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CYBERBULLYING AMONG TEENAGERS: LEGAL REMEDIES AND SOCIAL CONSEQUENCES

Vaishnavi Saxena¹

I. ABSTRACT

The rapid spread of the Internet and digital technologies has spawned the ubiquitous phenomenon of cyberbullying, and teens make up a highly susceptible group of people. Teenagers as heavy users of social networking sites, instant messaging users, and online gaming platforms are increasingly exposed to online interactions that have the potential of perpetrating harassment, threats and abuse. Considering the fact that cyberbullying does not adhere to the traditional patterns of bullying, it operates across space and timelines, allowing sustained victimization, and, frequently, without responsibility or anonymity. The paper is a critical analysis of the concept of cyberbullying among teenagers, its nature, core reasons and various forms. It also addresses substantial effects of the social, psychological, and educational impacts suffered by the victims such as emotional distress, poor academic achievement, and social isolation. The paper also assesses the sufficiency of the current legal system in India, the Information Technology Act, 2000, Bharatiya Nyaya Sanhita, 2023 (formerly IPC), and the Protection of Children from Sexual Offences Act, 2012, to address the issue of cyberbullying harms. It examines how judiciary, the law enforcement agencies, the schools, parents, and the intermediaries involved in social media can and should prevent and deal with such behavior. The paper has taken a doctrinal and analytical approach as it points out and existing legal responses, which are overly dependent on traditional penal provisions that are not well-equipped to deal with the technological challenges of cyberbullying. Even though cyberbullying is becoming recognized as a socio-legal problem, a number of gaps in literature have yet to be filled out, specifically in constitutional discourse, child-identity-driven models, and statistical evidence, and should be tackled in one large comprehension of rights.

¹ B. Com LL. B, 10th Semester, Student at Amity Law School, Amity University, Lucknow, Uttar Pradesh (India). Email: vaishnavisaxena1012@gmail.com

II. KEYWORDS

Cyberbullying, Cyber Law, Legal Remedies, Adolescents, Social Consequences.

III. INTRODUCTION

The empirical data points to the disturbing trend of cyber threats that teens face in the modern online environment.² According to the National Crime Records Bureau (NCRB) reports, there is a considerable increase in cybercrimes against minors with the incidence growing at an alarming pace in recent years to the tune of more than thirty per cent. Complementarily³, UNICEF survey reports around the world indicate that a sizeable proportion, which in most cases is more than thirty-five per cent, of young people have experienced internet risks, which include harassment, bullying and abuse⁴. Such statistics highlight the increased size of cyberbullying as an acute issue with regard to the safety and well-being of children.

Largely due to the fast-growing development of digital technologies, the process of communication, interaction, and socialisation, in particular among teenagers, has undergone fundamental changes. Social media, instant messengers, and online game worlds have become a part and parcel of everyday existence, but these virtual areas also contribute to new ways of damaging, which makes cyberbullying one of the most popular and devastating tendencies. In contrast to traditional bullying, cyberbullying is not bound by space and time, thus, making the continuation of victimisation possible, often with the help of anonymity and the speed with which abusive information is spread.

Cyberbullying is described as intentional repeated application of electronic communication, to harass, intimidate, or harm individuals.⁵ The permanence, widespread reach and low accountability which are unique characteristics enhance its

² Press Release, Ministry of Home Affairs, Gov't of India, *Crime in India 2023* (Dec. 4, 2024).

³ Nat'l Crime Records Bureau, Ministry of Home Affairs, Gov't of India, *Crime in India 2022*, at 102-05 (2023).

⁴ UNICEF, *Children in a Digital World* (2017)

⁵ Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, Gazette of India, Extraordinary, pt. II, sec. 3(i) (Feb. 25, 2021).

psychological and social influence. Due to the vulnerability of development and increased online access, teenagers are at risk, as they most often suffer from emotional distress, deteriorated academic performance, and social isolation.

The growing prevalence of cyberbullying also raises complex legal and constitutional issues, particularly in balancing the freedom of speech and expression with the need to safeguard individuals from harm.⁶ Even with the presence of statutory addresses in place, the Indian legal paradigm is still lacking, in the provision of any child-centered overall approach⁷. Here, the current research activity attempts critical research on cyberbullying among teenagers with references to its legal, constitutional, and socio-psychological aspects as well as suggestions of a holistic-based regulation, which is rights-oriented.

A. Research Objectives

The following are the primary and secondary research objectives which guide the present study:

1. To critically examine the sufficiency of the current statutory framework of the current statutory framework on cyberbullying against teenagers with specific reference to the Information Technology Act, 2000, the Bharatiya Nyaya Sanhita, 2023, and the Protection of Children from Sexual Offences Act, 2012.
2. To examine how Indian courts have reacted to cyberbullying and assess how the provisions of the constitution in Articles 14, 19, and 21 have been utilised to safeguard online harassment victims.
3. To evaluate the psychological, social, and educational aftermath of cyberbullying on the adolescent victims in the Indian setting.
4. To analyze the child-protection of the Digital Personal Data Protection Act, 2023 and its interaction with cyberbullying regulation.

⁶ *Shreya Singhal v. Union of India*, (2015) 5 S.C.C. 1 (India).

⁷ Protection of Children from Sexual Offences Act, No. 32 of 2012, Acts of Parliament, 2012 (India).

5. To suggest an integrative, rights-based legislative and regulatory framework of prevention and redressal of cyberbullying among minors in India.

B. Research Questions

The present study seeks to address the following focused research questions:

1. Does the existing Indian legal framework sufficiently protect teenagers from cyberbullying, or do significant legislative gaps remain?
2. What legislative reforms are necessary to bridge the identified gaps in India's statutory response to cyberbullying?
3. How have Indian courts interpreted existing constitutional and statutory provisions to address cyberbullying, and what are the limitations of such a reactive judicial approach?
4. To what extent does the Digital Personal Data Protection Act, 2023 contribute to the protection of minors from cyberbullying, and how does it align with international frameworks such as the UK's Online Safety Act, 2023?
5. Can restorative justice principles offer an effective supplementary mechanism for addressing cyberbullying among juvenile offenders in India?

C. Research Methodology

This research is a doctrinal and analytical research approach aimed at discussing the laws that govern cyberbullying among teenagers and thus, it will contribute to the academic debate on digital jurisprudence. The study is grounded and based on secondary sources, including the statutes, judicial rulings, scholarly publications and reports on the state and international agencies, thus making it have a strong evidentiary foundation. Moreover, comparative approach is added in an attempt to explain global strategies and thus place Indian context in a trans-national context.

The doctrinal approach is used to critically evaluate the laws already in being like the Information Technology Act, the Indian Penal Code, and the legislation aimed at protecting children and how they have been interpreted by judicial rulings in cases

involving online harassment and digital harm cases. I have chosen the appropriate decisions of the Supreme Court and High Courts according to their academic relevance to the problem of cyberbullying, Internet privacy, and freedom of speech so that the analysis could be based on scholar jurisprudence.

The paper also analyzes some of the leading principles of law such as the right to dignity and personal liberty, the freedom of speech and the right to protection against harm, and the protection of minorities. It also assesses the value of digital intermediaries in controlling the harmful content on the internet. This will contribute to a strict determination of whether the existing legal system is sufficient to resolve the complicated issues of cyberbullying.

IV. LITERATURE REVIEW: NATIONAL AND INTERNATIONAL PERSPECTIVES ON CYBERBULLYING

A. Indian Scholarship

The Indian academic community is gradually finding cyberbullying an important and understudied socio-legal issue within the broader frame of digital transformation. ⁸Empirical studies across urban and semi-urban settings in the educational context indicate that about one in every four teens says he/she has experienced some form of cyberbullying, which can be harassing emails and damaging reputations done through online-based platforms. These investigations also show that in peer groups, cyberbullying easily becomes normalized thus reducing the reporting rates and institutional interventions. The interdependence between cyberbullying and negative mental-health outcomes has also been highlighted by researchers, which represents a vigorous correlation with anxiety disorders, depressive symptoms, low self-esteem, and the lack of academic engagement.

⁸ Bharti et al., *Cyberbullying in Indian Schools: Prevalence and Psychological Impact*, 12 *J. Indian Inst. Sci. Educ. & Rsch.* 45, 47 (2022).

More importantly, Indian scholarship sheds light on the role of social-cultural determinants in the worsening of the phenomenon, such as stigma, parental ignorance and institutional failures. Adolescent vulnerability is further increased by the lack of formal reporting systems in schools, as well as the lack of digital literacy. However, the Indian literature does not go beyond the detailed descriptions, in most cases, insufficient to incorporate the constitutional and legal analyses, and, therefore, it reduces the relevance of the doctrines.

B. Empirical Data (NCRB and Institutional Reports)

The growing scale of cyberbullying in India is supported by empirical data collected by the government and other international organizations. According to reports dispatched by the National Crime Records Bureau (NCRB), there has been a consistent increase in cybercrimes against children, and statistics released recently show that the cases reported have risen more than thirty percent.⁹ A significant portion of these crimes include cyberstalking, online harassment, and digital intimidation, and it highlights the popularity of the behavior that is broader in the context of cyberbullying. To supplement national data, reports provided by the international organizations like UNICEF provide a global and comparative approach. According to surveys, more than thirty-five percent of young people regularly face online risks, such as harassment, being sidelined, sharing non-consensual content, and others.¹⁰

A big portion of the respondents indicate that they suffer emotional distress, withdrawing socially and developing psychological injury due to such interactions. The findings notwithstanding, there is an apparent gap when it comes to India-specific, large-scale empirical research stocked in cyberbullying solely. Available data is often summarized in general categories of cybercrime and does not effectively reflect the actual parameters and factors behind cyberbullying.

⁹ Nat'l Crime Records Bureau, Ministry of Home Affairs, Gov't of India, *Crime in India 2023*, ch. 17, at 340–42 (2024).

¹⁰ UNICEF, *Children in a Digital World* (2017)

C. International Scholarship

The more mature and cross-established understanding of cyberbullying found in international scholarships locates it within the broader realm of discussion of digital harm and platform governance.¹¹ The empirical research on cyberbullying in jurisdictions shows that it is a universal phenomenon that does not depend on geographical, cultural, and socio-economic borders. Another critical input of international research is focus on structural and technological aspects of cyberbullying. Academics explain that the structure of the platform, such as anonymity, algorithmic virality, and easy distribution of content, contributes to a conclusion with a decisive contribution to abusive behavior.

The move gives a change of centrality in analysis towards collective responsibility as opposed to individual responsibility especially on digital intermediaries. Furthermore, international literature supports a preventive and regulation approach, which goes beyond the traditional, criminal-law solutions. This includes the establishment of the duty-of-care duties on platforms, setting up of child-safety norms, and incorporation of educational interventions. Also, much research emphasizes the introduction of restorative and rehabilitative systems, particularly among the minors.

D. Research Gap

The growing literature base notwithstanding, there remain some critical gaps. To begin with, it still has a strong lack of structuralised constitutional analysis, in particular, on the Indian scene where the conflict between the freedom of expression, and the right not to be harmed is under-theorized. Current literature rarely addresses the implications of fundamental rights jurisprudence, particularly the rights to dignity, privacy, and mental well-being. Second, the focus on the creation of child-specific legal frameworks, acknowledging the precarious position of minors in the digital realm is limited to the extent that the minors are viewed as vulnerable. Governmental decisions on legal issues,

¹¹ Danielle Keats Citron, *Hate Crimes in Cyberspace* 150–55 (2014).

concerning cyberbullying, tend to be majorly based on general provisions of cyber-crime, and these offer inapplicability in this context due to the unique nature of bullying. Third, there is a lack of research on the application of restorative-justice principles despite their applicability in the current case of juvenile offending. The dominant discourse is punitive and does not reflect on possible rehabilitative and reconciliatory methods.

Lastly, there is the lack of interdisciplinary integration especially between legal, psychological, and technological viewpoints. To properly work on cyberbullying, it is necessary to have a comprehensive approach to it that combines these areas, which the existing literature still fails to provide.¹²

E. Idea And Essence of Cyberbullying

Cyberbullying can be understood as a premeditated and repetitive form of harm carried out through electronic means, including mobile telephone systems, computers, and other digital tools.¹³ This form of conduct includes the exploitative use of technology to intimidate, embarrass, or otherwise bother a certain person, thus, as the contemporary side of the greater phenomenon of the interpersonal aggression.

There is a unique combination of features of the phenomenon of cyberbullying that makes it significantly different compared to the traditional form of bullying involving face-to-face interaction. Its nature exacerbates the intensity of the experience and the psychological consequences, particularly among the adolescent groups.¹⁴

The online environment does not simply support such behavior; it even amplifies its results, a vicious cycle of evil that is difficult to overcome.

¹² Raphael Cohen-Almagor, *Interdisciplinary Approaches to Cyberbullying*, 29 *Info. & Comm'n Tech. L.* 45 (2020).

¹³ Sameer Hinduja & Justin W. Patchin, *Bullying Beyond the Schoolyard: Preventing and Responding to Cyberbullying* 44 (3d ed. 2020).

¹⁴ Singh et al., *Mental Health Correlates of Cyberbullying Victimization in Indian Youth*, 28 *J. Child & Adolescent Behav.* 207, 207–09 (2023).

V. THEORETICAL FRAMEWORK: A RIGHTS-BASED AND REGULATORY RESPONSE TO CYBERBULLYING

- 1. Child Rights Perspective:** Cyberbullying constitutes a direct violation of the fundamental rights of children, including dignity, security, and psychological well-being in the modern digital environment.¹⁵ The positive obligation to protect the minors in the virtual arena as the right-based paradigm puts the State under an obligation to establish preventive and protective action aimed at ensuring the protection of these fundamental rights.
- 2. Constitutional Safeguards for Minors Under the Indian Constitution:** The Indian Constitution keeps minors out of the harmful consequences of cyberbullying although indirectly so. Article 14¹⁶ secures equality and Article 19(1) (a) declares freedom of expression subject to reasonable boundary and Article 21 secures life, dignity and mental wellbeing. These constitutional provisions demand a subtle balance between freedom of speech and the need to prevent harm to vulnerable groups of people.
- 3. Legal Responsibility of Platforms and Digital Governance:** The digital governance theories that are currently in existence highlight the centrality of the role of intermediaries in nurturing the online ecosystems. They promote mediated content in action, strong accountability and participatory model that involves the governmental agencies, technological structures, and civil society elements.¹⁷
- 4. Restorative Justice Approach:** Restorative justice assumes that the remedy should be rehabilitation responsibility and reconciliation as opposed to punishment. This type of methodology is especially relevant when it comes to juvenile offenders since it aims at behaviour change, restoring the victimised party and reintegrating the affected individual into the wider society.¹⁸

VI. CORE ELEMENTS OF CYBERBULLYING

1. **Anonymity:** The veil of anonymity that the perpetrators are able to use is one of the most acute indicators of cyberbullying. The Internet offers ways of hiding true identity of the users- an artificial profile, handles that are pseudonymous or encrypted channels of communication. This masking ability reduces the perceived risk of responsibility and emboldens people to perform demeaning, threatening, or humiliating behavior otherwise they would avoid doing so in a face-to-face communication. In the case of teenage victims, the failure to locate their attacker is likely to escalate the emotions of fear, anxiety and helplessness at the same time exasperating investigative processes and legal enforcement systems.
2. **Permanence:** Unlike the temporality of conventional bullying, the messages relevant to cyberbullying can assume a lasting status in digital constellation. Once they are spread, dangerous messages, pictures, or videos can be copied, sent, or stored permanently, continuously, and occasionally even following purges of the source. Such permanence results in repetitive victimisation, the material can resurface at any other encounter to cause long-term emotional distress, reputational harm, and long-term psychological trauma in teenage victims.
3. **General Advertisement and Quick Reach:** The scale of cyberbullying is also distinctly specified by the possibility of occupying an uncontrollably large audience in a few seconds. The social media ecosystems, messaging services, and online forums help in circulating abusive material rapidly among peers, strangers and world at large. It increases humiliation and social isolation because the disseminated nature is that of a broadcast since the plight of the victim is no longer a secret but is open to commentary and is often supported by the

¹⁵ Convention on the Rights of the Child art. 19, Nov. 20, 1989, 1577 U.N.T.S. 3.

¹⁶ INDIA CONST. art. 14; *Navtej Singh Johar v. Union of India*, (2018) 10 S.C.C. 1, ¶ 39 (India).

¹⁷ Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, G.S.R. 139(E), Gazette of India, Extraordinary, pt. II, sec. 3(i), r. 4 (Feb. 25, 2021).

¹⁸ Juvenile Justice (Care and Protection of Children) Act, No. 2 of 2016, §§ 3(i), (v), Acts of Parliament, 2016 (India).

onlookers. This group activity significantly highlights the damage that teenagers suffer.

4. **24-hour Availability and lack of safety:** Whereas traditional bullying is usually confined in certain settings such as schools, playgrounds, or other social spaces, cyberbullying intrudes the personal lives of the victims through smartphones, laptops, and other computers. Teenagers are not spared from being harassed at any time of the day or night and have no time to rest or seek sanctuary. Chronic stress, sleep disorder, anxiety and depression and in severe cases, self-harm or suicidal thoughts are attributable to persistent exposure.
5. **Technology as a Power Imbalance:** The asymmetry of power that is inherent in cyberbullying is not based on physical supremacy but, instead, on technological skill-level, digital literacy and social control. Attackers are able to distort the images, propagate fake news, or use virtual alliances to launch attacks on a target. Young people with lower digital literacy or without a strong social network are especially prone to such exploitation thus affirming the unfair power dynamics that form the basis of cyberbullying.
6. **Problems in Redressal and Detection:** Online interactions are impermanent and anonymous; this makes it difficult to detect, record, and even remediate cases of cyberbullying. Aggression can be reported reluctantly by the victims as they fear that it will escalate leading to parental intervention and social sanctions. In addition, reporting delays can lead to the destruction of digital evidence, which can make legal action even more difficult. To deal with these issues, it will be necessary to use a complex method that will include the implementation of technological protection, educational programs, and changes in the law to assist the victims in an efficient manner.

VII. EMPIRICAL DATA AND STATISTICAL ILLUSTRATION (BASED ON SECONDARY DATA)

Even though the current research is mainly based on the doctrinal approach, it also uses secondary empirical evidence to depict the trends and frequency of cyberbullying among teens. The application of statistical representation produces a better picture of the scale and nature of online harassment and helps to assess the adequacy of the current legal framework.¹⁹

The figure below gives a graphical display of cyberbullying patterns relying on credible global research, especially reports issued by UNICEF (2017), and the Pew Research center (2022)²⁰. The studies provide broad information on adolescent behaviour on the Internet in various jurisdictions. According to the Pew Research Center (2022), a majority of U.S. teenagers have experienced cyberbullying in some form, indicating that more than half of adolescents have encountered online harassment. This finding underscores the widespread nature of cyberbullying, although it must be noted that the data is specific to the United States and may not directly reflect the Indian context.²¹ Moreover, approximately one-fifth of teenagers state they are victims of repeated cases of cyberbullying, which implies that this behaviour is not an accidental one but a recurring one.

Moreover, approximately 10% of teenagers have also admitted to being perpetrators of cyberbullying acts themselves, indicating the nature of a two-sided nature of individuals in online space as victims and bullies. A considerable percentage of 40 or so had been the witness to cyberbullying incidences proving that the effect of such behavior is not only on immediate victims alone, but on people and spectators as well. These conclusions help to emphasize that cyberbullying is not a phenomenon alone, but a social issue that is

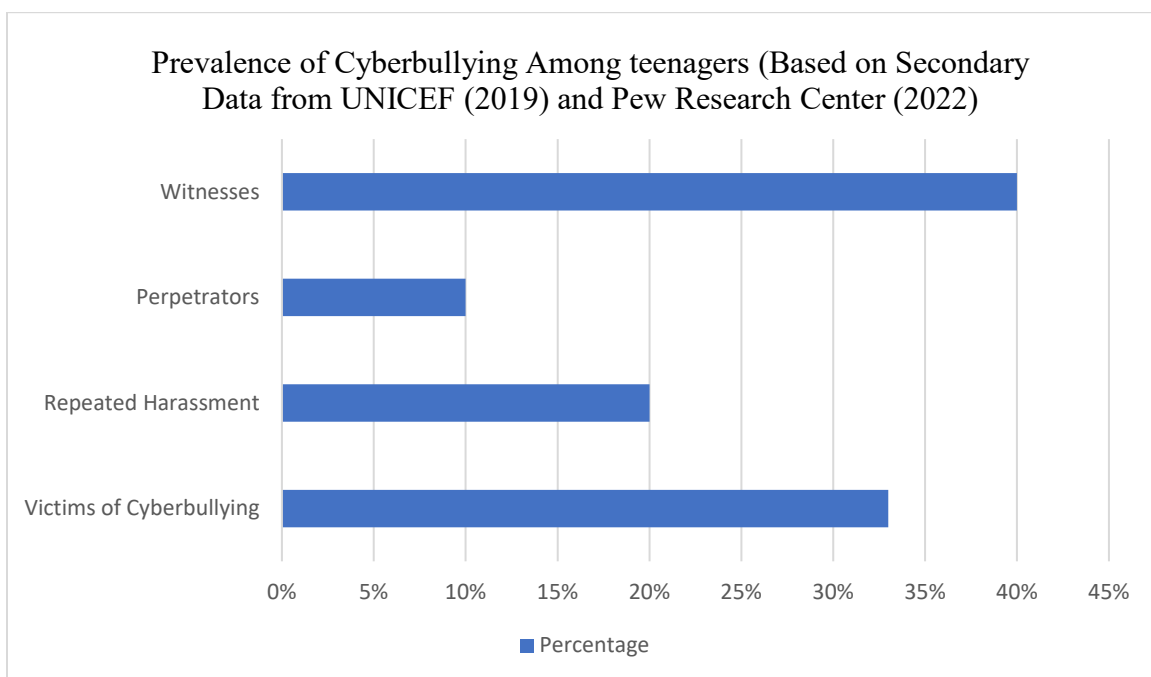
¹⁹ Zhu et al., *Cyberbullying Among teenagers and Children: A Comprehensive Review of the Global Situation, Risk Factors, and Preventive Measures*, *Frontiers in Pub. Health* (Mar. 11, 2021).

²⁰ UNICEF, *Children in a Digital World* 21 (2017).

²¹ Pew Rsch. Ctr., *A Majority of U.S. Teens Have Experienced Cyberbullying* (2022).

disseminated in the digital interaction space. Even the large proportion of witnesses is another sign of the possibility to normalise such behaviour unless there is sufficient intervention of the legal and social nature.

Legally, the frequency as depicted in the statistics casts critical issues on the effectiveness of the current cyber laws, the necessity of preventive regulatory policies, and the significance of awareness and reporting frameworks. It also emphasizes the need to have a multi-stakeholder strategy, that is, parents, educational establishments, online providers, and legal bodies must fight cyberbullying.²²



VIII. CYBERBULLYING BEHAVIOUR PATTERNS

Cyberbullying can be displayed in various shapes, and each of them exploits all digital devices to terrorize, threaten, or embarrass victims. They tend to be interrelated and intersecting and, therefore, increase the psychological and social damage inflicted on teenagers. The legal identification, attribution and enforcement is also complicated by the multiplicity of methods.

²² Nat'l Comm'n for Protection of Child Rights, *Guidelines on Cyberbullying in Schools* 12 (2022)

1. **Online Harassment:** Online harassment is the repetitive broadcasting of abusive, threatening, or degrading messages over electronic media like social networks, messaging software, E-mail services, and Internet discussion forums. Contrary to the case of offensive speech, which is sporadic, the offense is regular and purposeful, in most cases causing psychological distress, anxiety, and low self-esteem.
2. **Cyberstalking:** Cyberstalking is a methodology-based mode of monitoring and repeated harassment of online activities of an individual, most of the time by following digital footprints, social network interactions, or location-related data. This type of abuse leaves a feeling of being spied on and insecure and anonymity seriously affected the sense of security and self-sufficiency of the victim.
3. **Impersonation:** Impersonation involves the establishment or application of deceitful computer identities or hijacked accounts to assume the role of another individual. These identities can be used by perpetrators to spread defamatory material or develop harmful communication, thus resulting in reputational harm and emotional distress, especially in situations where teenagers are concerned, where the social identity is highly associated with the presence on-line.
4. **Outing and Doxxing:** Outing can be defined as the unnecessary leakage of non-public or confidential data such as personal messages/images, or secrets. Doxxing is a more extreme type, where personal identifiable information like addresses or contact information are published. These activities put the victims in a situation of facing humiliation by people, being rejected by society, and being at risk, which is a severe violation of privacy.
5. **Trolling and Flaming:** Trolling and flaming are intentionally provocative, offensive, or inflammatory terms designed to cause emotional responses and/or disrupt online communication. Although trivially entertaining at times, prolonged participation in such an activity can result in organised harassment and cause considerable psychological damage.

6. **The Non-Consensual Sharing of Pictures:** Cyberbullying is one of the most serious types where data are disseminated with intimacy, fiddling, or explicit content without the consent of an individual. The behavior towards minors, in their case, is heavily criminalized in cyber and child protection legislation and has a long-term reputational and emotionally harmful effect.

IX. PSYCHOLOGICAL, AND EDUCATIONAL IMPLICATIONS

1. **Psychological Impact:** Cyberbullying has significant psychological implications, and there is a development of anxiety, the symptomatology of depression, emotional instability, and low self-esteem. Recurrent exposure relates to sleeping difficulties, panic disorders and self-harm thought. Perpetrators are also stealth and this enhances the helplessness and psychological misery of the victim.
2. **Social Impact:** The victims often feel some social withdrawal, seclusion, and loss of trust towards peers and authority. The long-term reputational damage, as well as social stigma, is caused by the persistent character of digital content and proves to be degraded by healthy interpersonal relations.
3. **Educational Impact:** The negative consequences go further to the academic level where concentration is inhibited, absenteeism and lack of interest in the learning process. In more disastrous cases victims can become so attached that attending school or even leaving school may become an avoidance behavior hence interfering with future educational and work opportunities.

X. CYBERBULLYING IN INDIA: A CRITICAL ANALYSIS OF THE EXISTING LEGAL FRAMEWORK

Note: The Indian Penal Code, 1860 (IPC) was repealed and replaced by the Bharatiya Nyaya Sanhita (BNS), 2023, which came into force on July 1, 2024. All references in this section to substantive penal provisions reflect the BNS, 2023. Where case law decided prior to July 1, 2024, is discussed, it is noted that those judgments were delivered under the IPC, which has since been superseded by the BNS.

India does not have a specific law on cyberbullying. Instead, the current law system is still divided, functioning as a sort of a combination of the provisions within the Information Technology Act, 2000; the Bharatiya Nyaya Sanhita, 2023 (formerly IPC) and the Protection of Children from Sexual Offences Act, 2012. In India, the main legislation that regulates the behavior in the cyberspace is the Information Technology Act, 2000. It does not specifically define and criminalise cyberbullying but some of its clauses apply towards curbing its different forms. An example of such is Section 66C, which addresses identity theft and relates to instances of impersonation through false profiles or illegal transfer of digital credentials. Section 66D deals with cheating via personal impersonation by computer resources which is regularly applied in cases of harassment or deceit in which fraudulent online identities are utilised.

Section 67 cannot allow publication or distribution of obscene materials in electronic form, and thus this includes abusive or degrading materials on the internet. Additionally, the sexual content and child pornography are touched in the Sections 67A and 67B, respectively, where this specific application is important to the non-consensus sharing of intimate photographs and the abuse of minors.

The Bharatiya Nyaya Sanhita, 2023, which replaced the Indian Penal Code, 1860 with effect from July 1, 2024, carries forward and modernises several provisions relevant to cyberbullying. Section 78 BNS (replacing IPC Section 354D) makes it a criminal offense of stalking and cyberstalking where a person continuously monitors using electronic communications. Section 356(1) BNS consolidates both IPC Sections 499 and 500 by incorporating the definition and punishment of defamation within a single provision, and it applies to scenarios where false and harmful statements are disseminated over the internet affecting an individual's reputation. Section 356(2) and Section 356(3) BNS correspond to IPC Sections 501 and 502 respectively, addressing the printing, engraving, and sale of defamatory matter. This correspondence is supported by the official bare text of the Bharatiya Nyaya Sanhita, 2023 and the BPRD comparative table. Section 351(4) BNS (replacing IPC Section 507) covers criminal intimidation through anonymous

communication, which is especially relevant since cyberbullying often carries anonymity. In addition, Section 79 BNS (replacing IPC Section 509) punishes the intent to offend the modesty of a woman which juridical interpretation by the courts has also understood to refer to the offending or humiliating online behaviour. Cases decided before July 1, 2024, citing these provisions of the IPC retain their precedential value but should be understood as having been decided under the superseded statute.

The Protection of Children from Sexual Offences (POCSO) Act, 2012 is a child-friendly law designed to deal with the offence perpetrated against minors, providing a holistic and child-focused approach to handling these issues. The Act particularly has relevance in case of cyberbullying where the sexual harassment or grooming or sexually explicit content involving the children are a concern. It acknowledges the increased susceptibility of minors in the digital domain and prescribes severe punishments as well as child-sensitive procedures in the investigation and trial.

A. The Digital Personal Data Protection Act, 2023 and Its Relevance to Cyberbullying

An important piece of new legislation that is not critically discussed in the context of the Indian cyberbullying system is the Digital Personal Data Protection Act, 2023 (DPDP Act), which was given Presidential consent in August 2023. The DPDP Act applies directly to the issue of cyberbullying among minors and should be specifically analyzed when studying this phenomenon in modern times.

The DPDP Act has certain stipulations where parental consent regarding the processing of the personal data of children should be verifiable and therefore the children must be individuals below the age of eighteen years. It does forbid the tracking or behavioural monitoring of children and places great responsibilities on data fiduciaries, such as social media platforms, as far as data of minors is concerned. The provisions specifically concern some of the technological vectors by which cyberbullying is committed: the gathering and sharing of personal information without consent, the behavioural profiling

of minors, and the inaction of platform intermediaries to enforce sufficient child-protection measures.

The DPDP Act is therefore a major move to a proactive, platform-accountability-oriented attitude to child protection on the Internet. Its interaction with the IT Act, 2000 and POCSO Act, 2012 provides a layer cake of regulation that, when effectively implemented, can greatly enhance how India reacts to cyberbullying. Other laws that the Act makes India compliant with include the online safety laws of other countries like the United Kingdom Online Safety Act, 2023 which provides platform responsibility towards children, as will be discussed further in the comparative section of this paper.

To sum up, although the provisions of these legislations are all interconnected within the context of tackling various facets of cyberbullying, a lack of a coherent and comprehensive statutory framework creates discrepancies in the sense of interpretation and application. This underscores the reality that a fully detailed cyberbullying law in India is incredibly pressing, a law that presupposes a child-based and preventive strategy towards cyber-bullying.

XI. A CASE CRITIQUE OF THE JUDICIAL RESPONSE TO CYBERBULLYING IN INDIA

However, without a specific statutory framework regulating lifestyle cyberbullying in the Indian Republic, the judiciary has assumed an important role in responding to the new issues of digital malpractice. Through the exegesis of extant legislative dimensions in consonance with instances of constitutional assurance, especially that found in Articles 19 and 21, the courts have developed a jurisprudence of rights that seeks to address a continuum of online harassment incidences.

The decision in *Shreya Singhal v. Union of India*: The Supreme Court has concurred that the Information Technology Act, 2000, Section 66A was considered as invalid due to its vagueness and overbreadth; however, in the process, the constitutional right to free speech and expression was reaffirmed; no further legislation was enacted in case to

adequately crack down on cyber-harassment and cyber-bullying. This has enforced the law-enforcement agencies to depend on differing statutory provisions leading to the inconsistency of the application of the law.

This was followed by Justice K.S. Puttaswamy (Retd.) v. Union of India, (2017) 10 SCC 1. The right to privacy as an inherent guarantee of the right to life and personal liberty as discussed in Article 21 was accepted by the Supreme Court in this landmark ruling. This ruling has much wider omnipresent implications of cyberbullying especially in cases of unauthorised propagation of personal information, surveillance on the internet, and computer intrusion. Nevertheless, despite the fact that the decision sets a solid constitutional framework, the ruling does not include any direct victim-helping mechanisms in cases of cyberbullying, which limits its functional efficiency in the case they are not supported by relevant statutory provisions.

The courts have also shown sensitivity to the psychological and reputational harm caused by cyberbullying, as illustrated in *State of West Bengal v Animesh Boxi*, GR No. 1587/2017 (Judicial Magistrate, 1st Class, 3rd Court, Tamluk, 7 March 2018). In this case, the accused was convicted for hacking into his former partner's account and uploading her intimate images on a pornographic website without consent, marking India's first conviction in a revenge pornography case. The Court recognised the severe emotional trauma and violation of dignity suffered by the victim, thereby affirming image-based abuse as a serious form of cyber misconduct under the existing penal framework. Although the decision indicates a legal trend of progressive approaches, it also helps emphasize the importance of depending on a series of similar rules, as opposed to relying on a single and unifying legal precedent.

Also, in cases concerning the hosting and dissemination of objectionable content, the liability of online intermediaries was brought into focus in *Avnish Bajaj v State (NCT of Delhi)* 2008 SCC Online Del 688 (Delhi High Court). This case, arising from the Baazee.com controversy, examined the liability of an online platform for third-party content and played a significant role in shaping the subsequent amendment to Section 79

of the Information Technology Act, 2000. The case also plays a key role in informing the doctrine of intermediary liability that is essential in combating cyberbullying, which is done on online platforms. However, the vagueness of the area of responsibility of the platform remains to be substantively challenging, especially in case where no clear and comprehensive legislative guidance is provided.

Finally, the judicial practice on India is one that depicts a progressive but reactive development, where the courts have tried to attempt to seal the loopholes in the legislation through a constitutional interpretation and the reasoning application of the laws in the current legislation. Although these rulings have played a significant role in the formation of cyber-jurisprudence, the lack of a centralized and special focus of legal framework has created a state of disunited implementation and legal ambiguity. It is against this reality that there is an alarming crisis of pure need to have a holistic cyberbullying law, which clearly defines the violations, sets about even standards, and ensures a proper resolution of the victims.

XII. CHALLENGES AND LEGAL GAPS

Although the Indian legal system has made certain strides in addressing cyberbullying in courts, the country still has to deal with several institutional and administrative challenges that impede the effectiveness of the process. The absence of a specific law governing cyberbullying remains a key issue; as discussed above, the Information Technology Act, 2000 and the Bharatiya Nyaya Sanhita, 2023 address only fragmented aspects of cyber misconduct. Therefore, a failure to have a specific statutory definition will result in discordant interpretation and enforcement so that victims cannot have easy legal recourse.

The other major hindrance is the prevalent underreporting of the incidents. Victims, especially teenagers, are usually scared of reporting the offence because of the fear of revenge, failure to report because of the stigma and low awareness and lack of confidence in the judicial system. In most cases, family or authorities are avoided since there is fear of privacy and reputational damage thus allowing such behaviour to be left to go on.

Moreover, jurisdictional issues are very daunting in cyberspace. Cyberbullying often occurs with cross-border interplay and anonymous viewpoint and in different jurisdictions and thus presents a challenge in defining the laws to apply, finding culprits, and criminally prosecuting them. This undermines deterrence effect of provisions in place and the lack of specialised training among the law-enforcement officers exacerbates the issue of digital forensics infrastructure and the shortage of the former. Cyber offence investigations are often delayed due to technical constraints, inadequate evidence-gathering expertise, and procedural inefficiencies. This not only compromises the quality of prosecution, but it also deters victims of the law.

Taken together, these issues explain how the system demonstrates a systemic discrepancy between what is outlined in law and its actual implementation, and how this hinders the adoption of the law and its resulting enforcement fully protecting the victim.

XIII. COMPARATIVE PERSPECTIVE

An International legal comparison can also help draw attention to other methods that can guide India through reforms. The adoption of the Online Safety Act, 2023 in the United Kingdom is an important move towards the regulation of harmful online behaviour. The law creates a statutory obligation of care on online platforms, which will act proactively to detect, prevent and delete harmful materials such as cyberbullying. It puts more focus on platform responsibility, risk management, and regulatory controls thus putting some of the burden on third parties.

However, the opposite applies to the United States where cyberbullying is dealt with using a mix of federal laws and state laws. Federal laws, like the cyberstalking laws, work in conjunction with state-specific anti-bullying laws, as well as those policies enforced in schools, especially those policies aimed at minors being bullied. This multi-layered model enables it to have flexibility in context but also endangers inconsistency in legal protection on a jurisdictional basis.

This comparative approach highlights that the intervention to cyberbullying in a legal dimension needs more than criminalisation of the behaviour but institutionalised tools that assure accountability of the platforms, preventive controls and/or remedial approaches that are victim focused.

Notably, the DPDP Act, 2023 marks a significant point of convergence of the regulatory approach of the Indian state and the international standards in this area like the UK's Online Safety Act, 2023, the DPDP Act places positive responsibilities on platform intermediaries concerning the data of children and online safety. This co-ordination places India in an emerging international agreement that platform responsibility, as opposed to strictly criminal penalties, should be the core of any efficient child-protecting system in the digital age. The comparative approach points out that the intervention to cyberbullying at a legal level requires more than criminalisation of the behaviour but institutionalisation of tools that guarantee accountability of platforms, preventive measures and/or remedial strategies that are victim oriented.

XIV. LIMITATIONS OF THE STUDY

Although in the current work the author provides a well-rounded analytical and doctrinal discussion of the issue of cyberbullying and its legal provisions in India, some limitations are to be considered. To start with, the study is largely doctrinal and based on secondary sources in the form of statutes, judicial cases, reports, and scholarly publications. The fact that some few empirical representations have been given to show trends and prevalence does not, however, allow us to achieve ground level realities and lived experiences, because of the absence of primary data collection surveys or interviews with victims, the law-enforcement authorities or any other stakeholder.

Secondly, the flow and changeability of cyberspace imply the inherent limitation. New technological developments, the advent of new online platforms and changing trends of the online behaviours keep redefining the boundaries of cyberbullying. This means that some of the observations and legal interpretations presented in this paper might need to be reviewed after some time to ensure that they are comprehensive.

Thirdly, the work takes the generalised method of study of the adolescent category without making a physical socio-economic, regional, or gender differentiation. Consequently, the differences in how cyberbullying affects different demographic groups might not have been in full range of study.

Also, even though a comparative view has been integrated, related to such jurisdictions as the United Kingdom and the United States, the discussion is restricted in terms and does not cover a greater number of various international systems. Larger comparative research would bring more understanding of worldwide excellence. Finally, the study gives precedence to the legal and institutional context, but never thoroughly addresses psychological, sociological, or technological aspects of cyberbullying. The need to address this urgent problem rooted in interdisciplinary approach might help gain additional insights into this matter.

XV. CONCLUSIONS

Cyberbullying constitutes a significant socio-legal challenge and deep mental health, academic, and social implications is cyberbullying in teenagers. The increased volume and magnitude of such behaviour have been accelerated by the new digital platforms that require a swift and thorough legal intervention. Although the Indian judiciary has been proactive in both broadening constitutional rights and modifying legal acts to respond to cyber realities, the existing law on cyberbullying is still ad hocistic, reductive and illogical to tackle the challenges of cyberbullying.

XVI. SUGGESTIONS AND RECOMMENDATIONS

- 1. Introduction of Targeted Legislation:** Comprehensive legislation addressing cyberbullying is urgently required, particularly one that adopts a child-focused approach, defines specific offences, and prescribes appropriate remedies and penalties.
- 2. Available and Anonymous Reporting Mechanisms:** The establishment of accessible and anonymous reporting systems, including helplines and online

portals, would encourage victims to report incidents without fear of stigma or retaliation.

3. **Enhancing Cybercrime Systems and Infrastructure:** Investment in advanced digital forensic tools, specialised training for law enforcement, and dedicated cybercrime units are necessary to strengthen investigation and prosecution mechanisms.
4. **Greater Platform Accountability:** Social media intermediaries should be subject to stricter regulatory obligations, including proactive content moderation, effective grievance redressal systems, and continuous monitoring of harmful behaviour.
5. **Digital Literacy and Awareness Promotion:** Educational institutions should incorporate cyber safety and digital literacy programmes to promote responsible online behaviour and awareness of legal protections.
6. **Implementation of a Restorative Approach:** Greater emphasis should be placed on restorative justice mechanisms, particularly for juvenile offenders, focusing on behavioural reform, accountability, and victim rehabilitation.

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