

## CRITICAL LEGAL STUDY ON CHALLENGES FACED BY WOMEN THROUGH SOCIAL MEDIA

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### INTRODUCTION:

Social media has revolutionized the way we communicate, share information, and how to connect and socialise with people. It has become an integral part of our daily lives, and it has reduced the distance between people and made communication easier and more effective. It acts as a platform for women to express themselves and connect with the world. Though it acts as a communication medium and paves way for various developmental activities, they often bring several problems, particularly for women who are often subjected to harassment and abuse, which includes threats of physical and sexual violence, offensive comments, cyberstalking, non-consensual sharing of sexually explicit images and videos of women on social media, spreading false information and stereotypes and were subjected to sexual harassment through social media. These problems are of a serious nature and have far-reaching consequences that need proper intervention by the state through effective legislation. According to Statista, Social network user penetration in India from 2015 to 2020 is estimated to be over 50 percent of India's population was accessing social networks. It was estimated that by 2025, this penetration of social networks would be 67 percent of the country's population.

### STATEMENT OF THE PROBLEM:

In India, there are various legislations to address and regulate the abuse against women through social media, to be more specific, the Information Technology Act, 2000 and the recent Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 provide a regulatory framework for social media intermediaries and digital media platforms operating in India. It is the responsibility of social media platforms to protect their users from harassment and abuse, but still, the usage of these platforms is subject to lots of abuse, and many of these platforms have failed to comply with the rules provided. This paper mainly focuses on three aspects: Challenges faced by women in Social media, Laws governing Social Media Platforms in India,

and flaws in the existing laws governing social media platforms.

### CHALLENGES FACED BY WOMEN IN SOCIAL MEDIA<sup>663</sup>:

#### CYBERSTALKING:

It is one of the most common cybercrimes that occurs every day against women. It involves someone silently following someone or tracking someone, either online or offline to gain personal knowledge or personal information about them without their consent. It refers to the act of using technology to bully, harass, or humiliate someone. Women are more likely to be targets of cyberstalking than men. Cyberstalking can take many forms, such as abusive messages, name-calling, spreading rumours, and posting embarrassing photos or videos. The impact of

<sup>663</sup> <https://www.legalserviceindia.com/legal/article-4112-female-abuse-through-social-networking-sites-a-critical-analysis-of-it-act-2000.html>

cyberstalking can be severe, leading to various problems such as depression and anxiety; in extreme cases, it can even lead to suicide.

#### **CYBER PORNOGRAPHY:**

It is an activity that involves creating, publishing, and communicating pornographic materials through means of cyberspace. It includes sexual harassment and states that anyone who intentionally creates pornographic material of a person, especially women, without their will by sending it through WhatsApp, email, or any other social media, comes under the purview of Cyber Pornography, which is punishable under the law.

#### **NON-CONSENSUAL SHARING OF SEXUALLY EXPLICIT IMAGES OR VIDEOS OF WOMEN:**

It involves acts or conduct which are especially pointed to intimate acts of women that are increasingly happening in modern times, which provides capturing of pictures and videos of women and can be communicated as widely as one can reach through porn and social networking sites through the internet as a medium. These are mostly made and distributed without the consent or knowledge of the woman.

#### **MORPHING:**

It involves improvising or editing the real or actual image of a person by a fake or unauthorized use by the way of creating a fake profile and then downloading the victim's photograph from the internet and then editing the same in a manner that might harm the original identity of the victim(s) and posts the same on any social media sites or in any manner which will harm the reputation of the victim. It has now become a very common activity that is done by anyone either to take revenge or just for fun purposes, which endangers the modesty of women in a greater manner.

#### **SEXISM:**

Sexism is still prevalent in social media, where women are often subjected to discriminatory attitudes and beliefs. Women who challenge traditional gender roles or speak out against

sexism are often targeted with sexist comments and abuse. The impact of sexism can be severe, leading to feelings of powerlessness, social exclusion, and even trauma.

#### **GENDER-BASED VIOLENCE:**

Gender-based violence is a serious problem on social media, where women are often targeted with threats of violence and even rape. Women who speak out against gender-based violence are particularly vulnerable to violence themselves. Gender-based violence can have a profound impact on women's mental health and can lead to post-traumatic stress disorder (PTSD), depression, and anxiety.

#### **SENDING OBSCENE/ DEFAMATORY/ ANNOYING MESSAGES:**

It involves acts involving the circulation of private pictures of a woman, posting her photos with contact details on websites or social media platforms with obscene content, which amounts to cybercrime against women. This is violative of her right to privacy guaranteed by the Constitution, as well as amounts to defamation.

#### **TROLLING:**

Trolling is a common problem in social media, where individuals post provocative or offensive messages to provoke a response. Women are often targeted with trolling, where they are subjected to abusive and threatening messages. The impact of trolling can be severe, leading to feelings of anxiety, stress, and even trauma.

#### **LACK OF REPRESENTATION:**

Women are often underrepresented in social media, where men dominate the conversations and the content. This lack of representation can make it difficult for women to have their voices heard and can reinforce gender stereotypes. Women who do not conform to traditional gender roles or who challenge gender norms are often excluded from social media platforms.

**ONLINE THREATENING/ BLACKMAILING/ INTIMIDATION:**

It involves a repetitive behaviour of a person against another with the intention to harm the reputation or demean the same with superior strength or dominant position. The person doing such acts uses an anonymous identity, which provides them the courage to do such acts.

**LAWS GOVERNING ABUSE AGAINST WOMEN IN SOCIAL MEDIA:****THE BHARATIYA NYAYA SANHITA, 2023<sup>664</sup>:**

**Section 294-** includes obscenity The offense of cyberstalking includes the act of sending obscene things to the victim via the internet by using social networking site or any other mode

**Section. 77-** defines voyeurism, which states that any person who intentionally captures, publishes, and communicates a picture of the private parts of a woman without her consent will be liable for punishment.

**Section. 78-** provides punishment for stalking, which further includes cyberstalking. It states that any man who intentionally follows any woman and contacts her or tries to contact her for personal information after several warnings by that woman with a clear intention to stop that person from taking such steps will be accused of this offense. It also includes cybercrime when such actions are done purposefully through the internet, email, or by any other electronic form of communication which includes cracking or hacking any password for the same purpose or someone using the identity of the woman for the same. In many incidents, the devices of victims are hacked in order to obtain private content on any electronic device, which is later used to blackmail them or to keep a check on them. In some cases, mobile phones are hacked to destroy the evidence against the offender. It all includes imprisonment for up to three years and a fine when it is committed for the first time. And it can increase up to five years of imprisonment

and a fine when done on a subsequent basis.

**Section. 351(3)-** defines criminal intimidation by anonymous communication. It states that whenever the stalker tries to threaten the victim by not revealing his true identity will amount to punishment by law

**Section. 79-** Concerning the modesty of women. If any stalker under any circumstances tries to intrude into the privacy of the woman's life through any conduct or gesture or by sending emails or messages via other online modes would be chargeable under this.

**THE INFORMATION TECHNOLOGY (Intermediary Guidelines and Digital Media Ethics Code)**

**Rules, 2021<sup>665</sup>:** The Indian government issued new guidelines for social media platforms in February 2021. These guidelines require social media companies to appoint grievance officers, comply with court orders to remove objectionable content and take down content that threatens national security or public order. The guidelines also require social media platforms to provide information about the originator of messages that are deemed to be fake or causing harm to individuals.

**CASE LAWS:**

**Acid attack survivor Laxmi Agarwal:** In 2013, Laxmi Agarwal, an acid attack survivor, launched a petition on Change.org demanding that Facebook remove pages that glorify acid attacks. Her petition received over 28,000 signatures, and Facebook eventually removed the offending pages.

**JNU sedition case<sup>666</sup>:** In 2016, several women students of Jawaharlal Nehru University (JNU) were charged with sedition after a controversial event on campus. The event was organized to protest the death penalty of Afzal Guru, a Kashmiri separatist who was convicted of attacking the Indian Parliament. The women were subjected to online harassment and threats of violence, and their case highlighted

<sup>664</sup> <https://www.indiacode.nic.in/bitstream/123456789/20062/1/a202345.pdf>

<sup>665</sup> <https://mib.gov.in/sites/default/files/TT%28Intermediary%20Guidelines%20and%20Digital%20Media%20Ethics%20Code%29%20Rules%2C%202021%20English.pdf>

<sup>666</sup> <https://indiankanon.org/doc/77368780/>

the issue of free speech and dissent in India.

**Gurmehar Kaur Case<sup>667</sup>**– In 2017, Gurmehar Kaur, a student at Delhi University, received threats of violence after she posted a message on social media condemning the violence that erupted at a university in Haryana. Kaur's message, which called for peace between India and Pakistan, was criticized by right-wing groups who accused her of being anti-national.

**Priya Ramani vs. MJ Akbar<sup>668</sup>**: In 2018, journalist Priya Ramani accused former Union Minister MJ Akbar of sexual harassment in a tweet. This sparked a #MeToo movement in India, with several women coming forward with their own allegations of sexual harassment and assault. Akbar filed a criminal defamation case against Ramani, but she was eventually acquitted in 2021.

#### FLAWS IN EXISTING LAWS:

##### Lack of Clarity:

The primary flaw in the laws governing social media platforms in India is the lack of clarity. The Information Technology Act of 2000 and the new guidelines issued in 2021 are vague and leave a lot of room for interpretation. For instance, the guidelines require social media platforms to remove "objectionable" content, but do not define what constitutes objectionable content. This lack of clarity can lead to arbitrary decisions by social media platforms and the government.

##### Censorship:

Another flaw in the laws governing social media platforms in India is the potential for censorship. The government has the power to block websites and social media platforms in cases of national security, public order, or morality. However, this power can be misused to censor content that is critical of the government or that the government deems to be objectionable. This can lead to a chilling effect on free speech

and can stifle dissent.

##### Lack of Accountability:

The new guidelines issued in 2021 require social media platforms to appoint grievance officers to address user complaints. However, there is no mechanism in place to hold these officers accountable. There is also no provision for independent oversight of social media platforms to ensure that they are complying with the guidelines. This lack of accountability can lead to abuse by social media platforms and can undermine the effectiveness of the guidelines.

##### Misuse of Laws:

The laws regulating social media platforms in India are sometimes misused to target individuals or groups based on their political or religious beliefs. This has resulted in some cases of harassment and persecution.

##### Privacy Concerns:

The guidelines issued in 2021 require social media platforms to provide information about the originator of messages that are deemed to be fake or causing harm to individuals. However, this requirement raises privacy concerns. It can lead to the identification of individuals who may have sent messages in good faith but were mistaken or misled. It can also lead to a chilling effect on free speech, as individuals may be hesitant to express themselves for fear of being identified.

##### Government Intervention:

The new rules require these platforms to establish a three-tier regulatory framework, which is appointed by the government and an oversight mechanism to enforce compliance with the rules. However, there have been concerns raised by civil society groups and technology experts that these new rules may infringe on freedom of expression, as they give the government significant powers to regulate

<sup>667</sup> <https://www.hindustantimes.com/delhi/du-student-gurmehar-kaur-who-took-on-abvp-approaches-dcw-after-rape-threats/story-3LAiMo6geWWnFriSXClhhK.html>

<sup>668</sup> <https://indiankanoon.org/doc/52182353/>

content and monitor social media platforms. Additionally, the rules do not provide clear definitions of what constitutes "harmful" or "unlawful" content, leaving room for interpretation and potential misuse.

#### **CONCLUSION:**

Social media has become an essential platform for communication and expression, but it has also exposed women to increasing cyber threats such as cyberstalking, trolling, morphing, non-consensual sharing of images, and online harassment, despite the existence of legal protections under the IT Act, 2000, IPC provisions, and IT Rules, 2021. These challenges violate women's fundamental rights to privacy, dignity, equality, and life under Articles 14 and 21 of the Constitution, while also revealing gaps in enforcement, lack of clarity in laws, and weak accountability of social media platforms. Although the legal framework aims to regulate online spaces, issues such as misuse of laws, censorship concerns, and inadequate grievance mechanisms continue to persist. Therefore, a strong, gender-sensitive, and victim-centric approach is required, along with clearer legal definitions, stricter enforcement, and faster redressal mechanisms. Ultimately, ensuring safety in cyberspace while protecting freedom of expression is essential for achieving a just, inclusive, and equitable digital society.

