

COMBATING SEXUAL HARASSMENT AND BULLYING IN THE CYBER LANDSCAPE

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ABSTRACT

In the contemporary digital age, the internet has become a fundamental component of our everyday existence, providing unparalleled avenues for communication, education, and social engagement. Digital sexual harassment and bullying involve harmful behaviours conducted through online platforms, leading to significant psychological and emotional distress for victims. Digital sexual harassment and bullying manifest in various forms like cyberstalking, deepfakes, impersonation etc. India has established several legal provisions to combat online harassment. While legal frameworks provide the necessary legal basis for action, technological solutions offer practical tools for detection, reporting, and support, enhancing the effectiveness of efforts to combat digital sexual harassment and bullying in India.

Key Words: Combating sexual harassment and bullying, Cyberstalking, Deepfakes, the Information Technology Act, 2000

Introduction:

In the contemporary digital age, the internet has become a fundamental component of our everyday existence, providing unparalleled avenues for communication, education, and social engagement. Nevertheless, this expansive digital environment has also introduced significant challenges, particularly the rise of cyber harassment and bullying. Unlike conventional forms of harassment, digital harassment can occur at any time and from any location, rapidly reaching a wide audience. These harmful behaviours not only diminish the positive potential of online platforms but also cause psychological and emotional distress to individuals.

Cyber harassment includes a variety of aggressive actions, such as online stalking,¹⁶⁴ cyberbullying,¹⁶⁵ the non-consensual distribution of intimate images, and threats of violence. Such behaviours can result in serious repercussions, including fear, anxiety, and depression among victims.

Forms of Digital Sexual Harassment and Bullying

Digital sexual harassment and bullying involve harmful behaviours conducted through online platforms, leading to significant psychological and emotional distress for victims. Digital sexual

¹⁶⁴ <https://www.techtarget.com/searchsecurity/definition/cyberstalking>

¹⁶⁵ <https://www.unicef.org/end-violence/how-to-stop-cyberbullying>

harassment and bullying manifest in various forms, including:

Non-Consensual Sharing of Intimate Images and Videos: Sending or sharing sexually suggestive messages or images without consent, often with the intent to humiliate or blackmail the victim.¹⁶⁶

Exploitation, Coercion, and Threats: Pressuring individuals into sexual activities online or threatening them with sexual

Cyberstalking: Repeatedly harassing or intimidating someone online, often involving unwanted messages, tracking their online activity, or threatening them.

Doxing: Publicly revealing someone's personal information online without their consent, often with malicious intent.

Deepfakes: Creating and sharing manipulated media that falsely depicts individuals in explicit situations.¹⁶⁷

Impersonation: Creating fake profiles to impersonate and harass individuals, often using their personal information.¹⁶⁸

Unwanted Sexual Attention: Sending unsolicited sexual messages or images, making recipients uncomfortable.

Harassment via Social Media: Using social platforms to publicly humiliate, threaten, or enlist others to harass individuals.¹⁶⁹

Device Access and Control: Gaining unauthorized access to someone's devices to monitor

Location Tracking: Using technology to monitor someone's real-time location without their knowledge or consent.

These actions can have a profound impact on victims, causing emotional distress, anxiety, depression, and even post-traumatic stress disorder. In some cases, victims may experience

physical symptoms like headaches, sleep disturbances, and changes in appetite. The pervasive nature of digital harassment can make it particularly difficult for victims to cope, as the harassment can follow them everywhere they go online.

Legal Frameworks

In India, addressing digital sexual harassment and bullying involves a combination of legal measures and technological solutions aimed at protecting individuals and promoting a safer online environment.

Legal Frameworks: India has established several legal provisions to combat online harassment:

Indian Penal Code (IPC): Sections 354A and 354D address sexual harassment and stalking, respectively, including online forms.

Information Technology Act, 2000: Section 66E penalizes the violation of privacy, such as the non-consensual sharing of intimate images.

Criminal Law (Amendment) Act, 2013: Introduced provisions for voyeurism and stalking, applicable to digital platforms.

Case laws

Suhas Katti v. State of Tamil Nadu (2004)¹⁷⁰ This case marked the first conviction in India under Section 67 of the Information Technology Act, 2000, which penalizes the publication or transmission of obscene material in electronic form. The accused was found guilty of sending obscene, defamatory, and annoying messages to a woman in a Yahoo message group, leading to his conviction.¹⁷¹

A notable case is *Rini Johar v. State of Madhya Pradesh* (2019), where the court recognized cyberbullying within the context of workplace harassment. The court acknowledged the psychological impact of cyberbullying on the victim and emphasized the need for legal remedies to address such offenses.

¹⁶⁶ <https://www.sociolegalreview.com/post/non-consensual-sharing-of-intimate-images-online-solutions-in-criminal-media-technology-laws>

¹⁶⁷ <https://www.techtarget.com/whatis/definition/deepfake>

¹⁶⁸ <https://devgan.in/bns/section/319/>

¹⁶⁹ <https://www.eap-india.com/online-harassment-meaning-types-impact/>

¹⁷⁰ (C No. 4680 of 2004)

¹⁷¹ <https://lawbhoomi.com/state-of-tamil-nadu-vs-suhas-katti/>

Furthermore, the Supreme Court of India, in *Shreya Singhal v. Union of India* (2015),¹⁷² struck down Section 66A of the IT Act, which had provisions related to offensive online content. The court held that the section was unconstitutional due to its vague and overbroad nature, potentially infringing upon the right to freedom of speech and expression. This judgment underscored the necessity for clear and precise laws to effectively combat cybercrimes without infringing on fundamental rights.¹⁷³

These cases highlight the evolving legal landscape in India concerning cyber sexual harassment and bullying, reflecting the judiciary's recognition of the unique challenges posed by cybercrimes and the need for appropriate legal frameworks to address them.

Conclusion:

Combating sexual harassment and bullying in the cyber landscape requires a multifaceted approach that integrates robust legal frameworks, advanced technological solutions, comprehensive educational initiatives, and accessible support systems. In India, the Information Technology Act, 2000, and the Indian Penal Code have provisions to address cybercrimes, including online harassment. Technological advancements, such as deep learning algorithms, can enhance the detection and prevention of cyberbullying.

The fight against sexual harassment and bullying demands a collaborative effort from individuals, organizations, and the broader society. By nurturing a culture of respect, enacting clear policies, and raising awareness through educational programs, we can establish safer spaces for all individuals. Empowering victims to come forward, ensuring accountability for perpetrators, and providing robust support systems are vital components of this endeavour. Only through sustained action and vigilance can we cultivate workplaces, schools, and communities that are free from

harassment and bullying, thereby promoting dignity and equality for all.

¹⁷² W.P. (Crl.) 167/2012: 2015 SCC Online SC 248

¹⁷³ <https://www.dhyeyalaw.in/shreya-singhal-v-union-of-india>