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Phone: +91 98 11 66 62 16 (M)

Phone: +91 70 11 60 56 18 (M)

Bengaluru

Jallahalli East

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Phone: +91 98 11 66 62 16 (M)

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37 Degree Media

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Cyber Harassment of Women in India: Issues, Legal Responses, and Policy Gaps

Author

Azharul Haq Ansari



Cyber Harassment of Women in India: Issues, Legal Responses, and Policy Gaps

Azharul Haq Ansari

B.A.LL.B (H)

Amity Law School, Noida

Abstract

The rapid expansion of digital technologies and internet access in India has transformed communication, commerce, and social interaction, but it has also led to a significant rise in cyber harassment targeting women. This research paper examines the nature, forms, and impact of cyber harassment against women in India, including cyberstalking, online abuse, trolling, doxxing, and non-consensual dissemination of intimate content. It highlights how such acts not only violate privacy and dignity but also deter women's participation in digital spaces, thereby reinforcing existing gender inequalities.

The study critically analyses the existing legal framework addressing cyber harassment, including provisions under the Information Technology Act, 2000, the Bharatiya Nyaya Sanhita, 2023, and other relevant laws. It evaluates judicial responses and enforcement mechanisms to determine their effectiveness in tackling online gender-based violence. Despite the presence of legal provisions, the research identifies significant gaps in implementation, including low reporting rates, lack of digital literacy, jurisdictional challenges, and inadequate sensitivity among law enforcement agencies.

Further, the paper explores policy deficiencies and the need for a more comprehensive and gender-sensitive approach to address cyber harassment. It emphasizes the importance of strengthening institutional mechanisms, enhancing digital awareness, and ensuring stricter accountability of online platforms. The study concludes that while India has made progress in recognizing cyber harassment as a serious issue, substantial reforms are required to create a safer and more inclusive digital environment for women.

Keywords: *Cyber Harassment, Women's Rights, Online Abuse, Cyber Law, Gender-Based Violence, Information Technology Act, Digital Safety, India*

Introduction

The emergence of the internet and technological advancements have revolutionized communication and interactions among people. Initially conceived as an innovative means to connect, cyberspace has become a multifaceted world that has a considerable impact on our socio-economic and political landscapes. On one hand, the information revolution has made people powerful by giving them opportunities to voice their opinions. At the same time, it has opened up new ways for committing crimes. Cyberbullying is becoming a significant problem nowadays, especially against women.¹

The term “cyber harassment” can be defined as the act of using information technology tools and online communication channels, such as social networks, email messages, instant messaging services, and web sites, for the purpose of harassing, threatening, intimidating, or abusing someone. Cyber harassment involves actions like cyberstalking, cyberbullying, trolling, doxing, identity theft, the dissemination of non-consensual nude photos, and libel online. Traditional modes of harassment differ from cyber harassment in the sense that online bullying entails anonymity, a wide audience reach, and the enduring nature of posts online.

Women suffer from a distinct form of harassment online since the gender gap remains significant in contemporary society. Women can encounter a variety of harassment forms online, ranging from sexual assault and threats of rape or violence to sexist and insulting language. The link between gender and technology has therefore resulted in an online environment where women's online engagement is frequently hampered by prejudice and abuse. Not only does it infringe upon women's dignity and self-respect, but it also hampers their freedom to speak openly and participate in online discourse.²

Understanding the problem of cyber harassment requires an appreciation of fundamental rights and human dignity. The Constitution of India in Articles 14, 19(1)(a), and 21 provides for the rights of equality, freedom of speech and expression, and the right to life and personal liberty, respectively. The right to life has been construed by the court to include not only the right to life but the right to privacy, dignity, and psychological health of individuals as well. The infringement of such a right by any form of cyber harassment becomes problematic in this context.

With the recognition of the right to privacy as a fundamental right in the Indian Constitutional context in the case of Justice K.S. Puttaswamy v. Union of India (2017), the jurisprudence of the Indian courts has undergone a significant evolution. According to this judgment, privacy was recognized as an essential component of human dignity and autonomy, and as such, the right to privacy should be upheld both physically and digitally.

¹ Uche M. Mbanaso & Emmanuel S. Dandaura, “The Cyberspace: Redefining a New World,” 17 IOSR Journal of Computer Engineering 17 (2015).

² Erum Hafeez, “Cyber Harassment and Its Implications On,” 8 Horizons 29 (2014).

Cyber offences in India can be combated by virtue of the Information Technology Act, 2000, which forms the core legislative instrument for the governance of all cyberspace-related activities in the country. The said Act is designed to protect people against any violation of privacy, or publishing/communicating any material that is of an obscene nature, whether transmitted electronically or otherwise. Relevant sections include section 66E, which provides for any violation of privacy, while section 67 covers the offence of publishing or communication of obscene material. Similarly, section 67A pertains to any sexually explicit material published or communicated electronically. Other laws like those relating to stalking, defamation, criminal intimidation, and outraging the modesty of women, covered under the Bharatiya Nyaya Sanhita, 2023, have been extended to the cyber realm.

However, despite having these legislations in place, the problem of dealing with cybercrimes against women is far from being solved. One issue associated with cyber offences against women relates to the problem of non-reporting of these crimes. Many women refrain from reporting incidents of cybercrimes against them out of fear of stigmatization. The technical and jurisdictional complexities associated with cyber offences also present serious hurdles in addressing cybercrimes against women.³

A further difficulty is the presence of intermediaries, including social media sites and online service providers. Intermediaries can be considered communication facilitators; however, they have been accused of insufficient measures concerning complaints against harassment. Despite the obligation of intermediaries under the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 to ensure that any unlawful material posted is removed and cooperate with law enforcement officials, there continues to be skepticism as to whether this is being carried out successfully.⁴

Cyber harassment is also an issue that arises due to certain social problems, such as gender discrimination, patriarchy, and even violence against women. As a rule, the cyber environment tends to reproduce all the forms of oppression which exist in the offline world, while in some instances even amplifying them. In particular, active women who contribute significantly to society – journalists, activists, professionals – may become the object of hate and other forms of online abuse. Consequently, there is a threat to the principles of equality and inclusiveness in the sphere of democracy.

³ Sheeba Abama, et al., “Identification of Cyber Harassment and Intention of Target Users on Social Media Platforms,” 115 *Engineering Applications of Artificial Intelligence* 105283 (2022).

⁴ Francesca Stevens, Jason R.C. Nurse & Budi Arief, “Cyber Stalking, Cyber Harassment, and Adult Mental Health: A Systematic Review,” 24 *Cyberpsychology, Behavior, and Social Networking* 367 (2021).

Concept of Cyber Harassment

The idea of cyberbullying is one of the most important fields in modern society as it represents the shadow side of technological progress. The increasing popularity of the internet and social networks has caused harassment to move beyond the physical world and into cyberspace. Cyberbullying is defined as the employment of electronic communications to harass, threaten, demean, or embarrass someone. It covers a broad range of acts, which are mostly repetitive and intentional in nature.⁵

Cyber harassment differs from other forms of harassment in that it transcends borders, anonymous, and persistent in nature. The offender is not confined to a specific place; instead, they might use fictitious accounts or encrypted messaging services to remain invisible. This anonymity encourages perpetrators to continue their activities without fear of prosecution. Additionally, the internet has made it easier for offenders to share inappropriate materials quickly and continuously. Therefore, the victim continues to suffer psychologically even after the initial incident.

Cyber harassment is a process that involves various offensive actions that range from cyberstalking to trolling, bullying, impersonation, doxxing, and revenge pornography among others. These activities are related and may evolve into more aggressive practices, causing mental torture for the victim. Women suffer cyber harassment in high numbers due to gender-based discrimination and the existence of patriarchal structures. Women are harassed on the internet using abusive language, threatening sexual assault, and defamation to discourage them from expressing themselves.⁶

Legally speaking, however, cyber harassment does not necessarily constitute an independent offense but rather a composite one. The primary legislation that governs cyber-related activities is the Information Technology Act, 2000. Under Section 66E of this Act, capturing or sending images without the prior consent of another person of a private part is a punishable act. Sections 67, 67A, and 67B of the Act punish acts of publishing or transmitting obscenity in the form of sexually explicit or child sexually related materials. The aforementioned sections are pertinent when cyber harassment involves the distribution of pornographic content.

Apart from the IT Act, the Bharatiya Nyaya Sanhita, 2023 (BNS) provides some important provisions for dealing with the crime of cyber harassment. Stalking, online stalking, criminal intimidation, defamation, and outraging the modesty of women are among the offenses that can be made applicable to cyberspace. An example of stalking would be repeatedly monitoring a woman through a cyber space or making contact with a woman through an online medium without her

⁵ Joseph Migga Kizza, "Cyberbullying, Cyberstalking and Cyber Harassment," in *Ethical and Secure Computing: A Concise Module* 199–210 (Springer International Publishing, 2023).

⁶ Dorothy Wunmi Grigg, "Cyber-Aggression: Definition and Concept of Cyberbullying," 20 *Journal of Psychologists and Counsellors in Schools* 143 (2010).

consent. An example of criminal intimidation would be a threat issued through cyberspace.⁷ Cyber harassment can be defined through the prism of fundamental rights, which include the right to life and personal liberty mentioned under article 21 of the Indian constitution. According to various rulings of the Supreme Court, this right implies privacy, dignity, and mental peace. In this respect, cyber harassment violates these rights and makes people suffer emotionally. The ruling of the Supreme Court, stating that privacy is a fundamental right, makes it necessary for people to protect themselves from being exposed to the cyber harassment.

Forms of Cyber Harassment Against Women

Cyber harassment can be seen in many forms that may differ from each other, but overlap in certain aspects. With the advancements in technology platforms, anonymity of users, and speedy circulation of content, harassers have used many types of abusive tactics towards women. These modes of cyber harassment do not just amount to violation of law but cause significant harm to the mental and socio-economic state of the victims. This chapter discusses different modes of cyber harassment faced by women in India along with its legal ramifications.

Cyber Stalking

Another form of cyber harassment commonly experienced by women is cyberstalking. It refers to the use of electronic technology to repeatedly communicate with someone in such a way that the victim fears for his/her safety. While conventional stalking requires stalking to occur physically, cyberstalking provides stalkers with a means of remotely monitoring their victims through various forms of electronic technology.⁸

The perpetrators of cyber stalking may send threatening messages, monitor the social media profile of the victim, conduct unauthorized hacking, or employ spyware to track the victim and gather information about them. Most often, the perpetrator is someone whom the victim knows, for example, an ex-partner, but it could also be someone who remains anonymous throughout. This type of activity creates a feeling that the victim is being monitored all the time, making them experience a lot of stress and fear.

Cyber stalking is recognized as one of the offenses in the Bharatiya Nyaya Sanhita, 2023, where stalking, including cyber stalking, is made a punishable offense. If someone attempts repeatedly to contact the victim when she has expressed no interest or keeps monitoring the online activities of the victim, it is

⁷ Danielle Keats Citron, "Addressing cyber harassment: An overview of hate crimes in cyberspace." *Case W. Res. JL Tech. & Internet* 6 (2014): 1.

⁸ Francesca Stevens, Jason RC Nurse, and Budi Arief. "Cyberstalking, cyber harassment, and adult mental health: A systematic review." *Cyberpsychology, Behavior, and Social Networking* 24.6 (2021): 367-376.

considered a criminal act and is met with punishment under law. However, there could also be violations of the IT Act, 2000, relating to any form of unauthorized access into computers.

Cyber Bullying and Trolling

Online harassment is a common form of cybercrime which is rampant on social networking sites. Cyber-bullying entails aggressive behavior that is deliberately targeted at an individual and involves the use of online technology to intimidate or humiliate him or her through activities like sending threats or embarrassing photos of the victim or posting rumors against him or her.⁹

Women have been subjected to gender-based attacks through misogynistic statements, body-shaming, and even violent threats. The most likely targets for coordinated cyber bullying or trolling campaigns include public figures like journalists, activists, and celebrities. Such cyber bullying can be conducted by either one person or several people.

Although there is no legal definition of cyberbullying or trolling in Indian law, they are considered illegal and are dealt with accordingly. Under the Bharatiya Nyaya Sanhita, 2023, cases of criminal intimidation, defamation, and insult to modesty come into consideration as cyber bullying charges. Furthermore, the Information Technology Act, 2000, covers offenses that pertain to sending offensive and obscene information.

Online Sexual Harassment

Online sexual harassment is one of the most extreme forms of cyber harassment, which is especially prevalent against women. This includes unwanted advances, sexual propositions, sending or displaying pornographic material and sexual extortion. It is common practice among perpetrators of such harassment to engage in these activities via social media websites, instant messaging services and internet forums.

Such acts of harassment are inherently linked to gender bias and stem from a society that views women as objects of desire rather than humans deserving respect. Perpetrators may choose to send uninvited photos or messages, use lewd language, threaten sexual assault, or blackmail their victims.¹⁰

Impact of Cyber Harassment on Women

There have been many concerns raised regarding cyber harassment as an increasing danger to the mental and physical well-being of women in the modern age. Although the legal and technical aspects associated with cyber harassment have received much attention, the ramifications of cyber harassment reach far

⁹ Stephanie M. Ortiz, "Trolling as a collective form of harassment: An inductive study of how online users understand trolling." *Social Media + Society* 6.2 (2020): 2056305120928512.

¹⁰ Franceschi Angela, et al. "Online sexual harassment in adolescence: A scoping review." *Sexuality Research and Social Policy* 21.4 (2024): 1480-1499.

beyond the online world and seriously affect the victims psychologically, socially, and financially. In most instances, the effects of cyber harassment cannot be undone.¹¹

Psychological Impact

One of the most direct and immediate impacts of cyberbullying is the effect that it has psychologically on the woman who is its victim. Women often develop various types of emotional issues such as anxiety, depression, stress, fear, and trauma as a result of the abuse and bullying that they endure online. Due to the continuous aspect of the online abuse that involves harassment through emails, posts, and messages, the emotions of the victims can be negatively affected. Whereas face-to-face bullying or abuse does not have the same impact as online abuse does because of the lack of the constant feeling of being followed and stalked, cyberbullying often results in sleepless nights, panic attacks, and even PTSD because of the continuous nature of the stalking or bullying.

Social Impact

Moreover, cyber harassment affects the woman in various social ways. The loss of freedom of expression is among the most important social consequences of cyber abuse. The victims of cyber abuse tend to refrain from participating in various social networks in order not to provoke the aggressors and receive even more unpleasant attention from them. This situation causes a "chilling effect," which restricts women from speaking out. The negative influence on reputation is another social consequence. The fact is that false claims, morphed pictures, and other information can reach a huge number of people in a very short period of time. Although it is possible to delete this content from the internet, its effects will last for some time. In addition, cyber abuse makes many people judge victims harshly or isolate them socially without reason.¹² Online harassment also perpetuates gender inequality and gender discrimination. Those women who oppose or speak about the existing norms in society usually face harassment that is intended to prevent them from voicing their opinions. Not only does this impact the victim, but it also leads to the development of the idea that women should not participate actively in public places.

Economic Impact

The effects of cyber harassment on the economy are often not taken into account, yet they may have the same significance as other repercussions of cyber violence. Cyber violence against women may lead to the lack of job opportunities, decreased performance and even unemployment. Being harassed by other people on social media, women in professional fields like journalism, law, academia or

¹¹ J. Lakshmi Charan, "Cyber Stalkers and Cyberbullies: Protecting Women in the Digital Age," *CYBER CRIME & 119* (2023).

¹² Rashed Ahmed, "Cyber Harassment in the Digital Age: Trends, Challenges, and Countermeasures" (2024).

activism are threatened with the destruction of their professional image and inability to advance professionally. Victims of cyber violence may have to give up using the internet, where they need to interact in their professional activity, and hence lose opportunities to communicate and exchange information, as well as their job or career in general.¹³

Constitutional Provisions (Articles 14, 19 and 21)

The Indian Constitution is the ultimate set of laws guiding the rights and liberties of an individual in society and protection against any form of harassment in real life and cyberspace. In regards to cyber harassment of women, the constitution plays a very basic part in securing the freedom and dignity of the individual. Even though there are no provisions directly referring to cyberspace, due to the flexible nature of the constitution, it has been applied in all circumstances including those pertaining to cyberspace. Articles 14, 19 and 21 have constituted the basis for the constitution's security against cyber harassment.

Article 14: Right to Equality

Equality before the law and equal protection of the laws is guaranteed by Article 14 of the Indian Constitution to all people present in India. Such an article is very important in the context of cyberbullying as it provides women equal protection under the law as they cannot be treated differently from men or discriminated against legally. Cyberbullying is an issue connected to existing gender problems in society where women receive many abuses, threats, and discriminating comments. Therefore, according to the principle of equal protection, the State should make some effort in order to protect vulnerable groups of people such as women. Thus, specific legislation should be developed and enforced in order to deal with gender cyber issues.¹⁴

Article 19: Freedom of Speech and Expression

Article 19(1)(a) grants the right to freedom of speech and expression. This entails the right to express oneself, exchange information and engage in discussion. As we move into the information age, this freedom is extended even to cyberspace, and individuals can use the internet as a means of communicating and engaging in different forms of speech. As far as women go, cyberspace has emerged as an empowering tool for women to engage in self-expression, access information and be involved in social, economic and political affairs. On the flip side, cyberbullying and harassment may have a chilling effect on women's exercise of this freedom.¹⁵

¹³ Sujata Mainwal, "Cyber Harassment and Safety of Women in the Digital Age Ms. Juli."

¹⁴ Nishtha Kumar, "Equality before Law and Equal Protection of Laws under the Constitution of India." *Issue 3 Indian JL & Legal Rsch.* 4 (2022): 1.

¹⁵ Michael O'Flaherty, "Freedom of expression: article 19 of the international covenant on civil and political rights and the human rights committee's general comment no 34." *Human Rights Law Review* 12.4 (2012): 627-654.

However, at the same time, freedom of expression is not an absolute right and can be subjected to reasonable restrictions as per Article 19(2). Some of these grounds may include decency, morality, defamation, and public order, which hold particular significance in the context of cyber harassment. Obscene, defamatory, or violent content on the Internet may be censored by law to safeguard individual interests.

Article 21: Right to Life and Personal Liberty

Right to Life and Liberty under Article 21 is one that includes many other fundamental rights necessary to live a life with dignity. Such rights may be freedom from any form of intrusion into an individual's personal matters, dignity, mental peace and security from any kind of harassment. In this regard, Article 21 forms the cornerstone of constitutional protection for women in cases of cyber harassment.

The landmark judgment in *Justice K.S. Puttaswamy v. Union of India* (2017)¹⁶ recognized the right to privacy as a fundamental right under Article 21. Privacy has been recognized as an aspect of human dignity and has been said to be protected not only in physical spaces but even in the virtual world. This decision has very serious implications on the issue of cyber-harassment, which could include hacking into private data, sending out private pictures and videos and even installing surveillance equipment.

Interrelationship of Articles 14, 19 and 21

While the protection from cyber harassment may seem to stem from certain constitutional provisions, this protection emerges from the collective interpretation of Articles 14, 19 and 21. Together, these three articles constitute the "golden triangle" of the Constitution, guaranteeing justice, reasonableness and equality in any law or action taken by the State.

Under Article 14, no person is subject to discrimination based on their status. Article 19 allows citizens to express themselves freely, while Article 21 guarantees the safety of life, liberty and dignity of an individual. In the case of cyber harassment, it becomes essential to strike a balance between these rights. Although a citizen is entitled to exercise freedom of expression, the same freedom should not be used to insult and abuse another person's dignity and privacy. Thus, the judicial body plays an important role in reconciling these fundamental rights and interpreting them in the present era.¹⁷

¹⁶ Justice K.S. Puttaswamy v. Union of India, (2017) 10 SCC 1.

¹⁷ Eugene Volokh, "One-to-One Speech vs. One-to-Many Speech, Criminal Harassment Laws, and Cyberstalking," 107 Nw. UL Rev. 731 (2012).

Section 66E – Violation of Privacy

Section 66E of the Information Technology Act, 2000 addresses issues related to violation of privacy. The section criminalizes the act of capturing, publishing, or transmitting any image depicting the private body part of another person without his/her consent under circumstances where such acts amount to a breach of the privacy of the said person. The law provides that whoever captures, publishes, or transmits an image of any private part of any person without the consent of that person shall be punished with imprisonment which may extend to three years or with fine which may extend to two lakhs, or with both. The expression ‘private parts’ has been defined to mean naked or undergarments clad genitals, pubic region, buttock, or female breasts. Thus, Section 66E becomes highly relevant in relation to crimes against women because in most cases the woman becomes the victim of any violation of her privacy such as unauthorized sharing of images or recording of images through hidden cameras.

Sections 67, 67A, 67B – Obscene Content

Sections 67, 67A, and 67B under the Information Technology Act, 2000, relate to publishing or transmitting any pornographic or sexually offensive matter using electronic means.

Section 67 – Obscene Content

Section 67 punishes the publication or transmission of obscene matter by electronic means. Under this section, any individual publishing or transmitting material that is lewd or prurient in nature or tends to deprave or corrupt those who would likely view the material will be punished with imprisonment and fine. A maximum imprisonment of three years and fine not exceeding five lakh rupees can be imposed upon a person found guilty for the first time, while five years and higher fines may be imposed upon repeated offenses under Section 67.¹⁸

Section 67A – Sexually Explicit Content

Section 67A is related to the publication or transmission of acts of obscenity or sexually explicit conduct through electronic media. This section is more severe than that of Section 67. The penalty for first conviction can be extended to imprisonment for five years and fine of up to ten lakh rupees. In case of second conviction, the penalty can be imprisonment for up to seven years and increased fine. This section can be applied in the situation of revenge porn, distribution of explicit videos and cyber sexual abuse. Distribution of intimate pictures or videos without the consent of the concerned person, even when the video was originally made by mutual consent, can come under the purview of Section 67A. It helps

¹⁸ Dr Rahul Kailas Bharati, “Offences Related to Obscenity, Child Pornography, and Online Harassment (Sections 67, 67A, 67B of the IT Act, 2000),” Available at SSRN 5388650 (2025).

deal with non-consensual porn, one of the most common forms of cyber harassment towards women.

Section 67B – Child Sexual Content

Section 67B deals specifically with the publishing and distribution of material containing sexually explicit acts performed by a child. The section also deals with offenses like browsing or downloading of material of this nature.

It provides for heavy punishment for such acts as it is an offense of great magnitude. In addition to this, Section 67B has a vital role in safeguarding children against any abuse or exploitation in the virtual world.

Though the section is specifically meant for safeguarding children, it becomes significant when girls below the age of maturity become victims of cyber-crimes like stalking or cyber bullying.¹⁹

Bharatiya Nyaya Sanhita, 2023

The Bharatiya Nyaya Sanhita, 2023 (BNS) is a major overhaul in terms of the criminal justice system of India by updating the Indian Penal Code, 1860 and providing a more updated model to combat the challenges facing the current laws, including those related to crimes that have emerged due to the advent of cyberspace.²⁰

1. Offences Against Women under BNS: A Structural Overview

The Indian Penal Code of India, 2023 has an entire chapter devoted to "Offences against Women and Children," which includes offences like sexual assault, assault, harassment, etc.

Some of the important provisions relating to cyber harassment are:

- Section 74 - Assisting, abetting and intimidating with criminal force to outrage the modesty of a woman;
- Section 75 - Sexual harassment;
- Section 76 - Disrobing a woman;
- Section 77 - Voyeurism;
- Section 78 - Stalking; and,
- Section 79 - Insulting modesty.

Landmark Judgments

1. *Shreya Singhal v. Union of India* (2015)²¹

Facts of the Case: The case arose after two women were arrested for posting comments on Facebook criticizing a bandh in Mumbai. The arrests were made

¹⁹ David AJ Richards, "Free Speech and Obscenity Law: Toward a Moral Theory of the First Amendment," 123 U. Pa. L. Rev. 45 (1974).

²⁰ Rupashree Sahoo, "Response of Indian Criminal Justice System Towards Children as Vulnerable Victims of Cybercrime in the Digital Age," in *Child Protection in India* 215–232 (Routledge, 2025).

²¹ *Shreya Singhal v. Union of India*, AIR 2015 SC 1523.

under Section 66A of the Information Technology Act, 2000, which criminalized sending “offensive” messages through electronic means.

Issues Involved: The primary issue before the Supreme Court was whether Section 66A violated the fundamental right to freedom of speech and expression under Article 19(1)(a) of the Constitution.

Judgment

In *Shreya Singhal v. Union of India* (2015), the Supreme Court delivered a landmark judgment by striking down Section 66A of the Information Technology Act, 2000 as unconstitutional. The court struck down the section as it violated the fundamental right of freedom of speech and expression enshrined in Article 19(1)(a). The first ground on which the validity of the impugned provision was challenged was the lack of clarity in its provisions, which would lead to arbitrary and discriminatory application.

Furthermore, the Supreme Court explained that the distinction between discussion, advocacy and incitement is crucial, and while speech that leads to incitement could be restricted, any discussion or opinion, however annoying or inconvenient, could not amount to a crime.²²

2. Justice K.S. Puttaswamy v. Union of India (2017)²³

Facts of the Case: The case challenged the constitutional validity of the Aadhaar scheme, raising questions about privacy and data protection.

Issues Involved: Whether the right to privacy is a fundamental right under the Constitution of India.

Judgment

In *Justice K.S. Puttaswamy v. Union of India* (2017), a historic nine-judge Constitution Bench of the Supreme Court unanimously affirmed that the right to privacy is a fundamental right protected under Part III of the Constitution, particularly deriving from Articles 14, 19 and 21. This judgment overruled earlier decisions such as *M.P. Sharma v. Satish Chandra* (1954)²⁴ and *Kharak Singh v. State of Uttar Pradesh* (1962)²⁵, which had either denied or limited the recognition of privacy as a constitutional right.²⁶

The judgment elaborated that privacy includes the right of an individual to make personal choices, maintain confidentiality of personal information and protect

²² Tareq Al-Billeh, “Disciplinary Measures Consequent on the Judges’ Misuse of Social Media in Jordanian and French Legislation: A Difficult Balance Between Freedom of Expression and Restrictions on Judicial Ethics,” 10 Kutafin Law Review 681 (2023).

²³ Justice K.S. Puttaswamy v. Union of India, (2017) 10 SCC 1.

²⁴ M.P. Sharma v. Satish Chandra, AIR 1954 SC 300.

²⁵ Kharak Singh v. State of Uttar Pradesh, AIR 1963 SC 1295.

²⁶ Aditya Singh, “Right to Privacy under Article 21: Expanding Horizons of Life and Personal Liberty,” SSRN 5553959 (2025).

their identity from unwanted intrusion. The Court also highlighted that in the digital age, where vast amounts of personal data are collected and processed, informational privacy assumes critical importance.

Challenges in Addressing Cyber Harassment

Cyber harassment in India persists as a serious socio legal problem despite extensive legal frameworks and institutional mechanisms. The problem is multifaceted, involving legal gaps, technological complexity, social attitudes and systemic limitations. This section explores key challenges that undermine the effective prevention, reporting, investigation, prosecution and redressal of cyber harassment, with a gendered focus on women who experience disproportionately high levels of abuse online. The discussion is grounded in prevailing law such as the Information Technology Act, 2000, the Bharatiya Nyaya Sanhita, 2023 and the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, alongside broader constitutional and societal challenges.²⁷

Conclusion

The phenomenon of cyber harassment against women represents one of the most pressing challenges of the digital age, lying at the intersection of law, technology and society. As this study has demonstrated, the rapid expansion of cyberspace has created unprecedented opportunities for communication, expression and empowerment. However, it has simultaneously enabled new forms of abuse that disproportionately target women, thereby undermining their dignity, safety and fundamental rights. The conclusion of this research brings together the key insights derived from the analysis and emphasizes the urgent need for a comprehensive and evolving response to this issue. At the outset, it is evident that cyber harassment is not an isolated or purely technological problem. Rather, it is deeply embedded in existing social structures characterized by gender inequality, patriarchal norms and discriminatory attitudes. The digital space often mirrors and amplifies these offline realities, making women particularly vulnerable to harassment in various forms, including cyberstalking, trolling, online sexual abuse, revenge porn and identity theft. These acts are not only violations of legal norms but also constitute serious infringements on human dignity and personal autonomy. In conclusion, cyber harassment against women is a multifaceted problem that requires a comprehensive and sustained response. While significant progress has been made in developing legal frameworks, there is a pressing need to strengthen their implementation, address gaps in enforcement and adapt to technological advancements. Ensuring a safe and inclusive cyberspace for women is not only a legal obligation but also a reflection of a society's commitment to equality, dignity and human rights.

²⁷ Shreya Auradkar, "The Insufficiency of Legal Framework in India Regarding the Complete Scope of Cyberstalking and Online Harassment Subjected to Women, Shortcomings and Possible Solutions," *Shortcomings and Possible Solutions* (Dec. 29, 2025).

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