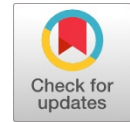


Internet Trolling: Analyzing The Legal Myths And Facts



Salil Shringarpure, Jyoti Dharam

Abstract--- *The internet and social media is bringing the world closer. It keeps us connected as it is not possible for people to carry any social visits personally due to their hectic schedule. However trolling is a menace in the age of internet and social media. Some people with malicious intentions tend to misuse the social media platforms and thereby cause trouble to other innocent users. Therefore a person who opens an account on social media shall behave in a civilized way and use the social media in decent way so that there is no trouble caused to other social media users.*

Keywords: *Social media, Trolling, Defamation, sexual harassment, cyber crimes.*

I. INTRODUCTION

Social media has become an integral part of significant number of people these days. Out of 7.3 billion population of the world 3.17 billion people do use internet, and also the social media.

Trolling has become a menace in today's age of social media, more particularly on social platforms. Various people, mostly celebrities fall victims to trolling. To name a few Sushma, Swaraj was trolled for helping a couple having inter religious faith. Badminton player Saina Nehwal was trolled when she lost in second round in Rio Olympics while P. V Sindhu performed better.

Neither Sushma Swaraj, nor Saina Nehwal were bogged down by these troll, but one cannot expect everyone who faces the troll to be as strong as them.

Before we get into other details, let us understand the meaning of trolling.

II. MEANING OF TROLLING

The word trolling is originated in 1992 and is often used in relation to internet. Trolling means a creation of discord on the internet by using abusive language, likely to quarrel or criticize other with inappropriate language with an intention to gain cheap publicity. A social media troll is a person who intentionally speaks something controversial

and tries to get the attention of other user. The hunger for attention is so great in these cases that the troll often uses very vulgar language, abuses in their comments. Many times these comments which were made often were unrelated to the topic.

According to study published by University of Manitoba in Canada, the people who get involved in trolling generally have the traits of sadists, narcissist, psychopaths and sadists, who do take pleasure in the sufferings of others.

III. REASONS FOR GROWING PHENOMENA OF TROLLING

There are various reasons which vary from the nature of a person to lack of legal knowledge about the online social media, which leads to trolling. It is true that it is not possible to pen down each and every reasons for trolling, however some main reasons have been pointed out, which are as under,

1. Trolling for fun

The common people often get involved in the trolling just for fun, without realizing its dangerous effects. Commenting on anything just for the fun has become the habit of some people, especially the youngsters. They want to make sarcastic comments, and while doing that they may cross the limits and end up trolling someone.

2. Trolling out of Boredom or to seek revenge.

According to Prof. Mark Griffiths it may be done out of boredom, or to have amusement, or with an intention to extract revenge. Social media is seen as an instrument of entertainment, and in the name of entertainment the individuals crosses the moral as well as legal limits.

3. Self assertion

The trolls try to assert through their anonymous identity, what they want to assert, but cannot assert publicly. This is a reflection of mentally weak people, who tend to use harsh words, often end up trolling.

4. Lack Of Legal Knowledge.

The trolls believe that when they are trolling, they are exercising their right to speech and expression through their account created on social media. Here there is a point to note, that the trolls, when they troll, assume two things, first is that, they are exercising their right to freedom of speech and expression and the second is that, they own the account which they have created on the social platform.

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5. *False Assurance Of Security.*

Sometimes the trolls open an account with a different name, and they assume that no one can catch them, as it is impossible to catch them, as they are using other identity.

6. *Frustration or to gain cheap popularity.*

Sometimes the trolls do trolling either out of frustration or to gain popularity. Significant number of population takes interest in sports or other matters, when the things do not go as per their wish, then people tend to get disappointed and give sharp reactions. The glaring example can be seen where actress Anushka Sharma was trolled for failure of Virat Kohli.

IV. LEGAL POSITION ABOUT TROLLING

If one sums up all the above mentioned reasons then one thing that catches the mind that the trolls either assume that they are not doing anything illegal or have the belief that they would not be caught. Both these beliefs of the trolls are untrue. When the troll uses any abusive language, or tries to intimidate or passes any lewd or any sexual remark, he is inviting the legal action.

We will now analyze what legal actions can be taken against the trolls under various legislations.

1. *Defamation*

As pointed out earlier quite a few people who open the social media account tend to believe that they own the account which they have opened, and that they can post anything they like, as they are merely enjoying the right of freedom to speech and expression. However in the first place the people who open the account on social media are not the owners of their account but are mere licensees. Secondly they are allowed to speak about themselves, however when they choose to speak about others then they have to abide by the limitation that are imposed by the Indian Constitution, as the right to freedom of speech and expression is not absolute. When a troll tries to abuse, intimidate any person by posting such things on his account, he is inviting an action of libel, which is mentioned in section 499 of the Indian Penal Code.

2. *Sexual harassment*

When the troll chooses to post any lewd comment against a woman or demanding sexual favours or messaging pornographic content against her will, then the troll is inviting an action of sexual harassment mentioned in section 354A of the Indian Penal Code.

3. *Online Stalking*

This offence can also be committed against a woman. The troll is liable for this offence when he tries to foster personal interaction, by the medium of internet, email or any other electronic medium, and that woman is showing complete disinterest, the troll may attract the provisions of section 354D of the Indian Penal Code.

4. *Outraging the modesty of woman.*

The troll often resorts to posting of sexual messages, videos, or remarks, regarding a woman he is trolling. The troll while carrying this activity is inviting the provisions of section 509 of the Indian Penal Code.

5. *Criminal intimidation*

These days lot of cases comes where the woman are threatened to rape. There was an incidence where Gujarat police arresting a man who threatened to rape the daughter of a leading politician Priyanka Chaturvedi.

When any troll gets engaged in such activities and the victim is women then he is liable for Criminal intimidation mentioned in section 507 of the Indian Penal Code.

6. *Violation of privacy*

The trolls are also in a habit of intentionally posting the images of private areas, of the person, he is trolling. This action of the troll can invite the wrath of section 66E of The Information Technology Act 2000. This Act is created for the protection of privacy of the individuals.

7. *Publishing offensive material on the internet.*

The troll can be punished under section 67 of The Information Technology Act 2000, if he posts any offensive content on the internet. It is pertinent to note that the language used in the section is whoever uses Lascivious or appeals to the prurient interest or which may tend to deprave or corrupt persons. These words are wide enough to include any offensive comment; even it may not be sexual in nature.

V. CASE LAWS ON CYBER TROLLING.

In *Avinash Bajaj v State* the court had held that Whoever publishes or transmits or causes to be published in the 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.

In *Shiv Prasad Sajjan v State* (2018) the software engineer had sent obscene photos of their victims through cyber café. He himself had turned lawyer to defend himself. However despite of being software engineer and studying law himself could not defend himself.

VI. CONCLUSION AND SUGGESTIONS

There is no doubt that every citizen has right to freedom of speech and expression. Every person who opens the account has right to post there and in this way he can enjoy the right of freedom of speech and expression. However this right of the internet user is not absolute and is subject to restrictions. A person who opens an account on social media shall behave in a civilized way and follow the certain rules which some of which are mentioned under, so that he can enjoy his right of freedom of speech and expression and at the same time the rights of others such as right to reputation, right to privacy, etc are also protected.

1. *Avoid using the foul language*

When you are posting anything about others, always use a decent language; avoid such language which the person who posts such will not like from others.

2. *Say no to sexual content.*

Social media medium should be used for healthy interactions and sexually explicit contents shall be avoided at any cost. It is the responsibility of every internet user to ensure that he keeps the medium of social media healthy by not uploading any sexually explicit content.

3. *Avoid rude and personal criticism*

Any temptation of rude or personal criticism shall be avoided at any cost. It is seen that people get agitated when some results do not go in their favour, for example, when India loses a cricket match the fans put personal or derogatory comments. It is not wrong to criticize, but it should be reasonable and fair, and not personal.

4. *Cyber Police needs to be more active*

It is true that the police are doing a good job in bringing the cyber criminals to books, still need to increase their rate of conviction, so that there will be some fear of punishment on the cyber criminals.

5. *Reforms for certain basic legal awareness.*

The internet users are basically the youth who lack in sound legal knowledge, awareness programs shall be organized so that they are discouraged from getting involved in activities like trolling.

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