

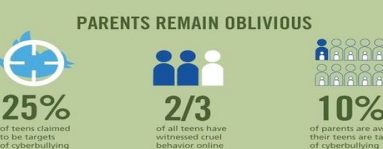
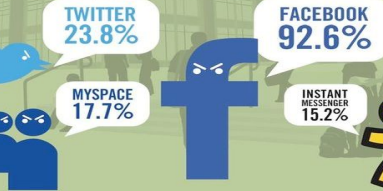
BRAINSTORMING MEETING - INTERNET AND MOBILE SAFETY FOR CHILDREN AND PSYCHO-SOCIAL RESPONSE

24 MAY 2018, SEMINAR HALLS 1 AND 2, INDIA INTERNATIONAL CENTRE, NEW DELHI

CYBERBULLYING

SOCIAL MEDIA BECOMES THE NEW SCHOOL YARD FOR BULLIES

Teens say cruel behavior takes place on...



Parenting in The Digital Age

The Need-to-Know on Social Media Safety for Teens



4 Social Media Sites You Need to Know

According to Tech Today the average age of Facebook users is 38 to 41. As the parent population grows on Facebook, our kids have found new sites. Here are four you need to know about:

Tumblr	Twitter	Snapchat	Instagram
<p>According to Rights&Marketing, 49% of Tumblr's users are teens. Teens love Tumblr for its fast pace of sharing photos and quotes.</p> <p>What You Need to Know - Porn is easy to find. This online hangout is hip and creative but sometimes raunchy. Pornographic images and videos, depictions of violence, self-harm, drug use and offensive language are easily searchable. - Privacy can be guarded, but only through an awkward work-around. The first profile a member creates is public and viewable by anyone on the internet. Members who desire full privacy have to create a second profile, which they're able to password protect.</p>	<p>Twitter is known for its 140 character-in-status updates called tweets. Twitter's current user population is 20%.</p> <p>What You Need to Know - Public tweets are the norm for teens, though you can choose to keep your tweets private. Most teens report having public accounts (Plus Internet & America's Life Project, 2013). - Updates appear immediately. Even though you can remove tweets, your followers can still read what you wrote until it's gone. This can get kids in trouble if they say something in the heat of the moment.</p>	<p>Snapchat is a photo messaging app for iPhone and Android that lets users put a time limit on the pictures and videos they send before they disappear.</p> <p>What You Need to Know - It's a myth that Snapchats go away forever. Data is stored. Whenever an image is sent, it never truly goes away. (For example, the person on the receiving end can take a screenshot of the image before it disappears.) - Snapchats can even be recovered. - It can make sending seem OK, the seemingly real-time messaging might encourage users to share pictures containing inappropriate content.</p>	<p>According to Instagram, more than 40 million photos are posted every day. Instagram's main functions are done on its mobile app for iPhone and Android.</p> <p>What You Need to Know - Teens are on the lookout for "likes." Similar to Facebook, teens may measure the "success" of their photos - even their self-worth - by the number of likes or comments they receive on each picture they post. - Mature content can slip in. The terms of service specify that users should be at least 13 years old and shouldn't post partially nude or sexually suggestive photos - but they don't address violence, swear words, or drugs.</p>

- ### 4 Things You Need to Do
- 1 Know more than your child. If you allow your child or teen to use social media, become an expert on the platform you're allowing them to use.
 - 2 Monitor Social Interaction. Do not assume that a child who handles this platform well in the beginning will continue to over the course of time. You must monitor their online activity frequently.
 - 3 Set Parental Controls. Privacy settings on social media platforms are always changing. Make sure you are protecting your child's identity.
 - 4 Disconnect When Necessary. If you find that social media has become a distraction, addiction, or harmful in any way, shut it down and restore access.



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REPORT PREPARED BY - FLAIR (FORUM FOR LEARNING AND ACTION WITH INNOVATION AND RIGOUR)

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INTERNET AND MOBILE SAFETY FOR CHILDREN & PSYCHO-SOCIAL RESPONSE

PROGRAMME SCHEDULE

Venue: Seminar Hall 1 & 2, India International Centre, 40 Max Mueller Marg, New Delhi
Date: 24 May 2028
Time: 9:30 AM to 2:00 PM

This is a roundtable brainstorming meeting and the "Agenda Items" and "Interventions" are mentioned only for indicative purposes. All the participants are equally engaged in a collective brainstorming.

Sr. No.	Agenda Item	Time	Interventions	Objectives and Methodology
1.	Registration and Tea	9:30 AM – 10:00 AM		
2.	Welcome and Need for the Meeting	10:00 AM – 10:10 AM	Ajay Kumar Sinha FLAIR – Forum for Learning and Action with Innovation and Rigour	Background of the issue and Objective of the Meeting and the Process Ahead
3.	Regulatory Framework and Civil Society Interventions	10:10 AM – 11:00 AM	Ms. Shreem Yash, Head Policy and Advocacy, Tata Trusts Session Moderator Mr. Rishi Krishan, Advisor (POCSO) National Commission for Protection of Child Rights Prof. Karishma Kumar Sharma Chief Proctor and Professor – Centre for the Study of Regional Development, School of Social Sciences, JNU, Delhi Ms. Karuna Bishnoi, Independent Child Rights Advocate Ms. Kunda Shrivastava Senior Engineer, CIET, NCERT Ms. Jyoti Goyal Consultant – Child Online Safety, UNICEF	Understanding the existing regulatory framework of IJ System in India and what are the mechanisms to deal with issues of Child Online Safety and what further interventions are required. Understanding about the roles of Government Agencies and Civil Society Organizations to deal with the challenges. PANEL DISCUSSION
4.	Current Issues related to Internet and Mobile Safety of Children and Psycho-Social Response	11:00 AM – 11:30 AM	Dr. Vatan Pal Singh Bahara Associate Professor of Psychiatry, NDDIC and Department of Psychiatry, AIRMS, New Delhi Ms. Niviana Singh, Independent Child Rights Researcher Mr. Rishi Krishan, Cyber Security Expert Dr. Dimple Kaur Psychotherapist	Understanding what kinds of psycho-social issues are the children and young people facing in cyber world. Discussion on how can the Counsellors, Psychologists and Psychiatrists work in the IJ System on the issue. PANEL DISCUSSION



5.	Legal Provisions, Situation of Law Enforcement and Media Response	11:30 AM – 12:00 Noon	Prof. Abdul Malik, President FLAIR Session Moderator Shri. Uday Sahay, IPS Co-Chair, Digital Media and Society and National Convener – Give Back to India Dr. Kamika Sanyal, Director – FIRE (Foundation for Institutional Reforms and Education)	Understanding the Legal Provisions and Media Response for dealing with Child Online Safety issues and what improvements are required. PANEL DISCUSSION – SELF-MODERATED
6.	School Based Strategies – Outreach to Parents, and Parent – Teacher – Counsellor Collaboration	12:00 Noon – 1:00 PM	School Principals, School Counsellors, MOU based Parents Expert Panel – Ms. Karuna Bishnoi, Dr. Kamika Sanyal, Mr. Rishi Krishan, Shri. Uday Sahay, Dr. Vatan Pal Singh Bahara, Ms. Niviana Singh, Mr. Tushar Arshad and Childline India Foundation Facilitated by Dr. Shweta Verma (Senior Advisor, FLAIR) and Ajay Kumar Sinha	Questions, Doubts and Suggestions put to the Expert Panel by the Parents, Teachers and MOUs and the Expert Panel responds. Starting the Process to Develop School Based Strategies for Child Online Safety MODERATED OPEN HOUSE DISCUSSION
7.	LUNCH	1:00 PM – 1:30 PM		

I. CONTEXT

Today's children represent the first generation to grow up entirely in a digital world. They spend their entire lives using computers, video games, webcams, digital music players, mobile phones, instant messaging services and everything else the digital world has to offer.

Our kids are all "native speakers" of a digital language. They are "**Digital Natives**". Those of us who were not born into a digital world are, and always will be, "**Digital Immigrants**" and we are now in the process of learning a new language while also trying to raise our kids and keep them safe.

Computing and mobile technology have developed massively over the last 20 years and continue to bring us exciting new ways to work, learn, play and socialise online. But there is a serious flip-side to the benefits the internet delivers, particularly for children who are learning the skills to use a wide range of IT platforms well before they reach the social and psychological maturity to protect themselves from harm. The internet can be a fascinating place for

children, with a wealth of learning opportunities and information just a few clicks away. However, it's crucial that children, along with parents and teachers, understand how to use the internet safely and what to do if they have problems online.

In India, it is estimated that about 134 million children have mobile phones. The number is growing by leaps and bounds. Also, with broadband expansion, these children will have faster access to internet as we move forward. This phenomenal growth is providing opportunities to the children of the country to access and share useful material for learning purposes. But on the other hand, lack of digital literacy and online safety measures will also expose these children to hazards of cyber bullying, sexual predation and other crimes. In order to curb the menace, all stake holders, Government Ministries/Departments, law enforcement agencies, civil society organizations, private corporations etc. are joining hands while enlisting cooperation of other countries.

Today's children have wide access to internet via mobile phones, laptops, tablets, desk tops, and other devices. They are fascinated by such devices and scouring the internet for all types of information. Given the global nature of the Internet, there are particular challenges regarding the lack of effective coordination between law enforcement branches, between law enforcement and ICT companies and across national boundaries.

While access to ICT and participation in the online environment are rightly priorities for the Indian Government, online risks have received relatively less attention. Cybercrime statistics focus on commercial online fraud and political radicalization. The risks of online abuse and exploitation of children have received much less attention and are not included in the National Crime Records Bureau statistics as a separate category. India's ability to protect children from online abuse and respond effectively to the dissemination and consumption of online child sexual abuse materials (aka child online pornography) falls far short of meeting existing needs. In fact, there is a widespread lack of awareness among

parents, teachers, the police and policymakers of the growing and ever changing risks of child online abuse and exploitation. Legislation, mechanisms and services are inadequate to respond to these threats and have to be updated and strengthened.

FLAIR in collaboration with Computer Society of India (CSI)¹ is carrying out a programme – 'Digital Media and Society' (#DMS). #DMS² is a platform for continuous exchange of ideas and action on the subject of Digital Media and Society.

Under the Digital Media and Society programme, we work prominently on "Child Online Safety".

¹ Computer Society of India is the first and largest body of computer professionals in India. It was formed in 1964/65 and has 74 chapters, 551+ student branches, 220+ Corporate Members, 1000+ Institutional Members and more than 150000 members.

² FLAIR and CSI have made "Digital Media and Society" a regular networking platform that interfaces between ICT and Social Science fraternity to enrich each others' work in the best interest of society. We regularly hold meetings, seminars, webinars and provide handholding support to organizations working on the related issues. We work to mainstream good use of digital media for a social cause and we are organising a conference "Young Indians in a Digital Society" on 24-25 August 2018 at IIC, New Delhi (<https://www.digitalmediaandsociety.org>). It is a part of the process and we will ensure that the learning from the conference are put to use in policy and practice through regular dialogue with the policy makers, industry and social sector. The Conference is supported by ASSOCHAM and many Academic Associations and NGOs and Networks are partners in this upcoming conference.

II. INTRODUCTION

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While working on the legal, policy and administrative dimensions of "Child Online Safety", we understand that even the best online security software and legal and policy framework is no substitute for a clear understanding of the dangers that lurk in cyberspace and the steps that children can take to protect themselves, recognise problems and, if necessary, report any concerns they might have. Therefore, as a contribution towards this cause we regularly organize "Internet and Mobile Safety Workshops and Psycho-Social Response" for kids and parents.

To further brainstorm and enrich our programme on "Child Online Safety" and "Workshops on Internet and Mobile Safety for Children" and to inform the policy and practice response of the Government of Union of India and State Governments, FLAIR (Forum for Learning and Action with Innovation and Rigour) and FIRE (Foundation for Institutional Reform and Education) along with "Give Back to India" organised a brainstorming session on 24 May 2018 at

India International Centre, New Delhi with School Principals/Teachers/Counselors of Delhi-NCR, Police, Cyber Security Experts from Information Technology and Law, NGOs, National Commission for Protection of Child Rights (NCPCR), NCERT and Prominent Psychiatrists and Psychotherapists working in the area.



The objective of this meeting was to understand the issues being faced by the schools, colleges, legal fraternity, psychologists, psychiatrists, NGOs, parents and police personnel and work towards devising a way forward to work in a synchronised manner in the best interest of children. And, based on this understanding start working towards developing a School Based Strategy, and Parent-Teacher-Counsellor collaboration to promote good use of digital technologies while keeping the children safe and protected from harm.

In this meeting the NCPCR Guidelines – “Being Safe Online” and “Legal Toolkit – Child Victims of Cyber Crime” and the NCERT Guidelines on Cyber Safety for Students, Teachers and Schools were also discussed.

The meeting had representation from - NCPCR, Tata Trusts, Unicef, All India Institute of Medical Sciences, Plan India, ChildLine india Foundation, AV Baliga Trust, FXB Suraksha India, World Vision India, Delhi University, Aligarh Muslim University, Jamia Millia Islamia, Jawaharlal Nehru Univeristy, Ambedkar University, Gautam Buddha University, IGNOU, NCERT, Delhi Public School, DAV School, Salwan Public School, Delhi Government Schools and Delhi Police.

At the meeting there were discussions on – (i) Regulatory Frameworks and Government and Civil Society initiatives on the issue, (ii) Current Issues related to Internet and Mobile Safety of Children and Young People and Psycho-Social Response, (iii) Legal Provisions and Status of Law Enforcement and Media Response, and (iv) Issues faced by parents, teachers, school/college

administration and the methods and processes towards viable solutions. It was emphasized that while Safety and Prevention was of utmost importance, it was also important to have a Policy Framework, Legal Readiness and Sufficiency, and Response Mechanism from the expertise domains of – (a) Medical/Bio, (b) Psychological, (c) Social, (d) Legal and Law Enforcement Systems working in a coordinated manner with a Standard Operating Procedure well understood by everyone to work on reporting, response and rehabilitation when any child or young person has been adversely affected. It was also emphasized that the Parents and Teachers need as mush awareness and training on response mechanisms as the children to see success in combating this problem.

It was start of a process to develop School Based Strategy and Parent-Teacher-Counsellor collaboration through a series of one-to-one meetings, small group meetings, and online discussions with all the stakeholders based on the recommendations from the meeting.

It was discussed and agreed that there is a need to work with all the Government and Non Government stakeholders to develop a model of intervention at a small scale and further strengthen and refine the strategy and work plan so that it gets adapted in the overall Juvenile Justice and Child Protection system while taking into account the perspectives of the IT Industry as well as that of Child Rights. **Mr. Ajay Kumar Sinha (Executive Director, FLAIR)** emphasized that there is a need to keep informing the policy and law and the law enforcement mechanism so that it keeps pace with the growing rate of progress of technology. He also said that the development of technology also needs to be informed by the problems that the children and young people are facing due to its usage. When the technologies are developed such adverse impacts are not foreseen and it helps when all stakeholders keep discussing issues with each other and work in close coordination so that the efforts that are made in post correction could be dealt to a large extent by pre-empting the problems.

We now present the gist of discussions at the Brainstorming Meeting.

III. DISCUSSIONS AT THE MEETING

The highlights of the discussions at the meeting with respect to Internet and Mobile Safety for Children and Young People and the Response Mechanisms are presented under sub sections – **(a) Current Issues related to Internet and Mobile Safety of Children, and Medical, Psycho-Social and Legal Response, (b) Systemic Issues and Regulatory Framework, and (c) Strategies for Alleviation and Solution of the Problems.**

(a) Current Issues related to Internet and Mobile Safety of Children, and Medical, Psycho-Social and Legal Response

The main interventions at the meeting on this subject were from – (i) Dr. Yatan Pal Singh Balhara (Associate Professor of Psychiatry, NDDTC and Department of Psychiatry, AIIMS, New Delhi), (ii) Dr. Dimple Kaur (Psychotherapist, iMatter), (iii) Mr. Takshit Tandon (Cyber Safety Expert), (iv) Dr. Karnika Seth (Supreme Court Lawyer on Cyber Laws and Director – FIRE), (v) Mr. Uday Sahay (IPS), (Co-Chair, Digital Media

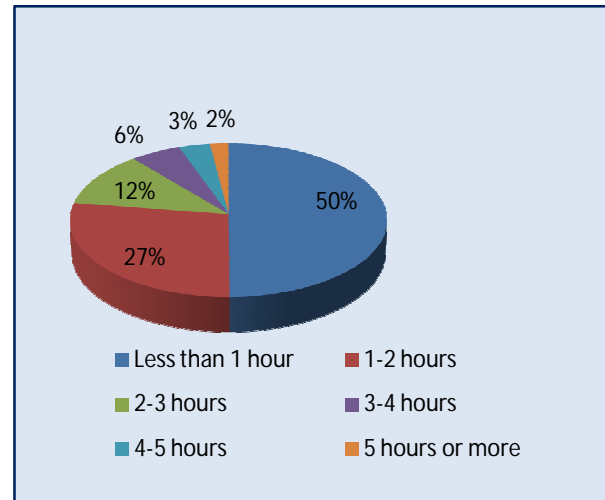
and Society and National Convenor, Give Back to India), and (v) Prof. Abdul Matin (President – FLAIR and Co-Chair, Digital Media and Society) and open house discussions from School Teachers, Parents and NGO representatives.

Dr. Balhara informed that while dealing with problematic issues of Internet there are two aspects – safety and health. He being a Mental Health Expert and a practicing Psychiatrist at All India Institute of Medical Sciences spoke about the health aspects of internet usage. He informed that when one uses internet in a manner that are potentially beneficial or when used in relation to work then it is alright, but when one starts improper use of internet for purposes that are not potentially beneficial, like for example watching pornography then there is a problem. He also informed that the two main ways of understanding the improper usage of internet are – (i) by observing the time spent on internet, (ii) by observing and analysing the purpose for which internet is used.

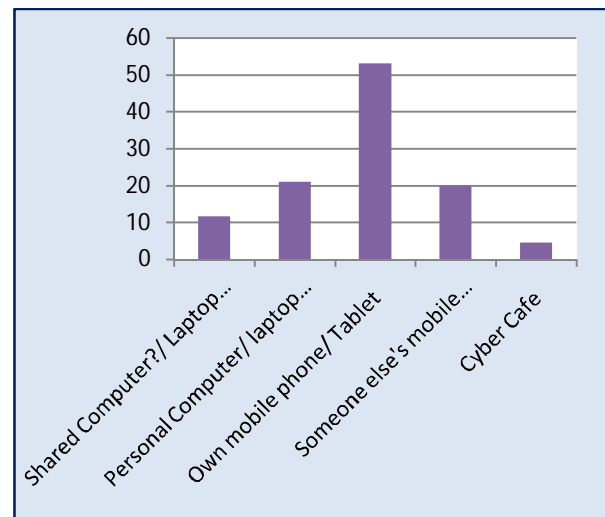
Quoting from the Study – “Extent and Pattern of Problematic Internet Use among

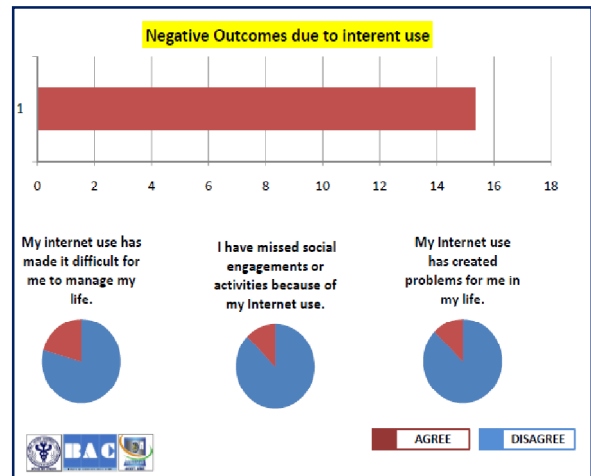
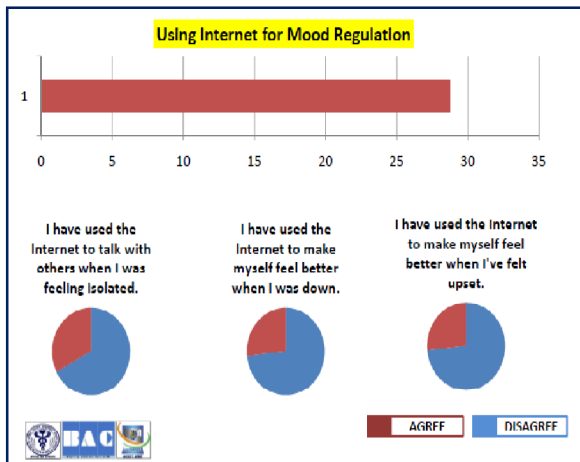
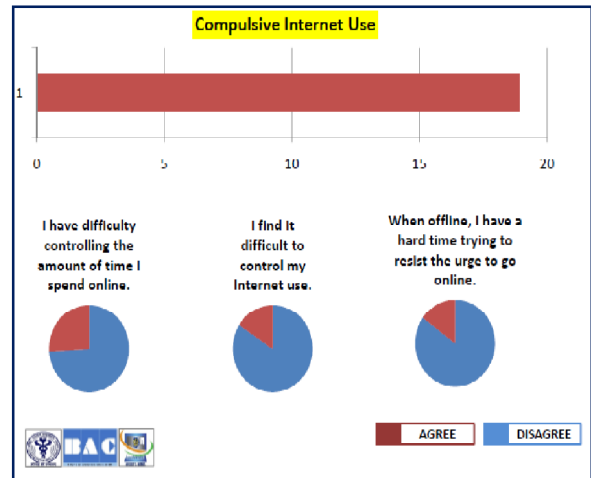
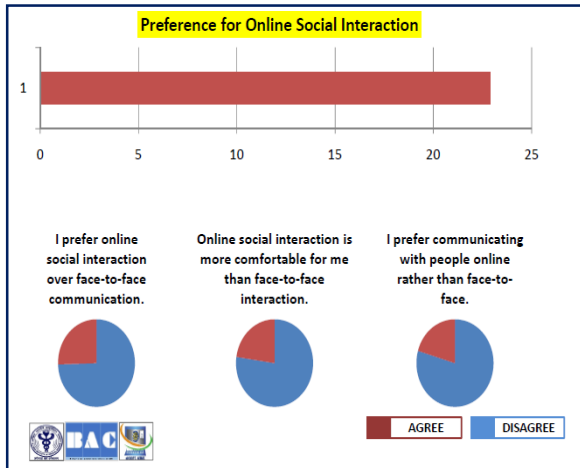
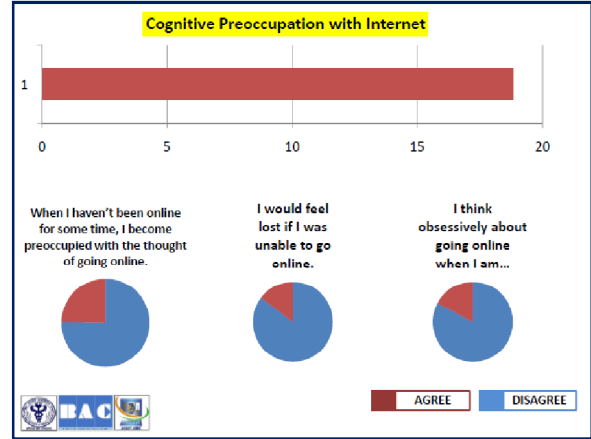
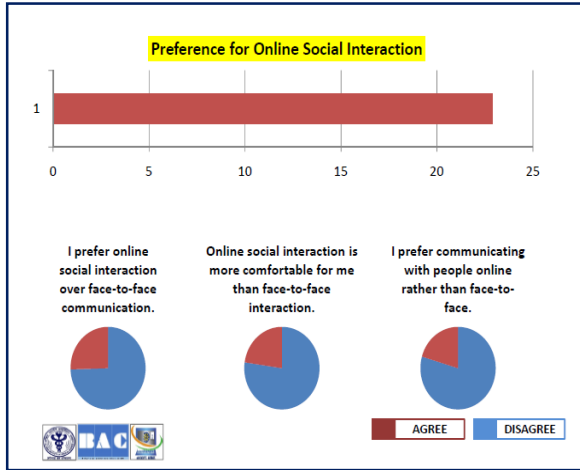
Students from Delhi: Findings from Cyber Awareness Programme”, **Dr. Balhara** presented some findings –

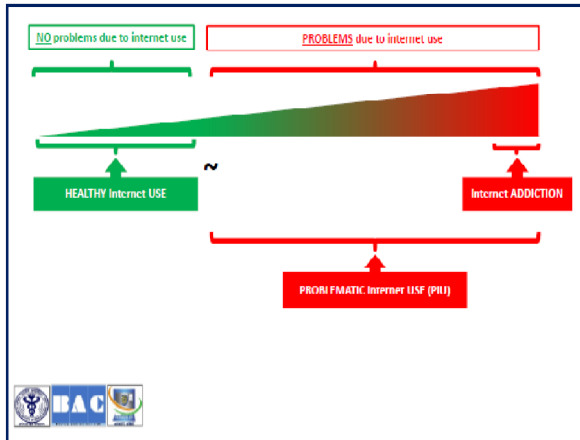
Time spent using Internet per day



Mode of accessing internet

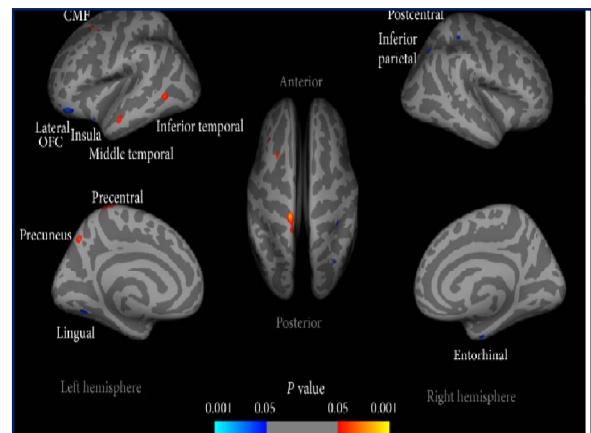






Dr. Balhara informed that excessive and unhealthy use of internet for “pleasure”, “comfort” and as a “substitute” is problematic and when it goes beyond a point then it becomes “addiction”. The effects of this “internet addiction” are the same as any other “drug addiction” with a behavioural dimension and are “behavioural addiction”. It is an illness and a disorder. Talking on the basis of evidence base literature, **Dr. Balhara** informed that as is in the case of alcohol, heroin and

cocaine, there is withdrawal symptom for internet and gaming as well. It is not just a psychological phenomenon, it is also a biological phenomena, it needs medical attention. The brain gets affected in similar manner as it gets affected by psychotropic drugs.



In the course of open house discussion, **Dr. Balhara** also informed that the violent nature of games on the internet also translates in their actual behavior and what attracts the children and young people the most is the “Real Time Multi Player Setting” and it is harmful and addictive. They get virtual power and it is like adding a network of friends around you and you are working together. This phenomena has the potential for real life planning for crime and violence. If one is engaging into a violent act, even if it is a virtual act, it becomes part of one’s personality and will translate into real face-to-face interaction as well. The violence

that the children exhibit is coming from the social learning from the violent online games and interaction.

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So far as treatment of this behavioural addiction of the more severe form is concerned like that of Post Traumatic Stress Disorder (PTSD), 6 to 8 sessions of 30-40 minutes each are required, including a combination of psycho-social counseling and medicines. In some cases more complex treatments like **Cannabidiol (CBD)** also have to be used.

The solution and treatment of this mental health condition is a combination of medical, psychological and social - It varies from case to case. It was emphasized that there was a need for professionals from different expertise areas to work together as it is a very new area of specialization and the problem is very widespread and was affecting almost every household. For example, at AIIMS, BAC can give its services from its campus only and does not have a community or school outreach programme. Therefore, to serve the requirements it will be best to work with an NGO.

A point was also brought up by **Dr. Unnati Mishra (Gautam Buddha University, Noida)** on what should be done when a child demands to watch and play with Smart Phone and Dr. Balhara advised that it required clear monitoring setting of rules of how much and what can be watched on Smart Phones by the children.

You don't say NO to internet, but restrict the access and monitor it. As other activities and things have a place in life so has the internet and mobile. Define the time and purpose and content for use of internet and mobile. And, for that the parents first have to control themselves and not misuse and overuse internet and mobile for pleasure, comfort and substitute for real human interaction. Bring in the change in yourself and practice what you preach otherwise the children, when restricted, will not do in front of the parents but will do behind them and it will be even worse.

The discussion on the role of schools and school administration in regulating the use and misuse of internet and mobile brought up the issue that in schools not most of the things are over the internet and smart

classes – the school diary over the internet, the homework and reporting are over internet and within schools the problems are well monitored as the children do not get access to personal Smart Phones and Internet, but the problem arises when the child goes back to home. At home and among friends there is very little regulation and in the name of doing work and sharing notes children get access to internet and the probability of meandering into unsafe and risky zones increases. Therefore, there has to be a School-Teacher-Conselor-Parents collaboration to overcome this problem, both from prevention and from response points of view.



It was brought up by **Mr. Rakshit Tandon** that there is a research by University of London that when a young child uses Smart Phone then the touch interferes with the production and release of the melatonin

hormone and the sleep of the child gets affected. Every 1 hour of smart phone usage by young child reduces the sleep by about 16 minutes.

Dr. Dimple Kaur shared that she has dealt with children who are so engrossed with internet and gadgets that they have forgotten to laugh and show emotion – they say LOL when they have to laugh and display emojis and emoticons when they have to express emotions. The children are showing symptoms of not talking, not connecting and not playing real physical sports that requires one-to-one interaction. They are playing and interacting over internet devices and gadgets, which is hampering their physical and emotional growth. The real world has to be introduced to the child. Nowadays the whole family is addicted to Smart Phones and it is spoiling the children.

It was discussed by **Mr. Tandon** that children nowadays are not just on social media sites like “facebook”, “snapchat” etc. but also on online adult dating sites like “tinder”. There are innumerable videos in the cyberspace that are leading the children

into becoming perpetrators of cyber bullying and hacking. For such activities, the children themselves are actually victims and not the perpetrators and accused as it is the system and the society that is enticing and pushing the children into such activities.

Prof. Abdul Matin brought up the issue of Internet Service Providers and IT and ITES companies and the organisations like facebook, google, and twitter are important stakeholders in this discussion as almost in all situations intervention and support are required from these companies, both for preventive aspects and for response while dealing with law enforcement.

Dr. Karnika Seth explained that the Technology is evolving and laws are also evolving, but the evolution of laws has not caught up the pace with changes in technology. But, at the same time it has to be acknowledged that there are many countries in the world who do not have an Information Technology Law, and at least India is not that far behind. When the practice of cyber law started in 2000, most of the cases used to be those of Domain Name disputes. Cases related to Child

Protection and crimes against children by using the internet came much later on the radar of the law as Parents would not report them, but these cases have increased manifold in the last 7-8 years. As per NCRB statistics 11 Thousand arrests were made last year only for Cyber Crimes. Under the POCSO Act, the conviction rates are under 2 per cent, but the reported crimes against children using the internet has increased by 10 per cent or more on year to year basis as per the NCRB statistics.

Even as the law is progressing, the kind of threats coming from criminal use of technology is also changing and increasing. It is rising in the form of new and complex techniques the criminals are using technology to commit crime. There have been cases of small clips or small files of videos circulated over the internet that are camouflaged files that would seem very gullible as music files, but it would be actually a Steganograph file within which the criminals embed certain viruses that are a threat to the privacy and used to commit crimes like cyber stalking and identity theft that may also lead to other more serious forms cyber crimes. These files are circulatd

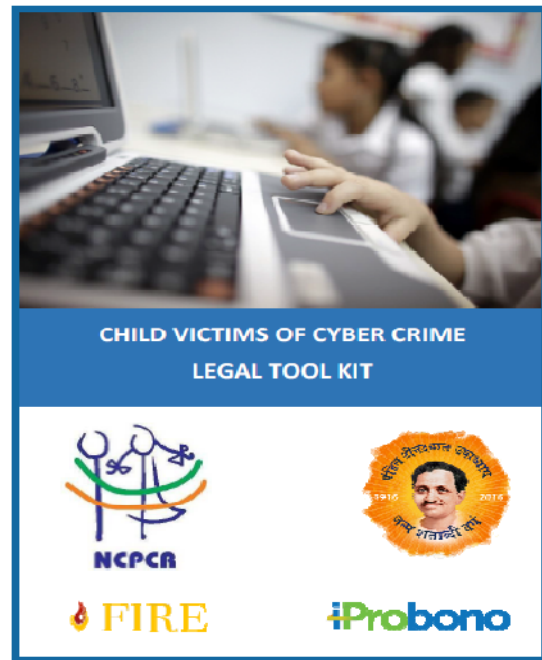
on BOT networks and a common man would not even know that the computer or device would get compromise when one accesses such files. Criminals are not just using the general IP addresses, they are using Onion Routing IP addresses that are used to hide their real identities while committing crimes.



Criminals are now a days using proxy and anonymous proxy servers. Methods of cyber crimes have become highly technical and it is getting more and more difficult for the law to deal with them. Children and Young people are more vulnerable to such crimes.

Dr. Seth informed that while dealing with the laws to tackle the Child Protection, one has to use PCOSO Act, JJ Act, IT Act, and IPC in tandem. The various provisions of these laws and how they are applicable for

dealing with various forms of cyber crimes against children are presented in brief in the NCPDR's Legal Toolkit – "Child Victims of Cyber Crime" prepared by FIRE and iPROBONO.



CYBERSTALKING

Cyberstalking is generally understood as the use of the internet or other electronic means to stalk or harass an individual, group or organization¹¹. There is no legal definition or provision in the law specifically relating to cyberstalking. However, there have been cases where courts in certain of law have been used to address this crime, till the lacunae in law is addressed. ¹² A child is said to be cyberstalked when he is repeatedly or continuously followed, harassed or victimized through any electronic means. The movement of the child is tracked and privacy is invaded. Cyberstalking a child may be directed at sexually harassing a child or for other malefic motives.

APPLICABLE LEGAL PROVISIONS

Section 11(iv) POCSO Act, 2012

Interpretation: Cyberstalking with the sexual intent to commit sexual harassment of a child can be interpreted to be covered in Section 11(iv) of POCSO Act, 2012. Section 11(iv) of the POCSO Act, 2012 states that when a person "monitors or follows a child through digital media", he or she is committing sexual harassment upon a child. However, the "monitoring" or "following" of a person has the characteristics of stalking; the addition of "digital media" in the section, also makes it applicable for cyberstalking crimes. Before the Supreme Court of India declared Section 66A of the IT Act, 2008 as unconstitutional, cyberstalking was an offence that was also covered by Section 66A of IT Act, 2008. It was struck down by the apex court in *Shreya Singhal v. Union (of India)*, 14.06.13.

It is a cognizable and non-bailable offence. Section 52 provides that whoever commits sexual harassment upon a child, such person shall be punished with imprisonment of a term which may extend to three years and fine.

Section in Law:

11. Sexual harassment:

A person is said to commit sexual harassment upon a child when such person with sexual intent-

- (i) utters any word or makes any sound, or makes any gesture or exhibits any object or part of body with the intention that such word or sound shall be heard, or such gesture or object or part of body shall be seen by the child; or
- (ii) makes a child exhibit his body or any part of his body so as to be seen by such person or any other person; or
- (iii) shows any object to a child in any form or medium for pornographic purposes, or repeatedly or constantly follows or watches or contacts a child either directly or through electronic, digital or any other means; or
- (iv) threatens to use, in any form of media, a real or fabricated depiction through electronic, film or digital or any other mode, of any part of the body of the child or the involvement of the child in a sexual act; or
- (v) entices a child for pornographic purposes or gives gratification therefor."

¹¹ Brian Spillberg, Gregory Hoobler, Cyberstalking and the technologies of interpersonal terrorism, New Media & Society, February 2002, pp. 73-92, at <http://dx.doi.org/10.1177/1075547002004002003>.
¹² <http://www.bharatnirman.com/2008/04/11/04111186.htm>

Dr. Seth explained in brief how the law can be used for legal Redressal in cases of cyber crimes against children. However, she also informed that the biggest lacuna in the law enforcement of cyber crimes (especially concerning children) is that the Police, the Judges and the whole machinery is not aware and trained on cyber laws and technology and how the technology is being used in more and more complex manner to commit crimes.

Mr. Uday Sahay(IPS) informed and explained that the law enforcement agencies have geared up to deal with the cyber crime issues over the years, with dedicated cyber crime cells. **Mr. Ajay Sinha** had informed that the situation is not the same and good all over India. Some cities have working cyber crime cells, but there are many areas of India where such facilities from law enforcement do not exist and the nature of cyber crime is all pervasive – the location of the crime and location of perpetrator can be as far off as two different countries or continents. The applicability and jurisdiction of laws becomes complex and it becomes more complex when an Internet Service Provider

Company or IT Service providing company is governed by law of a different country than the country where the crime has been committed using that platform. The coordination, applicability of law and the matter of jurisdiction makes things more complex.

On the issue of reporting an instance or crime to the law enforcement agencies, it was discussed by Mr. Ajay Sinha that the children and their parents as well as the school authorities do not report as they are very afraid to it being detrimental to their reputation. Dr. Karnika Seth informed that under the provisions of law it was possible to get FIRs registered with declaring the real name of the victim. Mr. Uday Sahay responded that it would be there as a legal provision but most of SHOs at the Police Stations would not register an FIR without taking the full details of the victim.

Therefore, it was realized that while dealing with issues of children and young people there is an urgent need for developing preventive models based on factual and updated understanding of law, technology and systems. This has to happen alongside

the work to inform and reform the laws, systems and processes, because while the system takes time to improve the children cannot be left to suffer as that would create a spiraling effect of children getting affected by crime and thereby becoming a factor in deterioration of systems.

(b) Systemic Issues and Regulatory Framework

The main interventions at the meeting on this subject were from – (i) Ms. Shireen Vakil (Tata Trusts), (ii) Mr. Kulbir Krishan(IPS) (Advisor, POCSO, NCPCR), (iii) Ms. Karuna Bishnoi (Independent Child Rights Advocate), (iv) Ms. Japreet Grewal (UNICEF) It was also informed by Mr. Rakshit Tandon, Mr. Samrat Singh (ChildLine India Foundation) and Mr. Ajay Sinha (FLAIR) and through open house discussions on the subject. The session was chaired and moderated by Ms. Shireen Vakil.

The regulatory framework for Child Online Safety and Redressal are governed by the IT Act, POCSO Act, JJ Act and the IPC and the JJ system of Child Welfare Committees, Juvenile Justice Boards, ChildLine Services,

State Commissions for Protection of Child Rights, National Commission for Protection of Child Rights and the Law Enforcement Agencies mainly the Police and the Courts of India.

It was discussed that when an offence happens then reporting it follows the usual process as that of other offences in the Juvenile Justice System – approaching the ChildLine 1098 call centre service, or approaching a police station and a court of law. The ChildLine refers the cases to the Cyber Cells of the Police. But the main issue is that of the awareness and preparedness of the law enforcement agencies themselves in dealing with the cases and offences. This lack of awareness and preparedness compromises the justice mechanism and problems of the victim gets aggravated.

Mr. Kulbir Krishan informed that the mechanism for reporting and seeking help and Redressal were –

- i. Phone CHILDLINE 1098
- ii. Aarambhindia hotline hosted on www.aarambhindia.org,

- iii. National Commission for the Protection of Child Rights, POCSO E-Box,
- iv. School Authorities, and
- v. Police

Ms. Karuna Bishnoi informed that for strengthening the public awareness can effectively enhance online security of children. Increased awareness among the users can produce effective results in terms of strengthening the protective environment for children if the following conditions are met –

- i. Comprehensive Network for Complaints Redress,
- ii. Expansion of Technical Solutions for Lodging Complaints,
- iii. Technically Sound Cyber Nodals,
- iv. Proactive Role of Internet and Mobile Service Providers,
- v. Extensive Training of Trainers, and
- vi. Production of Information, Education and Communication Materials.

It was discussed and agreed that the systems have to improve to become more child friendly and protective towards those seeking redressal to improve reporting.

(c) Strategies for Alleviation and Solution of the Problems

During the brainstorming meeting the general agreement was on working at two levels –

- i. Informing and improving the policy, legal and systemic framework. It is also important to improve and streamline the reporting and redressal mechanism to remove the bottlenecks and make the experience of the seeker of redressal hassle free. This requires all the stakeholders to listen to each other and work together. This has to be a continuous process as the technology is an ever evolving phenomenon and it evolves and changes at a very fast pace and in a multidimensional manner.
- ii. Working with the children and young people, parents, teachers, counselors and school/college administration to develop and implement a strategy and work plan to deal with the preventive and redressal aspects of online child safety and cyber crimes.

The main solutions propose and discussed were –

- i. Increased awareness on the subject for children and young people, parents, teachers, counselors and school/college administration on one side and for Police, Courts, CWC, JJB, State Commissions for Protection of Child Rights, Internet and Mobile Service Providers, IT and ITES companies on the other side.
- ii. Training of trainers as well as the service providers and caregivers.
- iii. Institutionalisation of a central mechanism on the lines of **CEOP – Child Exploitation Online Protection** under the NCA – National Crime Agency as it is in Europe. A similar mechanism can be formed and institutionalised in India.
- iv. Development of a School/College/Institution Based strategy for places where children and young people avail various services, mainly education and training. Institutionalisation of training workshops in Schools for Internet and Mobile Safety and a mechanism for reporting and seeking help and redressal in the form of medical, psychiatric, psychological, psychotherapy, social and legal.
- v. Ongoing discussion forum with Internet and Mobile Service Provider, IT

and ITES service providers, Legal Fraternity, Law Enforcement Agencies, NGOs, School and College Administration so that the Technology and Policy/Legal Framework work in coordination in the best interest of the people, especially children.

The brainstorming meeting ended with an understanding to continue this discussion forward online and through more face-to-face meetings and by involving more and more people and work towards solution on the ground in real and practical terms for the children.

FLAIR and the collaborating organisations will keep working towards it and on immediate follow up will do two activities –

- i. Work for developing School Based Strategies and Parent-Teacher-School collaboration for safety and response to prevent and deal with cyber safety and cyber crimes affecting children and young people.
- ii. FLAIR in collaboration with Computer Society of India (CSI) is organizing a Conference – ‘Young Indians in a Digital

Society” on 24-25 August 2018 at India International Centre. It will be an occasion for all the stakeholders to gather at one place to discuss the issues and move towards solutions. Please visit the website <https://www.digitalmediaandsociety.org> for more details.



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