecting its subject's mental health & wellbeing"

The following graphs present the trend of the increasing cases of cyber bullying offences for the past years.

INCREASE OF CYBER CRIMES IN INDIA
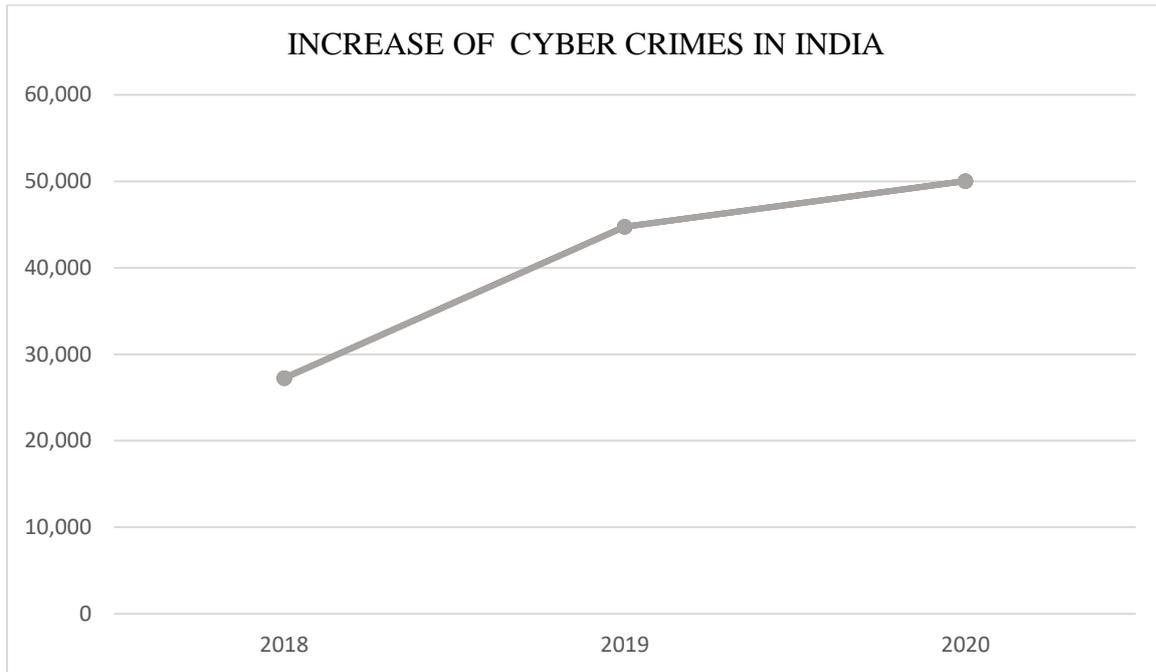
This graph shows the increasing no of cyber-crimes since 2018 this means that the current cybercrime laws are not effective enough to curtail the growing numbers.

Chart Title

- CYBERBULLYING UNDER IT ACT 2000
- CYBER BULLYING AGAINST WOMEN ONLY
- ABETMENT OF SUICIDE (ONLINE)

[12]

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[12]"National crime records bureau" | https://ncrb.gov.in/en/crime-in-india-table-addtional-table-and-chapter-contents?page=12 | 9th dec 2021

However, the graph has depicted an unusual trends of increase in cyberbullying crimes in mostly rural areas than urban areas.

The trend of an increase in cyber bullying offences is more prevalent in areas that more 60% rural areas except Maharashtra.

We examined to pick out the similarities of why Karnataka, Maharashtra & Uttar Pradesh are the leading states when in it comes cyberbullying offences. One of the key factors that were similar in those states is the demography. It turns out these are also the most populated states in India, therefore where there many people a lot is bound to happen as well.

Another key factor that was common in these states is that most of most of their population in rural areas than urban areas. This has shown an alarming increase of cyber-crimes in rural areas.

It is also a possibility that rural areas experience more of these cyberbullying cries and scams because they're not exposed to a wider base of technology therefore this makes them an easy target.

VI. CONCLUSION

Mental health is still a stigma in our communities, therefore most of the aspects that affect it are taken very lightly & some even get away with it because it has effects that cannot be seen with our bare eyes. One can only run towards the law & the judiciary for safety expecting them to administer justice when required. Even though it would not reinstate the victim to the mental state/position he/she was in before the offence, but it would definitely apply pressure to inhibit & prevent the no of such crimes from happening. Although the law & judiciary are continuously making efforts to curtail this issue, a bigger responsibility lies upon these social media companies. The bigger picture of the real solution of cyberbullying cases lies with them to do more than just block or report but to actually install software's that will detect hate speech and similar things in order to protect todays most affected group (the youth) for they are tomorrows only generation.

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VIII. APPENDIX A;

RESEARCH QUESTIONNAIRES;

QUESTIONNAIRE ON CYBER BULLYING & MENTAL HEALTH

Cyberbullying on social media apps means to harass, threaten, embarrass, target another person , Online threats and mean, aggressive, or rude texts, hate speech, insults, lies about tweets, posts, comments ,posting personal information, pictures, or videos designed to hurt, harass or embarrass someone else.

* Required

1.   What is your age group? *

Mark only one oval.

10- ⬭ 20

21- ⬭ 29

30- ⬭

35 ⬭

35   and above

2.   On what scale is social media a necessity for you? 1 being not necessary, 5 being very necessary. *

Mark only one oval.

1   2   3   4   5

⬭ ⬭ ⬭ ⬭ ⬭

3.   Have you ever come across any post, comment on social media meant to shame, embarrass, harass the other person/any other person? *

Check all that apply.

Yes ☐

No ☐

Not ☐ sure

4.   If yes, did you report such comment? *

Mark only one oval.

Yes ⬭

No ⬭

5.   Has anyone you know ever personally experienced cyberbullying or elements of cyberbullying on social media? *

Mark only one oval.

Yes ⬭

No ⬭

6.   If yes , Did they report, block, restrict such post, comment? *

Mark only one oval.

yes ⬭

No ⬭

7.   Have you ever experienced cyberbullying on social media?

Mark only one oval.

Yes ⬭

No ⬭

8.   If yes , did you report or block or restrict such account?

Mark only one oval.

Yes ⬭

No ⬭

9.   Do you know anyone who committed suicide, self-harm or was mentally affected because of cyberbullying?

Mark only one oval.

Yes ⬭

No ⬭

Not ⬭ sure

10.   Are you aware of any app/software that immediately detects/blocks cyberbullying content before the user is able to see it?

Mark only one oval.

Yes ⬭

No ⬭

11.   Have you installed any app/software that immediately detects/blocks cyberbullying content before the user is able to see it? * *Mark only one oval.*

Yes ⬭

No ⬭

12.   On what scale does the law/police authority in your country make efforts/concern on solving cyber bullying cases *Mark only one oval.*

1   2   3   4   5

1 meaning no effort   ⬭   ⬭   ⬭   ⬭   ⬭   5 meaning maximum effort

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