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An Analytical Study on the Legal Framework and Judicial Approach to the Cyberbullying

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ABSTRACT

Cyberbullying is characterized as a deliberate and repetitive act conducted via cell phones, computers, social media platforms, and various electronic devices. This phenomenon has significantly impacted many teenagers, occasionally leading to tragic outcomes such as death. Distinct from traditional bullying, which occurs in physical settings like schools and public spaces, cyberbullying encompasses threats, the dissemination of negative messages, and the sharing of false or harmful content targeting individuals. The psychological effects of cyberbullying can cause severe mental distress for victims. In today's digital age, it represents a major challenge faced by adolescents; studies indicate that approximately 80% of individuals have experienced some form of cyberbullying. The study examines the current law (the IT act 2000 India together with the Indian penal code 1860) regarding variety of online harassment and online offences despite the law there are some problems including the anonymity of the perpetrators.

Keywords: Cyber, Cyberbullying, Internet, IT, IPC

I. INTRODUCTION

In the 21st century, mobile phone usage has become ubiquitous among people. The functionality of these devices relies heavily on internet access for communication purposes. The increasing prevalence of the internet and mobile technology facilitates knowledge acquisition and creates job opportunities but also transforms daily lifestyles through social media applications like Facebook, Instagram, WhatsApp, among others. While bullying traditionally occurs within educational institutions or public venues, cyberbullying manifests online across various platforms. It poses threats to individuals for financial gain or other motives and has resulted in numerous fatalities. Although there is no specific legislation addressing cyberbullying directly, it falls under the purview of the Information Technology Act (2000) along with other legal

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frameworks that impose penalties for such acts. This issue emerged in the late 20th century alongside increased internet accessibility and advancements in digital communication tools; its modern iteration is marked by constant online connectivity.

II. EVOLUTION OF CYBERBULLYING

A) Early Stage: 1990 to 2000

During this stage the term cyberbullying was a nascent form it had been taken place through email, chat rooms and discussion forums, internet use was limited back then, and the online communities were relatively small and less interactive than now. cyberbullying commonly involved sending abusive or threatening emails, spreading misleading information via message chain or engaging in adversarial interaction in chat rooms. Cyberbullying remained bot defined as one specific legal recognition and institutional responses.

B) Traditional Stage (2000 to 2010)

The mid-2000s to early 2010 was a time of change, during which many of the major communications media, such as the social networking sites like My space, Facebook etc. began to expand. from establishing a personal bio to posting content and connecting with large groups of people the disrupted communication. This stage was crucial as policymakers, educators and legal authorities increasingly came to realize the situation.

C) Modern Stage of Cyberbullying

From 2010 the current school of modern cyberbullying is the age of social media, which has taken a whole new scale and level of inline harassment on an doff its stress, primarily due to the explosion of mobile phones, high speed internet and social networking tools. At this stage cyberbullying is a continuous problem and as a result the psychological effect extremely harmful to the suffer. it causes anxiety, depression, stress and social withdrawal. now the modern stage is a time for additional sophisticated forms of cyberbullying.

III. LEGAL FRAMEWORK GOVERNING CYBERBULLYING IN INDIA

Cyberbullying involves online harassment and abusive behaviour directed at individuals and has become an escalating concern in India. Although there are no dedicated laws specifically targeting cyberbullying itself, it is governed by existing legislation which deals with the Information technology (2000), the Indian penal code constitutional law principles that ensure certain rights while outlining governmental responsibilities. Constitutional law establishes fundamental guidelines for national governance while safeguarding individual rights.

The impact of cyberbullying on mental health can lead to further detrimental actions against

individuals involved. The role of information technology is crucial in contemporary society since many people encounter fraud online often through deceptive links which underscores the importance of this legal framework designed to offer protection against such activities.

A. The Information Technology Act

The Information Technology Act regulates primary legal statutes related to cybercrimes in India and includes relevant sections applicable to instances of cyberbullying:

SECTION 66A: This section addresses punishable offenses related to sending offensive information via computer devices or any electronic communication form. It stipulates a penalty of up to three years' imprisonment if a social media message causes “annoyance” or is deemed “grossly offensive.” Sending emails with intentions to annoy or mislead recipients falls under this provision.

SECTION 67: Focused on obscenity within digital contexts, Section 67 criminalizes sending or publishing material considered lascivious or appealing to prurient interests through digital means. Punishments vary based on convictions; first-time offenders may face up to three years' imprisonment plus fines up to five lakh rupees; repeat offenders may incur heavier penalties including longer prison terms and higher fines.

SECTION 69: This section empowers central and state governments or designated authorities to monitor or intercept any information transmitted via computer resources.

B. Indian Penal Code

Originally established during British rule in 1860, the Indian Penal Code was updated in 2023 with the introduction of the Bharatiya Nyaya Sanhita (BNS). Initially containing 511 sections across 23 chapters addressing various offenses like murder and rape. It is sweeping body of law governing offences including but exclusive to crimes against the human body, property and public order. in the domain of cyberbullying the IPC is a further statute that has been a direct extension of information technology act 2000 and helps cover actions or acts with an application that might not be explicitly provided in the cyber legislation. so the IPC is still serving as a legal remedy for some cases but is not enough in contemporary cybercrimes.

SECTION 345D: Stalking defines stalking as a punishable offense categorized as non-bailable; thus police can arrest without a warrant for unwanted behaviour that instills fear or trauma due to repeated following or calling.

SECTION 503: Criminal Intimidation covers threats posed through various means including physical harm threats against persons or their reputations prescribing punishment that may

include imprisonment up to two years along with potential fines.

IV. CHALLENGES OF CYBERBULLYING

Cyberbullying problems come with challenges for the problems despite increased focus on cyberbullying as an emerging area of law and the response to it legally and professionally that needs to be dealt with the effective prevention, regulation and management of a problem. One of the major obstacles to address against the combat against cyberbullying is the anonymity offered through digital platform. offenders may forge fake identities or have pseudonyms, so it make it difficult for anyone trying to track them down and decipher them. Unlike the bullying in general that can take place, cyberbullying can reach millions and spread quickly. in fact this is the kind of vile content that gets repeated and repackaged and that simply compounds the humiliated and hurtful experience of the victims. Cyberbullying does not cease for any duration or point in time. the victims fear and helplessness can hauntingly haunt them at any time no matter how well protected they are in their homes.

V. JUDICIAL APPROACH AND CASE LAW ANALYSIS ON CYBERBULLYING

The judiciary has recognized that cyberbullying is not merely a technological issue but a serious violation of the article 21 (right to life and personal liberty). critical aspect is the judiciary effort to maintain a balance between freedom of expression and protection from abuse. the courts have also adopted victim-centric approach particularly in case involving women and minors, judicial decisions recognize the severe psychological impact of cyberbullying. including anxiety, depression and social isolation. courts often operate reactively addressing issues on case-by-case basis rather than through a uniform legal framework.

Case Law

1. Vishaka & Ors v State of Rajasthan

Bhanwari devi, a woman belonging to Bhatner Rajasthan started working under the women's development project run by the government of Rajasthan in the year 1985. In this it was held that Bhanwari devi an women against the child marriage and one day as usual in a village where an infant girl's marriage took place. Banwari Devi stepped and stopped the marriage along with the deputy superintendent of police and sub divisional officer due to this activity she was raped by the person who were belonging to the wealthy persons in the village. when she had given complaint in the police station the police officer refuse to take her complaint and harassed her her. She had file a case in the trail court but the discharged her case due to lack of sufficient evidence,

The case further highlighted the violation of several constitutional rights

- Article 14 (equality before the law)
- Article 19(freedom to practise any profession)
- Article 21(right to life and personal liberty)

2. Shreya Singal vs Union of India (2015)

In this case it was held that two young woman were arrested due to posting for comments on Facebook criticizing the of Power cut in Mumbai due to the death of the politician Bal Thackeray. this case dealt with the constitutional provisions under article 19(1)(a) and section 66A of the Information Technology Act (2000). Section 66A means that sending of offensive message through online communication.

3. Suhas Katti v Union of India

The case began in 2004 when a woman reported online harassment and defamation. the defendant Suhas Katti posted obscene, defamatory, harassing message regarding the victim on a yahoo message group. he also pretended to be the woman victimizing her through opening a fake email account in her name and sending messages seeking sexual favours. this prosecution relied upon the Information Technology act 2000 with provisions in section 67 (publishing obscene content in electronic form) and applicable section 509 of the Indian Penal Code (forgery for purpose of harming reputation)

4. M/S Facebook India Online Service Pvt. Ltd Vs Union Of India

The petitioner raised alarm over social media abuse for harmful content such as fake news, hate speech, and content that threatens public order and national security. this case deals with the Information Technology act 2000. they claimed that they couldn't trace those same message to the source technically because of the end-to-end encryption.

VI. CONCLUSION

The internet and social media have revolutionised the way people talk each other, look for information and interact with one another all at breakneck speed and for better. cyberbullying is conduct that involves intimidation, harassment, threat or demeaning to use electronic communication as a weapon. while this digital shift has also offered many benefits it has been characterised by the emergence of digital forms of online abuse and harassment and cyberbullying, a major issue in the Indian context. This situation is very widespread for India where legal situation is not yet structured enough to see all cyberbullies abuse online.

cyberbullying is described as harassment performed electronically on social media, messaging apps, email and gaming platforms. Cyberbullying differs from the standard bullying as it can occur almost anywhere within the world and cause psychological upset and psychological distress to the victims such as schools and offices.
