CRIMINAL LAW & YOU

DAILY LIFE CRIMINAL LAW EXPLAINED

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Right Action ?

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TOPIC 1: CYBERBULLYING

1. Cyberbyllying and its consequences

Siya, a 15-year-old high school student, loves dancing and often posts videos of her dance routines on her social media. Her posts initially receive positive feedback, but soon anonymous comments start mocking her dancing skills. The comments call her "awkward" and "not talented enough." As the comments get more personal and meaner, someone even creates a meme making fun of her video, which spreads quickly across school group chats. This situation affects Siya's confidence, and she stops posting her dance videos entirely.



what would you Do?

You are Siya's friend and notice how upset she is becoming due to the online comments and the spreading meme. You see that Siya has stopped posting her videos and seems very affected by the situation

Confront the Anonymous Commenters: Suggest Siya respond to the comments and confront the anonymous individuals online, asking them to stop.

options:

A

Ignore the Comments: Advise Siya to ignore the comments and try to focus on her dance. The comments might stop on their own.

C

Report the Situation:

Encourage Siya to report the comments and the meme to the school authorities and the police, seeking their help to address the cyberbullying

D

Change Social Media Accounts: Advise Siya to delete her current social media accounts and create new ones to avoid the negativity.

Right Action ?

Right Action

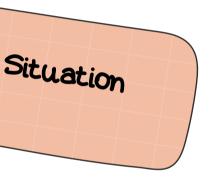


WHY?

Report the Situation (Option C)

Reporting the situation to school authorities and the police is the most effective way to address cyberbullying. Ignoring the comments might not stop the harassment, and confronting the anonymous commenters online could lead to more conflict or escalate the situation.

Changing social media accounts might not solve the problem if the perpetrators are from Siya's school or known to her, and it does not address the root issue.



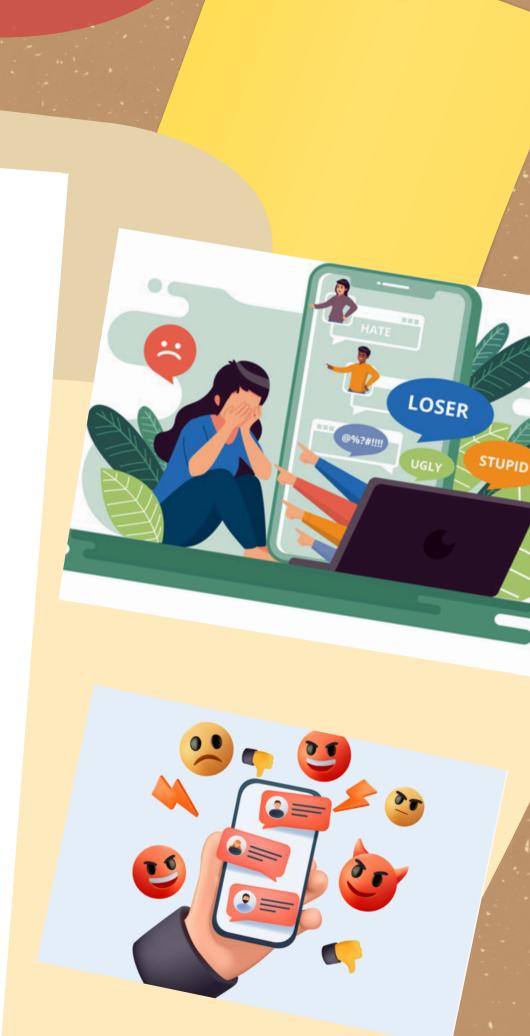


FAQ'S:

Q1: What is cyberbullying?

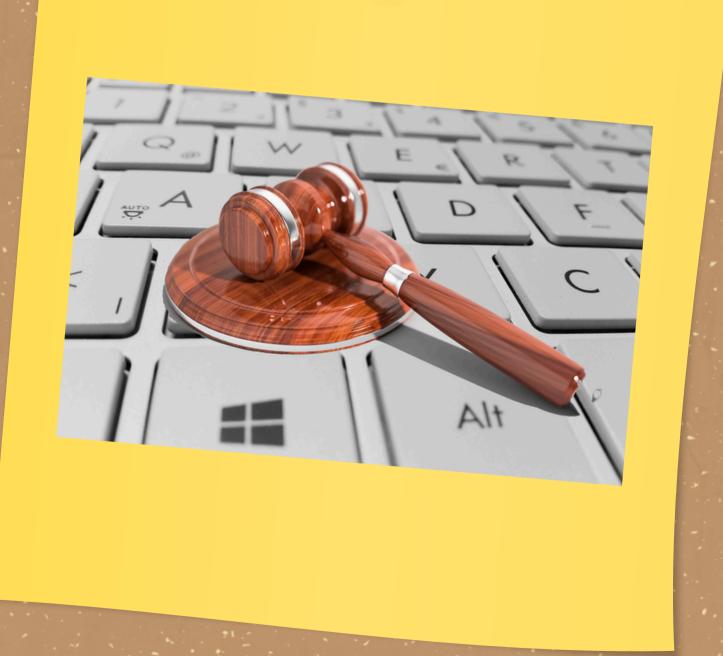
A1: Cyberbullying involves using digital platforms like social media, text messages, or online forums to harass, embarrass, or intimidate someone. In Siya's case, the anonymous comments and meme mocking her dance videos are examples of cyberbullying.

QQ: How can I recognize if someone is being cyberbullied? A2: Signs of cyberbullying include sudden changes in behavior, like becoming withdrawn or anxious, avoiding social media, and expressing a lack of confidence. For instance, Siya stopped posting her dance videos and seemed upset due to the hurtful comments and meme.



Q4: Can you take legal action if the anonymous comments and meme A4: Yes, you can take legal action. By reporting the incident to the police and providing evidence, legal authorities can investigate and take action against perpetrators. The relevant laws, the such as those under the IT Act and BNS, can be applied to address the harassment and seek justice.

Q3: What should someone do if they experience A3: If you experience cyberbullying, it's cyberbullying? • Understand Relevant Laws: Familiarize yourself with cyberbullying and harassment important to: • Document Evidence: Keep detailed records, including screenshots, messages, and • Report Incidents: Notify school officials and, if necessary, law enforcement. • Involve Parents: Inform parents or guardians for support and guidance. • Seek Legal Advice: Consult an attorney if the situation escalates or persists. • Know Your Rights: Understand your rights regarding privacy and free speech.



Q5: What are the consequences for someone caught cyberbullying?

A5: The consequences for cyberbullying can include legal penalties such as fines or imprisonment, depending on the severity of the offense and the applicable laws. The perpetrator might also face disciplinary actions from their school or other institutions. Additionally, there may be longterm consequences for their reputation and future opportunities.

Laws that Can Be used:

information Technology Act, 2000:

Section 66C: This section addresses identity theft, which is relevant if someone is impersonating Siya or creating fake accounts to harm her. If the anonymous commenters are using fake identities, this section can be used to address the misuse.

Section 67: This section covers the publication of obscene material online. If the meme or comments are explicit or degrading, this law can be used to address the offensive content.

Laws That Can Be used:

Bhartiya Nyaya Sanhita 2023:

Section 356 (Defamation): If the comments and meme harm Siya's reputation, this section can be applied. Defamation involves making false statements that damage someone's reputation.

Section 351 (Criminal Intimidation): This section applies if the

anonymous comments or memes include threats or intimidation.

It helps in cases where the perpetrator uses anonymity to

frighten or harm the victim.

Laws that can Be used:

Protection of children from Sexyal offences (Pocso) Act, 2012

In Siya's case the POCSO Act becomes relevant if the bullying turns more harmful. If someone shares sexually inappropriate content related to her, this Act for provides severe punishment.

- Section 13: Defines the use of children for pornographic purposes, which can include images or videos shared through cyberbullying.
- Section 14: Provides punishment for creating, distributing, or
 - transmitting child pornography. This can include content shared online to humiliate or exploit children.
- Section 15: Lays down penalties for storage of child pornography. Cyberbullies who save or share such content can be punished even if they do not create it themselves.

Laws That Can Be used:

Protection of children from Sexyal offences (Pocso) Ac†, 2012

If cyberbullying involves explicit sexually messages, images, or videos targeting children, POCSO's provisions for sexual harassment and assault apply.

- The act of sending sexually abusive material to a child through the internet can lead to serious punishment under POCSO
- Section 43 requires that the Central and State Governments take steps to raise awareness about the provisions of the POCSO Act. This helps in educating children, parents, and schools about the dangers of cyberbullying and the legal remedies available.
- Role of ISPs and Government Action: The government works with Internet Service Providers (ISPs) to block websites containing child sexual abuse material (CSAM) and dynamically remove such content to protect children from being exploited through the internet. Cyberbullies using the internet to share or promote child pornography face stringent actions under both POCSO and the IT Act.

Laws That Can Be used:

The Jyvenile Jystice If the person behind the bullying is a minor, this act ensures (care and Protection they are handled appropriately, focusing on their rehabilitation of children) Act, while still addressing the seriousness of the behavior. 2015:

Siya can use this online portal (<u>www.cybercrime.gov.in</u>) to National Cybercrime Reporting Portal: report the cyberbullying. The portal helps victims report cybercrimes, especially when they involve minors.

PUNITIVE ACTION ? The word "punitive" comes from the Latin word punire, which means "to inflict a penalty on. Punitive action is an action that is intended to "punish someone." • Warning: Sometimes, cyberbullies get a warning What Can Happen to a Cyberbully? • Counseling: For younger people, they might have • Jail Time: In serious cases, people can be sent to • Fines: They might also have to pay a fine.

what Can Happen to a Cyberbylly?

Act:

Jail Time and Fines (Under Different Laws) a. Section 66E of the Information Technology (IT)

· Crime: Capturing or sharing private images without consent.

• Punishment: Jail time up to 3 years and/or a fine of up to ₹2 lakhs.

• Example: If a cyberbully shares private photos of someone without their consent, they could face up to 3 years in jail and a fine.

b. Section 67 of the IT Act:

· Crime: Publishing or transmitting obscene content (e.g., inappropriate images, videos, or messages) in electronic form.

• Punishment: First-time offenders face up to 3 years in jail and/or a fine of up to ₹5 lakhs. For repeat offenses, the jail term can go up to 5 years.

· Example: If a cyberbully posts explicit content of someone, they could face up to 3 years in jail and a hefty fine.

c. Section 351 of BNS: (Criminal Intimidation)

• Punishment: Up to 3 years in jail for the first offense and up to 5 years for subsequent offenses.

PUNITIVE ACTION ?

The word "punitive" comes from the Latin word punire, which means "to inflict a penalty on. Punitive action is an action that is intended to "punish someone." Do you believe educating or counseling cyberbullies

might help them understand the harm they're causing instead of just punishing them?

what can Happen to a cyberbylly?

· Crime: Criminal intimidation through anonymous communication. If the person is cyberbullying and hiding their identity (using fake accounts, etc.) to threaten someone online.

· Punishment: Up to 2 years of imprisonment. · Example: A cyberbully sends threats to harm someone using an anonymous account. They could be imprisoned for 2 years if found guilty.

d. Section 78 of BNS (Cyberstalking):

· Crime: Repeatedly contacting someone online, tracking their online activity, or sending unwanted messages with the intent to cause fear or harm.

· Example: If someone keeps messaging or monitoring another person's social media accounts to harass them, they can face up to 3 years of imprisonment.

Stand up, Speak out, Know Your Rights:

Understanding your rights gives you the power to stand up for yourself when you know what's acceptable and what isn't, you can confidently address bullying behavior, whether it's online or Offline

Knowing your rights helps protect you from harmful actions If someone crosses the line, you can take 2. Protection appropriate action-whether that means reporting them, seeling help from adults, or even pursuing legal options if necessary

3. Confidence to Speak Up: Many teens feel isolated when they experience cyberbullying, thinking they have to deal with it alone. Knowing your nights encourages you to speak up and seek support from friends, family, or school authorities, reminding you that you're not alone

4. Advocacy for Change When you're aware of your rights, you can advocate for yourself and others. You can help raise awareness about the impact of cyberbullying in your school and community pushing for stronger policies and protections for everyone

Understanding your rights contributes to creating a safer online space for everyone. When teens stand together against cyberbullying, it fosters a culture of respect and accountability, making it harder for bullies to thrive

why Does it matter?

5. Building a Safe Online Environment:

Stand up, Speak out, Know Your Rights!

Knowing that there are legal ramifications for 6. Legal Consequences for Bullies cyberbullying can deter potential bullies. They're less likely to engage in harmful behavior if they know you're aware of your rights and willing to act.

4. Mental Well-Being Cyberbullying can take a toll on mental health. Knowing your rights can help you find the right resources, support systems, and strategies to cope, promoting overall well-being and resilience.





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THE END

A Project by the "Criminal law forum" of pravin gandhi college of law

