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# Cyberbullying and Preventive Measures: Bangladesh in Context

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## Abstract

Modern technological inventions are always blessings towards mankind. But it may turn into hassle by unfair use of technology. Recently worldwide rampant use of internet accelerates to emerge various kinds of misdeeds and bullying is one of them. In traditional bullying approach one may hesitate to do so for fear of humility and punishments, contrarily online bullying or cyberbullying has become a reluctant practice to harass any individual. The objective of this paper is to analyse into an empirical research approach about the reasons and consequences of cyberbullying. The study has a comprehensive perspective about the bitter impact of cyberbullying and provides a bird's eye view about the legal mechanism of Bangladesh to eradicate such mishap. Cyberbullying as a faceless evil in virtual space has the greater possibility of threats, alarm, distress, slander and physical danger that go hand in hand with real world bullying. The authors of this article try to explore available legal approach in the context of Bangladesh. It is arguable that a number of statutes may be of assistance in relation to cyberbullying. However, due to the lack of clear definition of cyberbullying, the applicability of these laws is an open debate. This paper recommends initiating a separate procedural law to resolve such kind of technological misdemeanour and to make cyber world a better place of security.

**Keywords:** Cyberbullying, Cyber Crime, Harassment, Social Networking Sites, Cyberspace.

## 1. Introduction

In present decades it is rarely possible to find out any person without having a Facebook or Twitter or Instagram or WhatsApp account. Only a single finger-tip is quite enough to maintain social communication throughout the world by variety of technologies. Innovation of latest devices, apps, software programs have added new dimension to our communication system. That's why

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miscreants take advantage of bullying via virtual world to accomplish their wicked intension. Social networking has taken bullying to an extreme level of agitation. Cyber space has become the perfect place to reach out anonymously to just about anybody, at any time and any place.<sup>3</sup> Any person can be bullied even within the safe premises of his dwelling place. Inexpensive and easy access to internet with the possible anonymity is being used as a tool to bully others. Lay person to celebrity, almost everyone is being targeted in cyberspace. A culinary artist faced backlash in cyberspace, and often time mobbed for her experiment in cooking. It went to the extent that she addressed it in several interview by the local newspapers.<sup>4</sup> Even the politicians find themselves in the courtyard of the bullies. Often time, it is seen that memes are created of the pictures or update posted in the official pages of the politicians. Recently, pictures of graduation party of a high school graduate went viral and pilloried for holding such party.<sup>5</sup> Though, the high school graduate did not have any celebrity image.

In this paper, the authors therefore, travel over the existing laws and the challenges that exist to establishing cyberbullying legislation in the context of the Bangladesh. The paper is focused upon qualitative and descriptive study on the basis of secondary information like national & international journals, research reports, news reports, different websites, existing national legislations etc.

## 2. Characteristics of Bullies and their Behaviour

### 2.1 Definition

Cyberbullying is comparatively a new idea. With a gap in research publication, there is also no international legal instrument defined the term 'cyberbullying'. It is not defined under the existing laws of Bangladesh as well. Definition of cyberbullying by the researchers from psychological school of thought is actually an extension of traditional or offline bullying. Researchers from the late twentieth century defined the term 'bullying' in institutional settings. According to Professor Dan Olweus,<sup>6</sup> bullying is an intentional aggressive behaviour carried out by an individual or a group

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<sup>3</sup> Dr Olivia, 'Bullying Essay' (*Essay Lab.Com*, 13 February 2017) <<https://essaylab.com/blog/cyberbullying>> accessed 28 December 2018.

<sup>4</sup> Hasan Dabir Uddin, Interview with Keka Ferdousi, 'Cooking is not easy', *Dhaka Tribune*, (Dhaka, 17 October 2016) <<https://www.dhakatribune.com/showtime/2016/10/17/keka-ferdousi-cooking-not-easy>> accessed 13 January 2019.

<sup>5</sup> This incident was not reported in any daily and there is also no news if the victim has filed any complaint.

<sup>6</sup> Dan Olweus is a professor of Psychology at the University of Bergen, Norway. He is well noted for his research on problems of bullying and victimization.

repeatedly and overtime against a victim.<sup>7</sup> The victim, in such case, finds it difficult to defend themselves.<sup>8</sup> They also claimed that bullying is based on an imbalance of power and can be defined as a systematic abuse of power.<sup>9</sup> Extending the earlier research on offline or traditional bullying, an attempt has been made to define the term ‘cyberbullying’ over the past decade.<sup>10</sup> It is defined as an aggressive act or behaviour that is carried out using electronic means<sup>11</sup> by a group or an individual repeatedly and over time against a victim who cannot easily defend him or herself.<sup>12</sup> It takes place by using digital devices like cell phones, computers, tablets where people can view, participate or share their content. In short, cyberbullying refers primarily to covert actions such as teasing, exclusion, social rejection, and spreading rumours. It includes some sort of false documents, mean contents, sexual remarks or private information to embarrass someone in front of others in virtual arena. It can also include sharing private information about someone else.<sup>13</sup> Sometimes virtual bullying crosses the line into unlawful or criminal behaviour. Scholars argue that the application of the three aspects of the traditional bullying, namely intentionality, repetition, and an imbalance of power, would be difficult in case of cyberbullying.<sup>14</sup>

## 2.2 Characteristics and Behaviour of Bullies and Reason for such Behaviour

Cyberbullying has a better grasp of reasons behind it. In general sense bullies are considered as jealous, unhappy or just unkind people.<sup>15</sup> Shawn Edgington, a paediatrics opined that bullies is easily angered; is obsessed with violent games, TV or literature; has parents who enable behaviour by either inaction or encouragement; has no remorse for his or her actions; blames others; has deep depression with extreme mood swings; has high frustration levels and poor coping skills; abuses drugs, alcohol and other substances; is disrespectful

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<sup>7</sup> Please note that this definition by Professor Olweus was given in the context of educational institution. At that time, it was a surfaced concern in education institutions around the world, especially North America and Europe; See Dan Olweus, ‘Bully/victim problems in school: Facts and intervention’ (1997) 12 (XII) *European Journal of Psychology of Education* 495, 496.

<sup>8</sup> Peter K. Smith and Katerina Ananiadou, ‘The Nature of School Bullying and the Effectiveness of School-Based Interventions’ (2003) 5(2) *Journal of Applied Psychoanalytic Studies* 189.

<sup>9</sup> Shelley Hymel and Susan M. Swearer, ‘Four Decades of Research on School Bullying’ (2015) 70(4) *American Psychologist* 293.

<sup>10</sup> Peter K. Smith, ‘School Bullying’ (2013) 71 *Sociologia, Problemas E Práticas* 81, 82-83.

<sup>11</sup> Here the electronic means do not only limit to the devices that has access to internet.

<sup>12</sup> Robert Slonje and Peter K. Smith, ‘Cyberbullying: Another main type of bullying?’ (2008) 49 *Scandinavian Journal of Psychology* 147.

<sup>13</sup> United States government, ‘What Is Cyberbullying’ (stopbullying.gov) <<https://www.stopbullying.gov/cyberbullying/what-is-it/index.html>> accessed 13 January 2019.

<sup>14</sup> *ibid*

<sup>15</sup> Carrie Rogers-Whitehead, ‘What really causes cyberbullying?’ (17 October 2018) <[https://www.heraldmillmedia.com/life/what-really-causes-cyberbullying/article\\_9ff3c3ed-b55c-5b89-9e04-a8c8dcbb9137.html](https://www.heraldmillmedia.com/life/what-really-causes-cyberbullying/article_9ff3c3ed-b55c-5b89-9e04-a8c8dcbb9137.html)> accessed 21 January 2019.

to others, humiliates and sets traps to embarrass; glorifies violence and intimidates others; has been personally abused or has witnessed abuse in the home.<sup>16</sup> Competition for status and esteem may often be a reason behind peer cyberbullying. Young people take revenge of getting hurt after their breakups via cyberbullying. Girls are more likely to be both perpetrators and victims of cyberbullying than boys.

A number of ways are being followed by the bullies namely spreading their personal pictures or videos, in most cases this are edited from the real version to make obscene in order to belittle them, or by posting rude status or comments on someone's picture or posts, in a word there are many elements by which one can intentionally degrade anyone. Surprisingly a new trend has emerged among teens to use slangs, harsh language or troll any person on social websites. They take it very casually to make fun of others by bullying on virtual world. Even adults are getting engaged day by day with such kind of bullying practices. Very rarely the victims seek strong legal mechanism to resolve their situation though it has become a common phenomenon.

### 2.3 Forms of Cyberbullying

Cyberbullying is more forwarded version than traditional bullying system. It can happen in a variety of ways. According to Willard (2006), 'there are different forms of cyberbullying. These forms include flaming, harassment, denigration, impersonation, outing, trickery, exclusion, cyber stalking, and cyber threats'.<sup>17</sup> Various forms of cyberbullying are discussed below:

- **Harassment:** Harassment involves the bully sending offensive and threatening notes through instant messaging or any other forms of communication to the victim.<sup>18</sup> It may include liking the personal messages or personal information of the victims.
- **Denigration:** Denigration is such type of endeavour to outspread unfounded gossip or rumours to ruin victim's reputation. In some cases

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<sup>16</sup> Shawn Edgington, 'What are the characteristics of a typical cyberbully?' Sharecare <<https://www.sharecare.com/health/teen-perspective-bullying/what-characteristics-of-typical-cyberbully>> accessed 2 January 2019.

<sup>17</sup> Nancy Willard, 'Cyberbullying Legislation and School Policies: Where are the Boundaries of the "Schoolhouse Gate" in the New Virtual World?' (2007) Center for Safe and Responsible use of the Internet <<http://www.embracecivility.org/wp-content/uploadsnew/2012/10/cblegislation.pdf>> accessed 2 January 2019.

<sup>18</sup> Swity Sultana Monni and Alma Sultana, 'Investigating Cyber Bullying: Pervasiveness, Causes and Socio-Psychological Impact on Adolescent Girls' (2016) 6(4) Journal of Public Administration and Governance <<http://www.macrothink.org/journal/index.php/jpag/article/view/10132>> accessed 2 January 2019.

blogs, online polls, discussion groups etc. may even be set up by the bully to expose altered or crazy content that ridicules or humiliates the bullied.<sup>19</sup>

- **Masquerading:** Masquerading is a disguise form of cyberbullying where the bully pretends to be someone else who they are exactly not. Here the bully can create fake e-mail addresses or instant messaging or might use someone else cell number to harass the bullied.
- **Flaming:** Flaming refers to hostile online interaction via emails, instant messaging or chat rooms. It is also known as bashing. It is a type of public bullying that often directs harsh languages, or images to a specific person. Flaming is most commonly seen on YouTube where users reluctantly pass comments over any videos.
- **Exclusion:** This includes make someone intentionally leaving out from a specific group and then spread unfavourable comments about the leaving person.<sup>20</sup> Though such kind of activity may not have a direct impact on victims but can develop something worse. Often members of various online groups use this method of isolation to taunt a person.
- **Outing:** Outing is an act of sharing or publishing private information online. Here a bully can spread on someone's personal images, messages, information or videos in public sites from a revengeful intention.
- **Cyber stalking:** Cyber stalking is the most harmful and malpractice form of bullying where anyone can stalk or harass an individual, group or organization without being detected.<sup>21</sup> It may include sending e-mails, instant or text messages, social posts, creating websites for the sole purpose of tormenting the victim.<sup>22</sup> Stalkers figure out their targets by using search engines, online forums, bulletin, discussion boards, chat rooms and through online communities like as Twitter, Facebook, Google Plus etc.
- **Trolling:** Trolling is a deliberate act of provocation to online content which initiates to pass over comments in a disgraceful nature. Cyber trolling has become popular fashion on social networking sites to bombard people with insulting, threatening language.

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<sup>19</sup> Cyber Bullying, 'Cyber Bullying and Its Consequences' <<https://www.help123.sg/cyber-bullying>> accessed 13 January 2019.

<sup>20</sup> Cyber Bullying, 'How to Deal with Cyber Bullies' <<https://www.help123.sg/cyber-bullying>> accessed 13 January 2019.

<sup>21</sup> *ibid* (n 14).

<sup>22</sup> <https://en.oxforddictionaries.com/definition/bully>.

## 2.4 Effects and Consequences of Cyberbullying

Cyberbullying is considered as trickier, unpredictable, uncertain annoyance rather than any other form of nuisance. Its impact is more terrible when it is often done in secret with the bully hiding who they are by creating fake profiles or names or sending anonymous messages. As contents or messages are shared online, it can be recorded and saved in different places of websites. Even making fun of a particular person by silly trolling defames one's goodwill. It's been a new trend in our society to disgrace any person, either intentionally or unintentionally through online bullying. Various incidents have been taken place worldwide in this regard. Victims get themselves indulged with depression, low self-esteem, and loneliness, vengeful because of cyberbullying. The worse effect of such kind of public embarrassment often leads to suicidal attempts. Victims choose the path, suicide, to get relief from such humiliation. It tends to utmost psychological hazard to the victim; sometimes they may involve themselves in alcohols or drug addiction. According to the survey report of Centers for Disease Control and Prevention (CDC), 16% of high school students are effected by cyberbullying.<sup>23</sup>

## 3. Cyberbullying around the World

Cyberbullying is the consequence of the new and fast-paced growth of cyber technology over the last decade. In USA, the concern over cyberbullying raised upon the suicide incident of Megan Meier, a 13 years old girl.<sup>24</sup> The fact of the leading case<sup>25</sup> is that her neighbour Lori Drew, mother of a former friend of Meier, created a fake or hoaxed account in a social media sites namely MySpace. Posing as a fictitious 16-year-old boy, Josh flirted with Meier and extracted intimate details of her life. Later on, the sweet Josh turned mean on her and abruptly ended their friendship. One of his final comments wrote 'The world would be a better place without you.' After this incident Meier family found her hanged herself to death from a belt. Initially no charge was filed against Mrs Drew claiming that her conduct may be immature and rude but not illegal.<sup>26</sup> Afterwards, Mrs Drew was charged for computer fraud.<sup>27</sup> This case is considered the first case of cyberbullying in USA.

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<sup>23</sup> <https://www.psycom.net/effects-of-bullying>> accessed 30 January 2019.

<sup>24</sup> Christopher Maag, 'A Hoax Turned Fatal Draws Anger but No Charges' *The New York Times* (New York, 28 November 2007) <<https://www.nytimes.com/2007/11/28/us/28hoax.html>> accessed 31 January 2019.

<sup>25</sup> *U.S. v Drew*, 259 F.R.D. 449 (C.D. Cal. 2009).

<sup>26</sup> Dardenne Prairie, 'Parents say fake online 'friend' led to girl's suicide' *CNN* (Missouri, 17 November 2007) <<https://web.archive.org/web/20071118052137/http://www.cnn.com/2007/US/11/17/internet.suicide.ap/index.html>> accessed 31 January 2019.

<sup>27</sup> Jennifer Steinhauer, 'Verdict in MySpace Suicide Case' *The New York Times* (US, 26 November 2008) <<https://www.nytimes.com/2008/11/27/us/27myspace.html>> accessed 31 January 2019.

Followed by *Meier* case, series of cases were filed in US.<sup>28</sup> It is reported that, in USA, more than one out of every five students report being bullied according to the National Center for Educational Statistics report of 2016.<sup>29</sup>

In UK, Keeley Houghton is considered to be the first person to be jailed on cyberbullying case. Ms Keeley, an 18-year-old girl, was bullying her former classmate, Emily Moore, for four years.<sup>30</sup> She threatened Ms Moore ‘Keeley is going to murder the bitch. She is an actress. What a \*\*\*\*\* liberty. Emily \*\*\*\*\*head Moore’, leading the case.

With high rate of internet accessibility Australia has ranked as worst place for cyberbullying in recent decades.<sup>31</sup> In India, cyberbullying was first time dealt in a landmark case of *Vishaka v State of Rajasthan*.<sup>32</sup> Indian children are considered the third highest online bullying victim after China and Singapore in a report conducted by Microsoft Corporation.<sup>33</sup>

## 4. Cyberbullying in Bangladesh

### 4.1 Background

The election manifesto ‘Vision 2021’ of the current ruling party of Bangladesh with the promise of a ‘digital Bangladesh’ made it possible to have inexpensive and easy access to technology and internet.<sup>34</sup> Without balance and check, it also paved way to commit crimes over cyber space and posing a challenge to the criminal justice system. In Bangladesh, there is a lack of research and published article on cyberbullying. Like most of the countries, it is comparatively a new challenge for the criminal justice system

<sup>28</sup> Kalhan Rosenblatt, ‘Cyberbullying Tragedy: New Jersey Family to Sue After 12-Year-Old Daughter's Suicide’ *NBC News* (US, 1 August 2017) <<https://www.nbcnews.com/news/us-news/new-jersey-family-sue-school-district-after-12-year-old-n788506>> accessed 31 January 2019; CBN News, ‘Cyberbullying pushed Texas teen to commit suicide, family says’ (TEXAS CITY, 7 February 2017) <<https://www.cbsnews.com/news/cyberbullying-pushed-texas-teen-commit-suicide-family/>> accessed 31 January 2019.

<sup>29</sup> National Bullying Prevention Center, Bullying statistics, Pacer.org <<https://www.pacer.org/resources/stats>> accessed 2 January 2019.

<sup>30</sup> Luke Salkeld, ‘Facebook bully jailed: Death threat girl, 18, is first person put behind bars for vicious internet campaign’ *The Daily Mail* (UK, 21 August 2009) <<https://www.dailymail.co.uk/news/article-1208147/First-cyberbully-jailed-Facebook-death-threats.html>> accessed 31 January 2019.

<sup>31</sup> Zawn Villines, ‘Cyber-bullying: A Global trend’ (2014) IDG Connect <<https://www.idgconnect.com/opinion>>.

<sup>32</sup> Mehak Sharma, ‘MustRead: What is Cyber Bullying or Anti-Bullying Laws in India’ MyAdvo (India, 6 Oct 2018) <<https://www.myadvo.in/blog>>.

<sup>33</sup> India Ranks Third on Global Cyber Bullying List <<https://www.endcyberbullying.org/india-ranks-third-on-global-cyber-bullying-list>>.

<sup>34</sup> Shariful Islam, ‘Digital Bangladesh a reality now’ (Dhaka, 11 July 2018) <<https://www.dhakatribune.com/bangladesh/2018/07/11/digital-bangladesh-a-reality-now>> accessed 14 January 2019.

in Bangladesh, and has extensive social, political and economic implications. We have spoken to a number of stakeholders from different background on cyberbullying.<sup>35</sup> With the advantage in communication technology, the form of cyberbullying has also changed. During the nineties, when mobile and land phone came in Bangladesh, usually random calls were made in the landline numbers since caller's number were not visible mostly. Random caller's would ask explicit questions, and often made persistent request to be friends and chit-chat with them. Sometimes the request of being friends would end up in request for a romantic relationship. Internet was expensive and was not available like it is today. When Bangladesh linked with an undersea submarine cable in 2006 and cyber café business boomed, social networking sites namely email became popular among the internet users. Afterwards, other social networking sites namely Facebook, Instagram etc. became popular and the users of these sites boomed. As of November 2018, there are over 90 million of active internet users.<sup>36</sup> Alongside, the expense of internet reduced in Bangladesh and the prices of Smartphone, SIM and computers also reduced. With the easy access to information and technology availed anonymity and reach of mass population within seconds. On the other hands, there are lack of awareness and laws to prevent or mitigate the situation. A survey report has revealed that about 49% of school students in Bangladesh fall a victim of cyberbullying.<sup>37</sup> Women are the main victim and target of cyberbullying.<sup>38</sup> Recently, the UNICEF called for concern over the increased cyber violence against the children and youth in Bangladesh.<sup>39</sup>

## 4.2 Mandates under the Existing Law

There are no existing laws in Bangladesh specifically defined the term 'cyberbullying'. Therefore, it cannot directly say that cyberbullying is an individual offence under the existing laws of Bangladesh. However, if it supports or constitute any offence under the existing laws of Bangladesh it can be brought under the mandate of existing laws. Unlike the other common law countries, civil litigation cannot be brought in this case,<sup>40</sup> and only criminal cases may be brought before the Court.

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<sup>35</sup> We have spoken to our peers and acquaintances and ask them a few questions. The stakeholders were from different gender, age group and profession.

<sup>36</sup> BTRC (Dhaka, 2018) <<http://www.btrc.gov.bd/telco/internet>> accessed 28 January 2018.

<sup>37</sup> Unb, '49% Bangladeshi school pupils face cyberbullying' *The Daily Star* (Dhaka, 9 February 2016) <<https://www.thedailystar.net/bytes/%E2%80%9849-bangladeshi-school-pupils-face-cyberbullying%E2%80%99-287209>> accessed 28 January 2019.

<sup>38</sup> Faisal Mahmud, 'Women increasingly falling prey to cyberbullying' *The Independent* (Dhaka, 25 October 2018) <<http://www.theindependentbd.com/post/171850>> accessed 25 January 2019.

<sup>39</sup> UNICEF Bangladesh, 'UNICEF calls for concerted action to prevent bullying and harassment for the 32 per cent of children online in Bangladesh' (Dhaka, 5 February 2019) <<https://www.unicef.org/bangladesh/en/press-releases/unicef-calls-concerted-action-prevent-bullying-and-harassment-32-cent-children>>.

<sup>40</sup> In common law countries defamation is a civil offence.



The Information and Communication Technology (ICT) Act 2006 is the very first law specifically addressed cyber crimes. It was enacted to legally recognise and provide security of information and communication technology and to prepare rules of relevant subjects. This Act of 2006 recognises electronic records legally. Section 57 of this Act provided punishment for publishing fake, obscene or defaming information in electronic form. Amid the wide criticism by the stakeholders on its broader and ambiguous wording, this section, however, was repealed by the Digital Security Act 2018.<sup>41</sup> Under the ICT Act a Cyber Crime Tribunal was set up.<sup>42</sup> The mandate for ‘cyberbullying’ under the ICT Act has, thus, become narrow and can only be used against person who was entrusted of any of the power under the ICT Act discloses confidentiality and privacy.<sup>43</sup> However, until recently this law, especially section 57 was frequently used against cybercrimes. Since there is no mention of cyberbullying specifically, it also came beneath the broad range of cybercrimes under this Act.

Under the Digital Security Act 2018 it is an offence to send or publish any information that is offensive, false or intimidating etc.<sup>44</sup> Therefore, if someone continuously publish or sends any offensive, false or intimidating information with the intention to bully others using any technology may constitute an offence under the Act of 2018.

Penal Code 1860, being the parent criminal law, can also be invoked in this case. Criminal intimidation,<sup>45</sup> defamation<sup>46</sup> or any kind of extortion<sup>47</sup> (threatening another with any injury to his person, property, reputation etc.) are the offences under the Penal Code, 1860 that can be invoked if cyberbullying constitutes any of the aforementioned offences. In number of cases relating to information technology, cases have been filed for defamation. Case of Naem Nizam,<sup>48</sup> editor of Bangla daily Bangladesh Protidin, and Barrister Mainul Hosein<sup>49</sup> could be exemplified here, though

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<sup>41</sup> Ashif Islam Shaon, ‘The question of Section 57’ *Dhaka Tribune* (Dhaka, 10 August 2018) <<https://www.dhakatribune.com/bangladesh/law-rights/2018/08/10/the-question-of-section-57>> accessed 28 January 2019.

<sup>42</sup> The Information and Communication Technology Act 2006, s 68.

<sup>43</sup> *ibid*, s 63.

<sup>44</sup> The Digital Security Act 2018, s 25.

<sup>45</sup> The Penal Code 1860, s 503.

<sup>46</sup> *ibid*, s 499.

<sup>47</sup> *ibid*, s 383.

<sup>48</sup> Star Online Report, ‘Bangladesh Protidin editor, publisher get bail in defamation case’ *The Daily Star* (Dhaka, 15 January 2018) <<https://www.thedailystar.net/politics/bangladesh-protidin-editor-publisher-get-bail-defamation-case-news-report-awami-league-leader-motahar-hossain-1520143>> accessed 30 January 2019.

<sup>49</sup> UNB NEWS, ‘3 more defamation cases filed against Mainul’ *UNB* (Dhaka, 28 October 2018) <<http://unb.com.bd/category/bangladesh/another-defamation-case-filed-against-mainul-in-rajshahi/5219>> accessed 30 January 2019.

credibility of these cases is in question. Nevertheless, it is not unheard of to bring a suit of defamation for crime relating to information and technology.

Harming a person's social status, black mailing or inflicting emotional abuse on a person by means of pornography in respect of cyberbullying will be penalized under Pornography Control Act 2012.<sup>50</sup>

One stop service has been opened by the Bangladesh Telecommunication Regulatory Commission (BTRC) complains can be lodged by calling at +880-29611111 or by emailing at [btrc@btrc.gov.bd](mailto:btrc@btrc.gov.bd). In addition, cyber helpline has been launched by the government. Victims can call at +8801766678888 to submit their complaints. A specialized police unit named Cybercrime Investigation Center (CIC) recently started their operations, which is equipped with software named Open Source Intelligence (OSINT) to trace out any remarks or postings that are defamatory and constitute an offence under ICT Act.

### 4.3 Incidents that may Fall under Cyberbullying

In Bangladesh, the widely circulated incident of cyberbullying is perhaps the country witnessed in 2016 when an investigative report was aired in a satellite TV channel on the quality of education and the quality of GPA 5.<sup>51</sup> In the aired report the journalist interviewed 10-13 students who passed the secondary school certificate examination and got GPA 5. They were asked some basic questions like 'what would be the translation of the Bangla sentence *ami GPA 5 peyechi* [I have got GPA 5], when is the independence day of Bangladesh etc. The interviewees could not answer the questions, and one of the interviewees was seen translated 'I am GPA 5' instead of 'I have got GPA 5'. Without considering the other substances, the journalist went on questioning the quality of the students getting GPA 5. The faces of the interviewees were exposed to the viewers. As soon as the report was aired mixed reaction came forward from the stakeholders namely concern over ethics of journalism. Relevant to our topic, the sentence 'I am GPA 5' became a troll over the internet and the whole report became a humorous way of questioning quality of one's education.<sup>52</sup> If we filter this incident to the definition (mentioned at the beginning of the paper), all three core elements were present. The aired news was uploaded by the news channel in their official site. Though the video was later on removed but by the time it was viewed numerous times and downloaded and re-uploaded. Since it is stored in

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<sup>50</sup> The Pornography Control Act 2012, s 8(ii).

<sup>51</sup> The highest Grade Point Average (GPA) one can get in the secondary and higher secondary school certificate examination. The recorded news is still available in YouTube. We are not citing the link of the news here since the faces of the interviewees are exposed.

<sup>52</sup> Star Online Report, 'Viral video: These wrong answers will shock you' *The Daily Star* (Dhaka, 30 May 2016) <<http://sandbox.thedailystar.net/trending-socially/viral-video-these-wrong-answers-will-shock-you-1231687> accessed 31 January 2019>.

cyberspace the news re-surfed. The interviewees were never given a chance to defend themselves and, practically after the news was aired it was impossible for them to defend themselves because of the apparent fear of social exclusion and rejection.

Another incident maybe relevant here is the circulated answer of a beauty pageant contestant in the question-answers round. When asked by a judge ‘What is H2O?’, the contestant replied ‘a restaurant in Dhaka’. After the program was aired it became a source of meme and troll in the social media sites among the Bangladeshi users.<sup>53</sup> The same elements of cyberbullying were present here. It was repeating and the victim was apparently socially shamed and shunned.

## 5. Conclusion

It is difficult to establish cyberbullying as an independent offence without a clear definition. Even the most recognized definition cannot always strictly follow. Establishing the intention of the bullies would be difficult without an explicit provision as well. Extensive research is also needed in this regard to bring forward the true fact and to address the real situation. Enactment of particular law regarding cyberbullying and its strict application is also required to control cyber harassment. However, when urging for clear definition it should also not be contradictory to the rights protected under the Article 39 of the Constitution of Bangladesh.

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- The Information and Communication Technology Act 2006.
- The Pornography Control Act 2012.
- The Digital Security Act 2018.

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