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CYBERBULLYING: CAN THE LAW KEEP UP? A LOOK AT INDIA'S LEGAL RESPONSE

(Shreyanshi Pathak)

A teenager deletes her social media account after months of anonymous abuse. A college student becomes the target of morphed photographs circulated in group chats. A young professional loses confidence after weeks of relentless online harassment. These are not isolated incidents — they are becoming an everyday reality of life on the internet.

Growth in technology has reshaped our social fabric, and with it has come a new set of challenges: cyberbullying, cybercrime, and digital harassment, in India and worldwide. The numbers tell a grim story. Earlier this year, a 16-year-old make-up artist died by suicide after receiving a wave of hateful comments online. A month later in Kerala, a young woman died from complications following a suicide attempt — she too had been a target of trolling and insensitive comments on social media. These are not distant statistics; they are warnings.

This raises an uncomfortable but necessary question: **as cyberbullying increases every day, are India's existing laws enough to protect victims, or do we need stronger legal measures?**

WHAT EXACTLY IS CYBERBULLYING?

In simple terms, cyberbullying is the persistent and deliberate act of intimidating, humiliating, or threatening someone through electronic means. It can take many forms:

- Abusive or threatening messages
- Fake accounts created to impersonate or mock someone
- Trolling and body shaming
- Spreading rumours or morphed images
- Sharing private photos without consent
- Doxxing — revealing someone's personal information without their permission

What makes it particularly dangerous is that it doesn't stay confined to one device or one moment. It follows the victim everywhere, at any hour, often anonymously.

WHY IS IT BECOMING SO COMMON?

A few factors explain the sharp rise:

- Easy and widespread internet access
- The anonymity the internet offers to perpetrators
- Fake profiles that make accountability difficult
- Growing social media usage across age groups
- Children getting smartphones at increasingly younger ages, often without adequate guidance

THE INDIAN LEGAL FRAMEWORK

India does have laws that address cybercrime, though they are scattered across different statutes rather than existing as one unified cyberbullying law.

The *Information Technology Act, 2000* remains the primary legislation.¹ Section 66C penalises identity theft, and Section 67 deals with the transmission of obscene material electronically. Notably, in 2015, the Supreme Court struck down Section 66A of the IT Act — which had criminalised “offensive” online messages — as unconstitutional, holding that it violated the fundamental right to free speech.²

Beyond the IT Act, several general criminal law provisions are also invoked in cyberbullying cases. Under the *Bharatiya Nyaya Sanhita, 2023* (BNS), which replaced the Indian Penal Code

¹The Information Technology Act, No. 21 of 2000, India Code (2000).

²Shreya Singhal v. Union of India, (2015) 5 S.C.C. 1 (India).

in July 2024, Section 351 (earlier Section 503 IPC) deals with criminal intimidation, and Section 356 (earlier Section 499 IPC) deals with defamation.³ Where children are involved, the *Protection of Children from Sexual Offences Act, 2012* (POCSO) provides additional protection.⁴

Underlying all of this is the constitutional guarantee under Article 21 — the right to live with dignity — which courts have increasingly read as extending to a person's dignity in online spaces as well.⁵

THE REAL CHALLENGES

On paper, these laws exist. In practice, victims still struggle to get justice, and a few hard questions explain why:

- What happens when the bully is anonymous, and impossible to trace?
- What if the account or server is located outside India, beyond the reach of domestic law enforcement?
- Why do so many victims hesitate to report abuse in the first place — often out of fear, shame, or distrust in the system?
- Why do cyber cases take so long to resolve, even when evidence is available?
- What happens when harmful content goes viral within hours, long before any authority can intervene?

There's also a deeper, often overlooked dimension: the psychological toll. Victims of cyberbullying frequently experience depression, anxiety, social withdrawal, and in the most severe cases, suicidal thoughts — as the cases mentioned earlier tragically illustrate. The law, focused on prosecution after the fact, often arrives too late to prevent this harm.

Add to this the cross-border nature of cybercrime. When a criminal operates from outside India, cases become entangled in jurisdictional complications, and victims are left waiting without clear recourse.

SO, CAN THE LAW KEEP UP?

³The Bharatiya Nyaya Sanhita, No. 45 of 2023, India Code (2023).

⁴The Protection of Children from Sexual Offences Act, No. 32 of 2012, India Code (2012).

⁵India Const. art. 21.

The honest answer is: partially.

On the positive side — cyber cells now exist across most states, reporting mechanisms have improved, and public awareness of online harassment has grown considerably in the last few years.

On the other hand — technology is evolving faster than legislation can respond. AI-generated abuse and deepfakes are creating entirely new categories of harm that existing laws were never designed for. Many victims still don't know what legal remedies are even available to them, and enforcement on the ground remains inconsistent, under-resourced, and slow.

A FINAL WORD

Laws alone cannot eliminate cyberbullying. Legal enforcement, digital literacy, responsible conduct by social media platforms, and genuine public awareness need to work together to build a safer online environment. The law can punish after the harm is done — but preventing that harm in the first place will take far more than legislation alone.