

Lecture- 38



Cyber Stalking

Cyber stalking involves the act to pursue, harass or contact another in an unsolicited fashion using the electronic medium such as the Internet, e-mail or other electronic communications device to stalk another person. The earlier provisions under penal statutes did not deal with the cases of stalking as a specific offense due to the lack of any provision explicitly dealing with the instances of stalking, but the Criminal Law Amendment Act, 2013, with the insertion of Section 354D, made stalking a specific offence and attached punishment with imprisonment up to three years for first time offenders and with imprisonment extending up to five years for subsequent convictions.

Cyber Defamation

Social media websites and its subsidiary micro blogging websites provides people with the creative liberty to engage in the liberal construction of their thoughts with the purpose of making it available to the public, many a times to initiate a dialogue. That is one way of looking at the utility provided of the websites. Many people utilize the public nature of the platform to put forth their agendas, which more often than not, also involve other individuals on the platform implicating them of things without any credible proof or evidence.

Any person who defames another person on a social networking website can be made liable under the Indian Penal Code. Defamation is defined as the whoever by words, either spoken or intended to be read, or by signs or by visible representations, makes or publishes any imputation concerning any person intending to harm, or knowing or having reason to believe that such imputation will harm, the reputation of such person, is said to defame that person'. In cases of cyber defamation, the usual acts falling under the definition of crimes includes generating, sending or receiving defamatory online bulletin board messages, chat room messages, emails, music on the internet with the intention to harm or having reasons to believe will harm the reputation of the person at whom they are targeted.

Section 66A (a) provides for imprisonment of up to 3 years with fine to any person who sends, through a computer resource or a communication device any information that is grossly offensive or has menacing character.

Privacy violation

Over 2.5 quintillion bytes of data are created every single day. Even though the data is not owned by a single company or unit, it still makes the presence of every individual known and in turn vulnerable to privacy violation. The right to life under Article 21 of the Constitution of India also enshrines the right to privacy and a writ can be filed in the court of law if any act on the Internet infringes this Fundamental Right.

Additionally, Section 72 of the IT Act prevents certain class of people who have secured access to electronic record, book, register, correspondence, information, document and the like material from taking unfair advantage of the information and disclose it without the knowledge or the consent of the party. Unauthorised disclosure by the person leads to imprisonment for a term extending to two years or with fine up to one lakh rupees or with both.

Section 72A protects the information provided by the user from the service provider and provides that disclosure of information of the user without the consent of the user with the intent or the knowledge that it is likely to cause wrongful gain or loss to any person shall be liable to be punished with imprisonment which may extend to three years or with fine up to rupees five lakhs or with both.

Conclusion

The pandemic that engulfed the whole world also brought about an understanding in the ever-pervading nature of the internet and social networking sites. In the post covid world, where zoom meeting and WhatsApp group calls have replaced social gathering and the virtual world is emerging as the new and more acceptable form of social interaction, the exponential increase in cyber-crime does not take people by surprise. It, therefore, becomes more pertinent for everyone to be well acquainted with the legislations that provide for the effective protection and penalization against these crimes. As many as 3,17,439 cyber-crimes incidents have been reported in the country in a span of eighteen month and countless more go unreported due to the lack of proper knowledge of provisions.