CYBER STALKING

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I. INTRODUCTION

"Men fear most what they cannot see."

Quote of Ra's al Ghul from the movie Batman Begins

One day a woman was shocked to find out men banging on her door in the middle of the night shouting that they were there to rape her. Little did she know that a man called Gary Dellapenta whose romantic advances were snubbed by her, had placed ads on the internet in her name claiming that she had rape fantasies and provided her address and instructions for disarming her security system. She was then flooded with obscene messages and visits of strangers to her home. Later on having finally learnt about the Internet ads when she placed notes on her door explaining that the ads were false, Dellapenta then placed new ads saying that the notes were part of the fantasy. He was caught when the victim's father pretended to respond to the ads and traced their origin. California became the first state to ban cyber stalking on January 1, 1999. Dellapenta was booked under this new Act and pleaded guilty to one count of stalking and three counts of solicitation of sexual assault and received a six-year prison sentence in April, 1999.[1]

II. CONCEPT OF CYBER STALKING

Stalking generally means a harassing behavior which one person exhibits towards the other. The Oxford dictionary defines stalking as "pursuing stealthily". Stalking may comprise of following a person, appearing at a person's home or place of business, making harassing phone calls, leaving written messages or objects. At times there may be certain instances which are quite insignificant in themselves but when sufficiently repeated are often likely to provoke feelings of harassment in the victim

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[1] L.A. Times, Friday the 22nd of January, 1999 and Saturday the 23rd of January, 1999.

like sending letters or flowers to the target or a stranger engaging the target in an unsolicited conversion in a public place such as at a bus stop. Cyber stalking is a virtual form of physical stalking and can be categorized into two parts:

(i) Cyber stalking that starts and continues on the internet and comprises of threatening victims on the internet, sending harassing e-mail or morphed photographs of the victim being displayed on pornographic websites.

(ii) Cyber stalking that begins online and then spreads in the real world when the perpetrator finds out about the personal details of the victim and persistently follows the victim and may indulge into sinister behavior like giving death threats and causing physical assault to the victim.

Out of the estimated 79 million population worldwide on the internet at any given time, we could find 63,000 internet stalkers travelling the information superhighway, stalking approximately 4,74,000 victims.[2]

III. NATURE OF CYBER STALKING

There are myriad ways of committing cyber stalking which can be resorted to by the perpetrators. Computer stalking is one of the very popular means by which the cyber stalker exploits the internet and the windows operating system in order to assume control over the computer of the user. The cyber stalker can communicate directly with the user as soon as the user computer connects to the internet and assume control of the user's computer. An example of this kind of cyber stalking was the case of a woman who received a message stating 'I'm going to get you'. The cyber stalker then opened the woman's CD-ROM drive in order to prove he had control of her computer. Keystroke logging makes the recording of every keystroke possible and viewing the computer desktop in real time.

E-mail account of the user may also be used as a tool for cyber stalking. Access to an e-mail account of an innocent user may be gained by the hacker and that address may be used to send messages that may

[2] http://www.indianchild.com/cyberstalking.htm visited on 29th May, 2013 at 7.55 P.M.

be threatening or offensive. Some may send electronic viruses that can infect the victim's files. A person's mailbox may be filled with thousands of unwanted messages in order to make the account useless by the harasser. It is known as mail bombing. Also a cyber stalker may indulge in spamming.

Online stalkers may post insulting messages on electronic bulletin boards signed with the e-mail address of the person being harassed or statements about the victim to start rumors about him through the bulletin board system which is basically a local computer that can be connected directly with a modem and allows users to leave messages in group forums to be read at a later time.

Many cyber stalking cases begin from arguments that can take place in chat rooms or news groups.[3] While chatting, participants type line messages directly to the computer screens of other participants. Chat-line users may capture, store and transmit these communications to others outside the chat service. Same is the case with the message which is posted to a public newsgroup as it is also available for anyone to view, copy and store and such public messages can be accessed by anyone at any time even years after the message was originally written which can be misused by stalkers. Cyber stalker may indulge in flaming wherein he may engage in live chat abuse of the user.

IV. PROFILE OF VICTIMS OF CYBER STALKING

"Never be bullied into silence. Never allow yourself to be made a victim. Accept no one's definition of your life, define yourself."[4]

Harvey Fierstein.

Those who are emotionally weak or unstable or have family problems and try to search for a sounding board in the virtual world may be an easy target of cyber stalkers. Cyber stalker victimizes a person who is a new user of the net and is inexperienced to the Internet safeguards. Further, the ones who portray no inhibitions and like to reveal

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[3] Paul Bocji, "Cyber stalking: Harassment in the Internet Age and how to protect your family", Praeger Publishers, USA, 2004, p. 182.

[4] www.brainyquote.com/quotes/quotes/h/harveyfier101058.html? visited on 4th June, 2013 at 8.57 P.M.

personal information to strangers in chat rooms are easily befriended by the cyber stalkers. Cyber Stalking usually occurs with women, who are stalked by men, or children who are stalked by adult predators or paedophiles.

V. PROFILE OF CYBER STALKER

"It's been my policy to view internet not as an information highway but as an electronic asylum filled with babbling loonies."

Mike Royko[5]

In today's scenario the above quote by Mike Royko perfectly describes the dangers of virtual world. The first and foremost thing to remember is that anyone can be a cyber stalker. Stalker may be a friend, a neighbour or a relative also. Moreover a stalker can be of either sex and can come from all backgrounds and life styles.

Generally the stalkers have an average Intelligence Quotient and are unemployed. Being socially incompetent, the stalkers have a profound sense of inferiority and tendency to control the life of others. In some cases stalkers may be themselves victims of any kind of violence and, hence they want to take out their frustration on others. Cyber stalkers can be broadly categorized into three types:

(i) The delusional cyber stalker

Schizophrenia, bipolar disorder and other mental illnesses are common in these stalkers due to which they are severely deluded into believing that their victim is in love with them even though they may have never met. The most common type of stalker from this group is the type who pursues a celebrity. This syndrome is better known as the "obsessed fan syndrome". It is a daunting task to get rid of delusional stalkers.

(ii) The obsessional cyber stalker

Cyber stalker usually has had a prior relationship with the victim in this case and cannot come to terms with the fact that his or her relationship is over. He or she then tries to coerce the victim into re-

[5] www.brainyquote.com/quotes/quotes/m/mikeroyko102381.html? visited on 3rd June, 2013 at 4.30 P.M.

entering the relationship or has his or her revenge on the victim by inducing fear and making his or her life miserable. One should not be misled by believing that this stalker is harmlessly in love and incapable of causing real harm.

(iii) The vengeful cyber stalker

"Indifference and neglect often do much more damage than outright dislike"

-J.K. Rowling, Harry Potter and the Order of the Phoenix

Disgruntled employees and ex-spouses who develop resent towards their victim as they inculcate a feeling that they were the ones who have been victimized first and now are merely teaching their victims a lesson, are the typical examples of such kind of cyber stalkers. Their actions are similar to that of the obsessional stalker but they differ in motive as, usually, they are desperate to induce fear in their victims by blackmailing or threatening them after taking over their computers.

VI. FACTORS PROVIDING IGNITION TO A CYBER STALKER

Factors that motivate stalkers to commit brutal and barbaric crime of cyber stalking are envy, unemployment or failure in job or life coupled with an intention to intimidate their victims. Sexual harassment is a common experience offline and recent technological advancements have provided more impetus to it online also since internet reflects real lives and people. Pursuing the victim under the garb of anonymity online has made stalking easy for sexual gratification. Feeling of revenge and hatred may also lead to cyber stalking when something knowingly or unknowingly said or done by the victim online offends someone. Obsession for love may be a pertinent cause for initiating cyber stalking. It can start with an online romance which moves to real life only to break-up once the persons really meet and one of them refuses to take "NO" for an answer. Another case may be when obsessive stalking starts in real life and then graduates to virtual world. Worst part about this kind of stalking is that perpetrator and victim are initially in an intimate relationship so it leads to sharing of personal information which is later on used to harass the victim.

VII. LEGAL SCENARIO IN INDIA

"Let every man know that to violate the law is to trample on the blood of his father, and to tear the charter of his own and his children's liberty."

- Abraham Lincoln, Speech given at the Young Men's Lyceum of Springfield, Illinois on January 27, 1838[6]

Section 66A of the Indian Information Technology Act, 2008 penalizes sending false and offensive messages through communication services. It reads as follows:

Any person who sends, by means of a computer resource or a communication device,-

(a) any information that is grossly offensive or has menacing character; or

(b) any information which he knows to be false, but for the purpose of causing annoyance, inconvenience, danger, obstruction, insult, injury, criminal intimidation, enmity, hatred, or ill will, persistently makes by making use of such computer resource or a communication device,

(c) any electronic mail or electronic mail message for the purpose of causing annoyance or inconvenience or to deceive or to mislead the addressee or recipient about the origin of such messages, shall be punishable with imprisonment for a term which may extend to three years and with fine.

Explanation: For the purposes of this section, terms "electronic mail" and "electronic mail message" means a message or information created or transmitted or received on a computer, computer system, computer resource or communication device including attachments in text, image, audio, video and any other electronic record, which may be transmitted with the message.

Section 72 of the Indian Information Technology Act, 2008 which deals with breach of confidentiality and privacy, section 72A of the said Act which prescribes punishment for disclosure of information for breach of lawful contract read with section 441 and 509 of the Indian Penal

[6] http://constitution.org/lincoln/lyceum.htm visited on 4th June, 2013 at 9.03 P.M.

Code (which deal with offences related to Criminal trespass and acts intended to insult the modesty of a woman respectively), were being used to prosecute offenders for cyber stalking before coming into force of the Criminal Law Amendment Act, 2013.

Now such offensive activities are to be dealt with by Section 354D of the Indian Penal Code, (added by the Criminal Law Amendment Act, 2013 with effect from 3rd February, 2013) which specifically makes provision for prosecuting the perpetrator of cyber stalking with harsher punishment. It reads as follows:

(1) Any man who-

(i) follows a woman and contacts, or attempts to contact such woman to foster personal interaction repeatedly despite a clear indication of disinterest by such woman; or

(ii) monitors the use by a woman of the internet, email or any other form of electronic communication, commits the offence of stalking:

Provided that such conduct shall not amount to stalking if the man who pursued it proves that-

(i) it was pursued for the purpose of preventing or detecting crime and the man accused of stalking had been entrusted with the responsibility of prevention or detention of crime by the State; or

(ii) it was pursued under any law or to comply with any condition or requirement imposed by any person under any law; or

(iii) in the particular circumstances such conduct was reasonable and justified.

(2) Whoever commits the offence of stalking shall be punished on first conviction with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine; and be punished on a second or subsequent conviction, with imprisonment of either description for a term which may extend to five years, and shall also be liable to fine.

VIII. SUGGESTIONS

I strongly believe that in complete darkness we all are on the same footing and it is only our knowledge and wisdom that leads us towards light. Internet users must be proactive towards their safety and must keep in mind is that no one has the authority to harass any other person. To curb cyber stalking, instead of remaining a mute victim, the police must be informed immediately. For the prevention of cyber stalking I would like to give following suggestions:

(i) Real name must never be used as screen name of user ID and also personal information must never be disclosed in public places like chat rooms.

(ii) ISP and Internet Relay Chat network that have an acceptance use policy which prohibits cyber stalking should be preferably used.

(iii) Generally every outgoing mail may have a signature that contains information about the sender such as telephone or fax number which gets automatically added to the end of the mail message by email program. While sending email to unknown persons personal details should be removed from signatures which are attached to the emails.

(iv) Computer keeps a memory reserve therefore memory catch after surfing internet must be removed so that anyone who accesses the computer cannot see what sites that person visited.

(v) Harassment mails must be reported to Internet Service Provider like MTNL etc. and e-mail provider like gmail, yahoo etc.

(vi) Advice from technically sound persons must be sought. Even the creator of the rampaging famous “I love you” virus was tracked down by street-smart users as stalker left behind a distinct electronic trail through his I.P. address.

(vii) Users must behave appropriately and politely while participating in chat room conversations and must never indulge in heated arguments.

(viii) A person must make sure that virus protection is up to date and passwords must also be changed regularly to keep the stalker away from personal computer.

"Treat your password like your tooth brush. Don't let anybody else use it, and get a new one every six months."

-Clifford Stoll[7]

(ix) Every now and then people must search for their name or their family members' name online and endeavour should be made to remove private or inappropriate matter.

(x) Many cyber stalkers physically attack or rape their victims when they meet them in the physical world. Hence one must never meet an online acquaintance alone in the real world.

(xi) User can hide his or her identity with anonymymisers which are famous for encrypting the URLs that a person visits so that an Internet Service Provider cannot keep a record of them.

(xii) Screening voice calls, SMS, chat and email may be done. If someone bothers in an online forum often communications from them can be blocked.

(xiii) A person's plan to travel or attend a place must never be disclosed on any online calendars. Not even on social network sites where events are listed. Such disclosures are likely to enable a stalker to know a person's whereabouts.

(xiv) Privacy settings in all online accounts must be used to regulate online sharing with those outside the trusted circle.

(xv) It has been appropriately commented by ***Jennifer Aniston that "parenting is one of the hardest jobs on earth."***[8] Parents must keenly observe the changes in the nature and attitudes of their children and keep an eye on their activities so as to curb probable cyber stalking.

For example if the child quickly changes the computer screen or switches off the computer when parents enter the room, it points out to the fact that the child is trying to hide something from his parents. Children and teenagers must notify their

[7] www.brainyquote.com/quotes/quotes/c/cliffordst161622.html? visited on 2nd June, 2013 at 5.15 P.M.

[8] www.brainyquote.com/quotes/quotes/j/jenniferan470500.html? visited on 2nd June, 2013 at 6 P.M.

parents immediately the moment they feel that the online behavior of their contacts is making them uneasy. There are certain steps that can be taken by parents in order to protect their children from being victims of cyber stalking like limiting amount of time that children spend online, moving the computer to some public area of the house like drawing room as it will prevent the child from engaging in undesirable-net-activities with someone around, forbidding the children to talk to or meet someone whom they met in the virtual world, instructing children not to respond to messages that are threatening or obscene in nature, by ensuring that they are comfortable enough to inform parents when they receive such a message or feel intimidated by someone whom they met online and by making child understand the dangers of internet.

If at all a person falls prey to the cyber stalker then regardless of previous relationship with the stalker contact with him should be avoided at all costs and all online conversations with a stalker should be saved for later reference by the police. Victim should try not to be intimidated by the cyber stalker.

"Be not the slave of your own past-plunge into the sublime seas, dive deep, and swim far, so you shall come back with a new self-respect, with new power, and with an advanced experience that shall explain and overlook the old."

-Ralph Waldo Emerson in his book 'An Year With Emerson'

IX. CONCLUSION

Due to threat or fear of getting abused in the society, nearly half of the victims try to move on in their lives after considering it a bad dream. It has been categorically suggested by **Albert Einstein that "Life is like riding a bicycle. To keep your balance, you must keep moving."**[9] However, the issue of cyber stalking, being very sensitive, must be addressed immediately as it leaves a deep scar on the victim's psyche if left unaddressed.

[9] www.goodreads.com visited on 4th June, 2013 at 9.21 P.M.

There is a general ignorance of the masses about cyber stalking. Hence it is imperative that awareness regarding this heinous-online-abuse should be spread amongst the people. Likewise, existence of the legal remedies to curb it must be brought to the knowledge of masses as it is the only silver lining in the dark clouds to dispel the atrocious darkness of cyber stalking.

"Give light and the darkness will disappear itself"

-Desiderious Erasmus[10]

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[10] www.apreciousresource.com visited on 3rd June, 2013 at 7.30 P.M.