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**CYBER STALKING AND ITS IMPACT**

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**Abstract**

This research paper discusses "Cyberstalking and Its Impact". In this modern era, digitization and networking are at their peak. With the increasing trend of digitalization and networking, people's lives have gotten much easier, which has undoubtedly brought several benefits in fields such as e-commerce, communication, technology, and so on. However, while it has made our lives easier, it has also given rise to different sorts of cybercrime, one of which is cyberstalking. Due to the recent pandemic the use of Internet and Social media has been increased so it is easier and gave way for stalkers to access the personal information of others.

In layman's words, "cyberstalking" is "a crime in which one person repeatedly seeks to contact the other person using various digital platforms, thereby establishing a sense of menace in the other person's mind." Women and adolescents are the most common victims of such crimes. This paper is an attempt to highlight various issues related to cyberstalking.

The tentative chapters of this paper include Types of cyber Stalking, Reasons behind Cyber Stalking, Cyber Stalking and its Legislative Provisions, Cyber Stalking and Pandemic.

**Introduction**

The term "cyber stalking" refers to a type of cybercrime in which a stalker uses various online platforms or digital media to track or harass a victim in an electronic manner. Cyberstalking, which can include any variety of occurrences such as threats, libel, defamation, sexual harassment, or other behaviours intended to control, influence, or intimidate their victim, is the act of persistent and unwelcome interaction with someone online.

Cyberstalking is a psychological and neurotic behaviour in which the stalker unlawfully and persistently monitors the target's online activity. Cyberstalking is often referred to as "online harassment" and "online abuse," among other terms.

The internet has made a variety of channels for interhuman contact possible thanks to the most recent technological advancement. With just one click, one can now access the data of others thanks to technological advancements. But each pro has a counterbalance. The development of technology has also given thieves the upper hand. These criminals stop at nothing to abuse the freedom of information access, which has led to an increase in cybercrimes, with women and children constituting the majority of the victims.

### **Types of Cyber Stalking**

#### **1. E Mail Stalking**

Unprompted e-mail is one of the most common forms of harassment, including hate, obscene, or threatening correspondence. Email stalking is one of the most common types of stalking in the real world, which also includes calling, sending mail, and really being watched. Sending the victim viruses or a large volume of electronic junk mail are two other forms of harassment. Sending malware or making telemarketing calls alone does not constitute stalking, it is crucial to remember this. However, if these messages are frequently sent in an intimidating manner (i.e., similar to how stalkers in the real world mail subscriptions to pornographic magazines) they may represent worrying behaviours that fall under the definition of stalking.

#### **2. Internet Stalking**

In this instance, stalkers have full access to the Internet to defame and put their victims in risk. In these situations, the cyber stalking assumes a public rather than a private aspect. This type of online surveillance is particularly unsettling since it seems to have the highest likelihood of spilling over into actual space. Typically, typical stalker activities including threatening phone calls, property destruction, threatening mail, and physical attacks coexist with cyber stalking. The situation of someone who is being stalked from two thousand miles away and someone who is usually within firing distance of their stalker varies significantly. Even though most criminal penalties recognise mental anguish, it is not regarded as seriously as a genuine physical threat. Due of the factual evidence linking stalking, domestic abuse,

and feticide in the real world, much cyber stalking still focuses on causing emotional pain, dread, and apprehension. However, this does not imply that inspiring fear and apprehension should not be criminally punished.

### **3. Computer Stalking**

The third type of cyberstalking is computer stalking, which takes advantage of how the internet and the Windows operating system function to gain access to the victim's computer. The fact that a specific Windows-based machine can be detected and connected to another computer via the Internet is probably not well known. This connection is a computer-to-computer connection that enables the Internet lopper to take control of the target's computer rather than the link through a third party that characterises conventional Internet interactions. As soon as the target computer connects to the Internet in any form, a cyber stalker typically speaks directly with their target. The victim's computer may be taken over by the stalker, leaving them with no recourse than to disconnect and change their existing Internet provider. The situation is comparable to learning that a stalker is online and in charge of your phone whenever you pick up the phone. Disconnecting the phone totally and then re-connecting with a completely different number is the only method to get rid of the stalker. In one specific incidence of stalking, a woman received a message that said, "I'm going to get you," and the intrusive party subsequently unlocked her CD-Rom drive to demonstrate his authority over her computer. Modernized versions of this technology assert that real-time keystroke logging and real-time desktop viewing are both possible. It is not hard to imagine that those who engage in cyber stalking would find these techniques to be highly appealing means of control and surveillance.

### **Reasons behind Cyber Stalking**

#### **1. Harassment**

The stalker's primary goal is to create pain and suffering in the victims mind. The stalker sexually harasses the victims several times. The stalker possesses or creates a photo of the victim and threatens to upload the photo or video if the victim does not have sex with him. The stalker has feelings for the victim, and if she denies it, he will take action against her,

like posting the videos and pictures online. He won't stop harassing the women until his desire is fulfilled.

## **2. Fascination**

This is a one-sided online romance. The stalker has feelings for the victim, and if she refuses to accept his proposal, he will become the stalker. The person who is being rejected could not accept the end of their relationship. These stalkers are occasionally abnormal people. The accused may sometimes murder the victim. In Tamil Nadu in 2012, a college girl was attacked with acid by her one-sided lover. This is not stalking, however sometimes people like this turn into stalkers.

## **3. Revenge**

This is a form of retaliation against the victim. If the victim refused his proposition, he takes revenge on the victim. In Germany, the victim declined the stalker's proposal. Then he posted her photo on social media with the caption, "If anyone wants have sex with me, call me," as well as her address and phone number. The victim is unaware of this, and many others have contacted her, with some knocking on her house at midnight and sexually harassing her.

## **4. Boasting or Showoff**

How he harasses a girl is an example of his talent. This has occurred in the circle of friends. The stalker boasted to his buddies that he could easily make her cry, which he sometimes did. This is a way for him to demonstrate his talent in front of his friends.

## **Cyberstalking and its Legislative Provisions**

The primary focus of this section will be on the legislative provisions in Indian legislation relating to cyberstalking. The Indian Penal Code of 1860, the Information Technology Act of 2000, and Cyber Tort will be given special attention. Since there are no direct laws dealing with cyber stalking, an explanation of the relationship between the provisions and the offence

has been provided using sections from the Indian penal code, 1860, and the information technology act, 2000.

### **1. The Indian Penal Code, 1860.**

#### **a. Section 354D of IPC Any man who:**

- i) follows a woman and constantly calls or attempts to contact her in order to encourage intimate engagement, despite an obvious indication of disinterest by such woman; or
- ii) stalking occurs when a guy observes a woman's usage of the internet, email, or any other kind of electronic communication".

The Section expressly states that anyone who attempts to monitor a woman's online activities is guilty of stalking, and if the stalker commits any of the offences listed in the section, he violates Indian Penal Code Section 354D." However, the major flaw in this section is that it places a heavy emphasis on the word "women." and specifically classifying them as victims while ignoring the fact that men can also be victims too.

#### **b. Section 507 of IPC:**

"Criminal intimidation by an anonymous communication- Whoever commits the offence of criminal intimidation by an anonymous communication, or who has taken precaution to conceal the name or abode of the person from whom the threat comes, shall be punished with imprisonment of either description for a term that may extend to two years, in addition to the punishment provided for the offence by the previous section."

#### **c. Section 509 of IPC:**

"Word, gesture, or act intended to insult a woman's modesty- Whoever, intending to insult the modesty of any woman, utters any words, makes any sound or gesture, or exhibits any object, intending that such word or sound shall be heard, or that such gesture or object shall be seen, by such woman, or intrudes upon such woman's privacy, [shall be punished with simple imprisonment for a term which may extend to three years, and also with fine]."

### **2. Information Technology Act, 2000.**

#### **a. Section 67 of IT Act**

"Penalty for publishing or transmitting obscene material in electronic form- Whoever publishes or transmits or causes to be published or transmitted in electronic form any material which is lascivious or appeals to the prurient interest, or if its effect is such as to tend to deprave and corrupt persons who are likely, having regard to all relevant circumstances, to read, see, or hear the matter contained or embodied in it, shall be punished on first conviction with imprisonment of either description for a term which may extend to three years and with fine which may extend to five lakh rupees and in the event of second or subsequent conviction with imprisonment of either description for a term which may extend to five years and also with fine which may extend to ten lakh rupees.

**b. Section 67A of IT Act**

"Punishment for publishing or transmitting of material containing sexually explicit act, etc., in electronic form"- Section 67A of the IT Act was added after the 2008 Amendment. This provision indicates that the stalker is punishable under this section if he posts any "sexually explicit" content in "electronic form" through any online social media, messaging, or email.

**c. Section 67B of IT Act**

"Punishment for publishing or transmitting of material depicting children in sexually explicit act, etc., in electronic form" The 2008 Amendment included Section 67B to the Act for the first time. This clause places a special emphasis on stalkers who target minors, or youngsters under the age of 18, and "engage in sexually explicit act or behaviour" in order to terrify them.

**d. Section 66E of IT Act, 2000 and Section 354C of IPC**

"Voyeurism" is addressed in Section 66E of the Information Technology Act of 2000 and Section 354C of the Indian Penal Code.

"The act of voyeurism is covered by Section 354C of the Indian Penal Code, which has a limited reach because the victim must be a "woman" to be eligible for this clause. On the other hand, voyeurism is covered by Section 66E of the Information Technology Act, which has a broader scope than Section 354C of the Indian Penal Code because the victim is referred to as "any individual" in Section 66E.

### **3. Constitution of India, 1949.**

#### **a. Article 21 of Indian Constitution**

"Protection of life and personal liberty No person shall be deprived of his life or personal liberty except in accordance with the procedure established by law." [13] "This article condemns any person who deprives another such person of the right to personal liberty. The stalker aims to enter the victim's private space, thereby destroying his/her right to privacy and personal liberty."

Following the victim on social networking sites, e-mails, messages, phone calls, or any other mode, the stalker always tries to monitor each and every move of the victim, causing distress and a sense of threat in the victim's mind. The victim cannot enjoy his personal space, and thus the offender/stalker must be charged under Article 21 as well because his actions are vocative of this article."

### **4. Cyber Tort**

"Cyberstalking has been mentioned as a cyber-tort and as a cyber-crime. The extent and degree of the act determine whether or not it is to be unjust during a civil or tribunal. The causes of action for many relevant torts are expressed below to grasp whether or not cyberstalking may fall under any of them."

#### **Cyber Stalking and Pandemic**

During the Covid-19 outbreak, cyberstalking has reached entirely new heights. The covid-19 pandemic has clearly transformed physical stalking into online stalking by opening up new, easier, and more diverse opportunities to stalk people digitally through numerous internet platforms. With stalkers' ability to remain anonymous, it has become more difficult to track down criminals and detect bogus profiles.

The massive increase in the use of internet platforms by teenagers during the Covid-19 pandemic has given rise to a slew of cyber-crimes, one of which is cyberstalking. Since everything has been converted from offline to online, everything in and around has taken on a new viewpoint. According to experts and statistics, women and minors are more likely than men to be victims of cyberstalking.

**Conclusion**

The improvement of technology has also resulted in an increase in crime rates. In this digital age, it is possible to say that technology and crime go hand in hand. Technology has played an important role in various crimes that have occurred in and around the world. The prevalence of cybercrime has skyrocketed, and cyberstalking has been identified as one of them. Physical stalking was once frequent, but as technology advanced and criminals gained the benefit of anonymity via the internet, the rate of cyberstalking more than doubled since stalkers are difficult to track down.

"For the emerging trend of cybercrime, it is critical to have a cyberlaw enforcing momentum because cybercrime has the potential to destroy every aspect of life as it is easy to commit but extremely difficult to detect." Though India has an extremely detailed and well-defined legal system, all existing laws in place in India were enacted way back keeping in mind the relevant political, social, economic, and cultural scenario of that relevant time.

With the advent of the Internet, a slew of delicate legal concerns and ills arose, necessitating the adoption of Cyber laws. The Internet necessitates a supportive legal architecture that is in sync with the times. This legal infrastructure can only be provided by enacting relevant Cyber laws, as current laws have failed to do so. All of these concerns produced a favorable environment for the need for India to implement essential cyber laws."