THE CYBERSTALKING SITUATION IN INDIA: A SOCIAL, LEGAL, AND TECHNOLOGICAL VIEWPOINT

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ABSTRACT

The social, technological, and legal aspects of cyberstalking in India are examined in this essay. Over the past 10 years, cyberstalking has increased tenfold in India due to the expansion of the Internet and its potential for crimes. The rapid growth and proliferation of cyberstalking in India has been facilitated by a number of factors, including a lack of awareness and understanding of the crime in society, cultural conflict and ignorance, the victims' subjective traits and habits, the freedom and remoteness of Internet technologies, and the inadequacy of cyber legislation in terms of deterring and punishing the crime. Anecdotal data indicates that victims and their relatives fear becoming victims again, in addition to inadequate awareness on the parts of law enforcement and the victim. This is becoming a significant factor for most.

Keywords: cyberstalking, india, cybercrime, social, culture, legal, technical, perspective

INTRODUCTION

The Internet's quick spread and widespread integration have brought forth both good and bad. On the one hand, communication has been revolutionized by Internet-driven information and communication technologies (ICT), which provide speed and convenience. Conversely, it has made cyberstalking a more common cybercrime. Cyberstalking is the term used to describe the persistent use of electronic or Internet-capable equipment to pursue an individual. A variety of undesirable behaviours are covered under it, including "direct attempts to embarrass or humiliate people, name-calling, trolling, doxing, open and escalating threats, vicious sexist, racist, and homophobic rants, attempts to shame others."

Cyberstalking has gained international recognition as a technology-enabled crime, but in India, it has not gotten as much attention from academic or social research communities. Nonetheless, based on data from industrialized nations like the United States and the United Kingdom, cybercrimes in India have increased significantly over the past ten years (Sadotra and Kour, 2016). According to estimates from the National Crime Records Bureau (NCRB), 100,000 people are victimized online every day. They claim that within the past ten years, cybercrimes have increased by 2,400%. India saw a rise in cybercrime cases from 9,622 in 2014 to 11,592 in 2015, with almost one-third of the crimes being done for monetary gain. Over 41% more people were arrested for cybercrime within the same time period.

SOCIAL PERSPECTIVE OF CYBERSTALKING

Despite national and international reporting on the gravity of the consequences of cyberstalking, the degree of understanding regarding cyberstalking is still low from a societal perspective. The victims' and their families' overall society ignorance and cultural struggles about the likelihood of serious consequences including physical harm, suicide, and murder threats aggravate perceptions of ignorance. According to Roy, the great majority of cyberstalking incidents in India go unreported and unpunished.

The other country-specific research works that are currently available view cyberstalking from the perspectives of the victims' individual habits, traits, and lifestyles rather than directly addressing the role of socio-cultural influences in forming the victims' perceptions towards cyberstalking. For instance, Zarina et al. used the victims' views to illustrate how the Routine Activity Theory (RAT) and Life Style Exposure theory contributed to the spread of the cyberstalking phenomenon. They discovered contradictory empirical data to back up their theory. According to their findings, the victims' involvement in aiding the crime are somewhat explained by the extensions of those beliefs. According to Saridakis et al., the victim's routine and habitual activities present opportunities for the stalker to engage in cyberstalking from the standpoint of the RAT. According to their research, victims and users of social networking services (SNS) have a statistically significant correlation. Their results also imply that SNS users are less likely to become victims if they have a high level of privacy awareness and information control. The results of the aforementioned research could be helpful, especially when considering India, as the victims' individual habits and ways of life are frequently shaped by the socio-cultural norms that are prevalent there.

A stalker who uses cyberstalking to harass, threaten, and subjugate their victim is acting in a continuous, repetitive, and persistent manner. Constantly moving from the victim's virtual environment to their psychological and physical surroundings, the negative message eventually causes them great anguish. Significant repercussions, including despair, suicide, homicide, and other serious incidents like rape and acid attacks, may arise from stalking actions if they are not "in time" terminated. In this case, the severity may be affected by a longer procedure and transit time delay. When it comes to the function that process time and the victim's perceptual transit time range from the virtual world play in the outcomes, both empirical and literary research.

LEGAL PERSPECTIVE OF CYBERSTALKING

In India, the legal enforcement community first realized the existence of cyberstalking crime much later than in other nations such as the US, UK, Canada, and Australia, where cyberstalking is criminalized. Even though stalking cases in India were first documented twenty years ago, the IT Act, 2000, which was later revised in 2008, established the laws pertaining to cybercrime. The IT Act is deemed insufficient and addresses "intrusion on the privacy of individual" rather than cyberstalking directly. Women's safety has become a top priority following a number of unsettling and extensively publicized incidents, including the "Delhi gang rape and murder" that occurred in December 2012 and the cybercrime-related incident that occurred at the Delhi Metro station in 2013.

There aren't many studies from an Indian perspective that address how cyberstalking is enforced legally in India. For instance, the rise of the Internet is seen in Kashmiria as a catalyst and opportunity for cybercrimes. She concludes that the Indian cyberstalking laws are insufficient for deterring crime and punishing offenders after contrasting them with regulations from the UK and the USA. In a similar vein, Halder & Jaishankar's comparative analysis of cyberstalking laws in the UK, USA, and India has brought attention to the significance of secondary victimization and denial of

justice as the primary causes of the crime's spread. The paper by Sadotra and Kour illustrates the different ways that cyberstalking and harassment in India can be addressed using the common law and existing legislation.

TECHNICAL PERSPECTIVE OF CYBERSTALKING

Technology both encourages and discourages the use of cyberstalking tactics. The challenge lies in stopping the stalker's actions to stop the crime from happening as well as helping law enforcement find and identify the stalker. A small number of studies from an HCI perspective have found that ICT, internet technology, and IP-connected devices like computers, smartphones, and tablets, along with communication apps like SMS and instant messaging, have all contributed to the rise in the number of cyberstalking crimes. These investigations have also revealed technical solutions to stop the crime and help the victim and law enforcement find and apprehend the stalkers. Text-based technology mediated communications, including email and instant messaging, differs from face-to-face interactions.

IMPACT OF CYBERSTALKING

Cyberstalking can have a significant negative psychological effect on a person. The act of victimization is associated with several grave effects, according to victims. These include elevated thoughts of suicide, feelings of dread, anger, sadness, and PTSD symptoms. The majority of research is restricted to studying quantitative outcomes. The variety of experiences that persons who identify as having been cyberstalked have to offer is examined in this study.

One hundred cyberstalking victim narratives were collected via an online survey questionnaire intended to collect structured text responses. Themes were examined using thematic analysis. The results revealed five themes that emerged: control and intimidation; determined offender; harassing development; unfavourable outcomes; and lack of assistance. The results show how this type of harassment is comparable to and different from typical stalking, as well as how victims must be supported and the detrimental effects that it causes.

Depending on the victim's traits, prior experiences, present situation, and knowledge or lack thereof about the stalker, the effects of stalking might differ. The whole impact of the stalking episode on the victim can vary depending on how other people react to the victim's circumstances, including how the police handle the stalking. Research has shown consistent patterns of response, despite the complexity that may vary an individual's experience and behaviour to being stalked. Studies have shown that male victims of stalking exhibit symptoms that are identical to those described by their female counterparts, despite the fact that female victims typically express higher levels of dread.

Even though it is an accepted fact that there is no universal definition of cyber stalking, almost all the academic and legal definitions of cyber stalking from all jurisdictions strike in the same cord of harassment and harassing communication along with privacy infringement when it comes to conceptualising cyber stalking. It can be seen that on the cyber space, threat, harassment or distress or infringement of privacy is 'communicated' only when the perpetrator executes the same either by directly communicating with the victim or with the help of known and unknown users including the aide stalkers through negative online socialisation. This stage may also include offensive behaviours including, bullying, trolling or creation of fake avatars and spreading such fake avatars to websites meant for pornography. This is especially done by the cyber stalker either by him/herself or through aide Stalkers with an aim to turn these websites as proxy stalkers whereby these sites may continuously send the victim obscene mails, pop-up notices, etc. Such continued offensive behaviour by the stalker/s may create extremely negative impact on the victim. Continuous harassing,

threatening phone calls or emails or negative online socialising may make the victims panicked and extremely concerned about their reputation. Stalking and consequent negative online socialising may also cause loss of job, hamper family life and damage reputation of women in the marriage market. Additionally, women victims may suffer secondary harassment with the police or the courts due to poor understanding of the nature of the offence by the police officers, lawyers or judges or due to complete helpless situation faced by the courts or the police where the stalker/s or aide stalkers or the websites are situated outside the country. It may also make the victims to take extreme steps including suicide or they may suffer withdrawal symptoms. Although it is widely acknowledged that there is no single, agreed-upon definition of cyberstalking, virtually all scholarly and legal definitions of the term from all jurisdictions conceptualize it in terms of harassment and invasive communication combined with invasion of privacy. It is evident that threats, harassment, distress, or privacy infringements are only considered to have been "communicated" in the cyberspace when they are carried out by the offender, either directly with the victim or with the assistance of other users, both known and unknown, including those who assist stalkers through unfavourable online socialization. At this stage, objectionable behaviours like bullying, trolling, or making fictitious avatars and distributing them to pornographic websites may also be present.

In essence, victims of cyberstalking have three needs: (i) to find out the real identity of the stalker if they are anonymous; (ii) to stop the stalker from contacting the victim regardless of whether she knows them or not; and (iii) to remove any offensive posts, websites, messages, etc. that may have been circulated about the victim as part of negative online socialization to instil fear in the victim's mind. When confronted with an anonymous stalker or stalkers, victims may resort to illogical coping mechanisms such as contacting amateur hackers in an attempt to track down the stalker's true identity. Even if the victim is aware of the stalker, she can still wish to.

CYBERSTALKING PREVENTION

No matter what area of law enforcement we specialize in—patrol, investigations, computer crimes, administration—we frequently speak with concerned crime victims or potential victims of crime who seek sound advice on how to avoid risks like cyberstalking. You can use the knowledge and suggestions in this section to assist real or potential victims.

Stalkers frequently exhibit mental instability, paranoia, delusions, excessive jealousy, and low self-esteem. Stalkers can be extremely crafty and conceited, and they may exhibit sadism, selfishness, and hate. The majority are antisocial, or better described as "control freaks" who take pleasure in controlling others.

Refusing to divulge any personal information about oneself is the best defence against falling victim to these individuals.

Keep an eye out for warning signs or red flags in live chat, where role-playing is frequently part of the agenda. Someone asking your personal questions about your life, such as where you live, whether you are married, what school you attend, what you are wearing, how you look, and other details, could be a sign that you are in danger. When it comes to deciding how much information to share, follow your instincts.

CONCLUSION

Over the past 10 years, cyberstalking has increased tenfold in India due to the country's increased internet usage. The rapid growth and proliferation of cyberstalking in India has been facilitated by a number of factors, including a lack of social awareness and perception of the crime, cultural conflict and ignorance, the victims' subjective traits and habits, the freedom and remoteness

of technology, and the inadequacy of cyber legislations in terms of deterring and punishing the crime. Furthermore, the primary reason that the majority of stalking offenses go unreported is the victims' and their families' fear of becoming new victims. There is a glaring lack of research on the social, legal, and technological aspects of cyberstalking in India.

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