

**DE JURE NEXUS LAW JOURNAL**

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2<sup>nd</sup> Year, BBA LL.B.**DRIVING TO SUICIDE FROM BULLYING TO PSYCHOLOGICAL TORTURES****ABSTRACT**

*Bullying is defined as unwelcome, aggressive conduct among certain persons that entails an actual or perceived power imbalance in a person's mental or physical state. Bullying involves activities such as making threats, spreading rumors, and physically, verbally, or emotionally assaulting someone. Bullying may be caused in-person by another person or through technology. Bullying may also begin in a person's life at a young age, often at home. It is termed thus because the youngster may be mistreated or physically and emotionally harmed. Bullying is one of the causes of psychological torment or disruption in a person, and this pressure, if not addressed, can lead to suicide. There are Child Protection Laws, Women Safety Laws, Anti-ragging Laws, Cyberbullying Prevention Laws, Information Technology Laws, and the Indian Penal Code, which lays out specific measures for the protection of each and every individual. Our Indian Constitution guarantees every person the Right to Life, as well as the Right to Equality and the Right to Life with Dignity. As a result, anyone who aids or abets another person's suicide is punished as a terrible crime. There are rules for safety, but every victim must speak out so that bullies are stopped from tormenting others in society, and there are fewer suicides than there are now. In the IPC there is also a provision for this by the name of abetment of suicide.*

**KEYWORDS**

*Stages of Bullying, Suicidal Effects of Bullying, how to respond to bullying, abetment of suicide.*

**Driving to Suicide from Bullying to Psychological Tortures**

## Introduction

Bullying is defined as the act of an individual or a group of individuals who are hostile to others and do it via their words or deeds. It might involve using force, abusing, dominating, or frightening another individual. It is a repeated action that is a deliberate act done to physically, psychologically, or emotionally harm another person. Over the last decade, headlines about a young person's suicide death that was caused by bullying (physical, verbal, or online) have become all too prevalent. Each of these incidents causes so much grief and suffering for people, families, communities, and our society as a whole, resulting in a rising national outcry to "do something" about the scourge of bullying and suicide. Cyberbullying is a type of bullying that involves the use of the internet or electronic communication, such as mobile phones, e-mail, and text messaging, to humiliate, terrorize, shame, and upset a person. According to one study, people are more likely to have suicide thoughts when they are subjected to cyberbullying than when they are subjected to verbal bullying.<sup>1</sup>

## Section 306 of IPC

Indian penal code has a provision according to which "*If any person commits suicide, whoever abets the commission of such suicide, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.*"

The ingredients of abetment of suicide are as follows<sup>2</sup>: -

- (i) the deceased committed suicide;
- (ii) the accused instigated or abetted the commission of suicide;
- (iii) direct involvement by the accused in such abetment or instigation is necessary<sup>3</sup>. In *Ramesh Kumar v State of Chhattisgarh*<sup>4</sup>, the Supreme Court held that where the accused by his acts or by a continued course of conduct creates such circumstances that the deceased was left with no other option but to commit suicide, an "instigation" may be inferred. In other words, in order to prove that the accused abetted commission of suicide by a person, it has to be established that
  - a. the accused kept on irritating or annoying the deceased by words, deeds or willful omission or conduct which may even be a willful silence until the deceased reacted or pushed or forced the deceased by his deeds, words or willful omission or conduct to make the deceased move forward more quickly in a forward direction,
  - b. that the accused had the intention to provoke, urge or encourage the deceased to commit suicide while acting in the manner noted above. Undoubtedly, presence of mens rea is the necessary concomitant of instigation.

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<sup>1</sup>Harshul Daiya, Bullying to psychological tortures, September 27, 2020 <http://lawpanch.com/>

<sup>2</sup> IPC ratanlal and dherajlal commentary 36<sup>th</sup> edition, chapter XVI OF OFFENCES AFFECTING THE HUMAN BODY OF OFFENCES AFFECTING LIFE, page no. 1611.

<sup>3</sup> Jagannath Mondal V State of WB, 2013 CrLJ 1994 (Cal).

<sup>4</sup> Ramesh Kumar V State of Chhattisgarh, 2001(9) SCC 618 [LNIND 2011 SC 246] : 2001 CrLJ 4724.

## Early stages of bullying

An individual is subjected to bullying at every stage of their life. Bullying begins from the beginning of a person's life and extends all the way from family to school, college, and the job. Furthermore, cyberbullying has pushed the notion to a whole new level in recent years. When a person is unable to deal with his psychological imbalance, the final alternative that appears to be accessible to him is suicide. Following are some places where bullying generally starts: -

- **Bullying in Family:** - Family is supposed to be the most comforting and understanding people in one's life but it is the harsh reality that bullying typically begins at home, when one family member verbally or physically assaults another family member, with women and children falling into this group. Bullying at home causes anxiety difficulties since this type of sudden conduct begins so early in a person's life that one is unable to distinguish between what is true and what is untrue, and disorders such as depression emerge. Psychologically, we commonly come across the fact that a person becomes a bully since he may have encountered comparable conditions in their previous life. Some cultures are noted for their firmly defined family structure, which extends through generations. The male is the most important member of the family, while the woman and children are secondary. This sort of hierarchy frequently leads to bullying that begins in the family and spreads throughout the society; it has even been seen that a big number of individuals follow the same hierarchy, which eventually becomes a culture.
- **Bullying that happens in schools:** - According to the National Centre for Educational Statistics, one out of every five students is harassed or bullied at school. Those who are abused or bullied by their peers or seniors, and in some cases even instructors, are always terrified and powerless. Schools are educational institutions; in some cultures, it is said to be a place of devotion and piety because knowledge is imparted there; it is a place where a child grows and walks on the path to build their future; however, when an innocent child is bullied in the same place, it may hinder their mental and physical growth. This behavior also exemplifies today's society's degrading position and culture. Children quickly take things, words, and actions to heart, and every small and insignificant thing counts a great deal to them. They may get unhappy or concerned as a result of a foolish rumor. These types of behaviors upset people to the core and leave a profound scar in their souls, causing them great anguish and dread for the future. Bullying groups are formed mostly in schools. There are instances or circumstances that arise in which parents send their children to boarding schools or other larger institutions in order to provide them with the finest education and upbringing possible. But it is here that schools play the role of neglect<sup>53</sup>, in some cases not even noticing what is going on their campus and in others by helping them in some form, such as by shielding instructors or other students who are participating in bullying. These schools do not see the need to take significant action or a required step to either halt the bullying culture or harshly punish those participating in it. Similarly, in the case of Sanjeev Garg v. Ut of

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<sup>53</sup> HarshulDaiya, Bullying to psychological tortures, September 27, 2020 <http://lawpanch.com/>

Chandigarh and others<sup>6</sup>. In this instance, the petitioner was relocated to a different city for his children's schooling. The victim's father stated that his son was tormented by other students on school grounds and that the school did not take the required steps to stop it, therefore the school was blamed for the child's mental melancholy. Such experiences have a long-term impact on a child's brain, and he may feel dejected and unsuccessful for the rest of his life. Bullying at an early age, to be precise, at a very young age, may cause lasting harm to a child's brain. It is thus because the youngster lacks the ability to think and feel optimistically, and the idea of moving forward in life in some manner is blocked in their thoughts.

- **College bullying:** - Bullying is hazardous at any level and in any setting. When school is over and the children move to college, the routine completely changes. Adults find it more difficult to deal with the mental pressure placed on them by their colleagues and seniors. College life and bullying are on a completely new level. Even parents are concerned about their children's safety and well-being when they send them to institutions in distant places<sup>7</sup>. In order to put a stop to this bullying culture, the Government of India established a law called the UGC Regulation on Curbing the Menace of Ragging in Higher Education Institutions, 2009, with the goal of prohibiting ragging in institutions. Along with this anti-ragging law, there are provisions in the Indian Penal Code, 1860 that provide a person with legal protection by granting them the right to file a FIR under Sections 294, 339, 340, 341, 342, 506, and if the bullying takes the form of extreme violence, Sections 323, 324, 325, and 326 can be filed. In *Yelchuri Manohar v. State of Andhra Pradesh*<sup>8</sup>, an incident occurred in which a student preparing for her road test was brutally assaulted in the back and shot dead. This shocking crime and was sentenced to life imprisonment under section 302 of the Indian Penal Code of 1860. To add this fact in order to solve the problem of deception, the Indian government has introduced. 'The Prohibition and Eradication of Ragging Act, 2016' which tries to eradicate of violence to ban and eradicate the ragging in educational institutions.
- **Bullying at Workplace:** - Bullying in the workplace is a humiliating and disgraceful conduct since grown-ups work together in an atmosphere. Ragging may take many forms, including harming a person's professional image. Bullying may be perpetrated by anybody in one's job, including coworkers and superiors. A person may be deceived about his or her job or given wrong instructions, causing his or her work to deteriorate. Unhealthy criticism is also a component of the ragging culture, in which people are humiliated and taunted. Bullying may stifle an employee's productivity as well as his enthusiasm for his job. The Supreme Court issued rules that defined sexual harassment in the landmark case of *Vishaka and others v. State of Rajasthan*<sup>9</sup>, and companies were also required to offer a safe working environment to women employees.

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<sup>6</sup>CWP-15750-2017 (O&M)

<sup>7</sup>UK Essay blog, 19 May, 2017, page14 <https://www.ukessays.com/essays/psychology/>

<sup>8</sup>2005 (2) ALD Cri 751

<sup>9</sup>AIR 1997 SC 3011

- **Cyber bullying:** - This type is becoming more common in today's world. It happens from time to time online with people ranging from commoners to celebrities. It occurs when one person threatens, harasses, or embarrasses another person utilizing technology through a digital device. There are cyber bullying laws, often known as anti-bullying laws, that are designed to penalize offenders and protect victims who have been harmed by foul language, messages, or bullying. Cyberbullying may occur on a variety of social media sites. Hacking accounts, sending obscene messages in a person's inbox or comments or images, abusing financial accounts, threatening a person to do any terrible crime, stalking, and so on are all examples of cyberbullying. Cyberbullying is defined under Section 67 of the Information Technology Act of 2000. Section 66 (E) of the Information Technology Act of 2000 specifies the penalty for violating the privacy of any individual, with the punishment being imposed on anybody who captures, transmits, or publishes any private image of another person. Section 507 of the Indian Penal Code, 1860, also criminalizes anti-bullying and cyberbullying. It was the well-known case of Patanjali Ayurveda Limited & Anr. v. Google LLC. & Ors, in which a defamatory film was published by an anonymous individual and threats were made against the plaintiff. The video was published on YouTube, and the link was shared on Facebook. Plaintiff served notice on the defendants to delete the films that were damaging the reputation of a well-known sector. As a result, the High Court of Delhi granted a judgement in favor of the petitioner, and a significant order was given to delete the video.

### **Suicidal Effects of bullying**

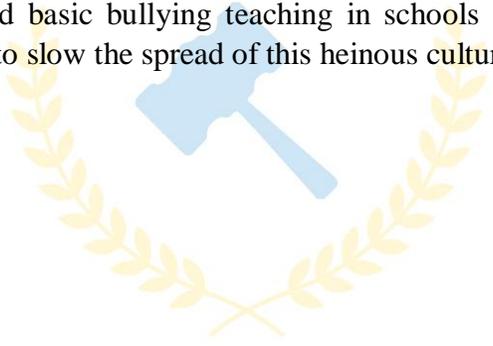
Although there is evidence that bullying increases the risk of suicide, it is also true that bullying does not cause or lead to suicide. Depression is one of the leading reasons of suicide among bullied youngsters. It is believed that between 15 and 25 youngsters commit themselves in the United Kingdom alone each year as a result of bullying. Suicide is more common in some populations, including Native Americans, Alaskan Natives, Asian Americans, and LGBT individuals. If a sufferer feels deceived by family or friends, the person's condition might worsen. Bullying victims reported higher depressive symptoms and psychological discomfort than those who did not experience bullying in a self-report research performed by 9th through 12th students in New York. It was only a few years later that all forms of bullying participation remained related with depression in both boys and girls. Two years following the original survey of Finnish teenagers, researchers discovered that despair and suicide thoughts were greater among bullied adolescents than among those who had not reported being bullied. Avoiding a bully is easy for some individuals, but it can be tough for others, and they reach a breaking point. There were reports in the media of suspected bullying suicides at close quarters. Suicide is one of the major causes of mortality among young people aged 15 to 24, according to Voices for Suicide Education. Less than 16% of students consider suicide seriously, 13% have made a proposal, and 8% have made a genuine attempt.

### **Conclusion**

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<sup>10</sup>UK Essay blog, Bullying to psychological tortures, 19 May, 2017, page 14, <https://www.ukessays.com/essays/psychology>

With numerous instances of cyberbullying, cyber vandalism, annoyance, and eventually kidnapping and murder over the Internet by the youth<sup>11</sup>, maintaining peace and instilling good values in the youth has become a significant challenge for universities, parents, the law and justice apparatus, and society as a whole. In India, cyberbullying is a major issue that is mostly unaddressed. There was no particular regulation in place to prohibit cyberbullying among students, however there are rules in place to discourage ragging. Bullying, no matter where it occurs or how it occurs, must be strictly prohibited. Bullying can only be stopped if every individual is taught the negative consequences of bullying from an early age, beginning in school and continuing in their own families. One must be aware of how their actions may have a profound impact on the lives of others. Bullying may have an impact not just on a person, but also on an entire family. It drastically ruins someone's life. As a result, I believe that awareness efforts, tough legislation, and basic bullying teaching in schools and universities may have a significant impact and assist to slow the spread of this heinous culture.



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<sup>11</sup>UK Essay Blog, Bullying to psychological tortures, 23rd May, 2017, page 16 <https://www.ukessays.com/essays/education/>