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JUVENILE CYBERBULLYING IN INDIA: REFORMATIVE JUSTICE VERSUS CRIMINAL LIABILITY

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Abstract

Cyberbullying has emerged as a serious challenge among children and adolescents in India due to the rapid growth of internet access, smartphones, and social media platforms. Juveniles today communicate through digital platforms that often encourage anonymity and impulsive behaviour. While technology has improved educational and social interaction, it has also created opportunities for online harassment, threats, humiliation, and emotional abuse among minors. Cyberbullying affects not only the mental health of victims but also raises legal and ethical concerns regarding the treatment of juvenile offenders. Indian law currently addresses juvenile misconduct through the Juvenile Justice (Care and Protection of Children) Act, 2015, which is based on the principle of rehabilitation and reintegration rather than punishment. However, the increasing seriousness of cyber offences committed by minors has led to debates on whether juveniles involved in cyberbullying should face criminal liability similar to adults. Cyberbullying has emerged as a serious concern among children and adolescents in India due to increasing access to digital technologies such as smartphones and social media platforms.³

While technology has improved communication and learning, it has also created new forms of harassment and emotional abuse among minors.⁴ Juvenile cyberbullying raises important questions regarding whether children in conflict with law should be treated through reformative mechanisms or subjected to criminal liability.⁵ This paper analyses juvenile cyberbullying from legal and psychological perspectives and evaluates the adequacy of the Juvenile Justice (Care and Protection of Children) Act, 2015.⁶

It argues that while accountability is necessary, excessive criminalisation may harm

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³ UNICEF, Child Online Protection in India, 2021.

⁴ National Crime Records Bureau, Crime in India Report 2023.

⁵ Sameer Hinduja and Justin W Patchin, Cyberbullying Research Report, 2022.

⁶ Juvenile Justice (Care and Protection of Children) Act, 2015.

the psychological development of children.⁷A balanced approach combining restorative justice, counselling, and limited legal intervention is recommended.

This paper examines the legal and psychological dimensions of juvenile cyberbullying in India. It analyses the role of the Juvenile Justice Act, the responsibility of schools, the importance of child psychology, and the relevance of restorative justice mechanisms. The paper argues that although accountability is necessary, excessive criminalization of juveniles may negatively affect their future and mental development. A balanced approach combining counselling, restorative justice, parental supervision, school responsibility, and limited criminal intervention is essential for effectively addressing juvenile cyberbullying in India.

Keywords: Cyberbullying, Juvenile Justice, Restorative Justice, Child Psychology, School Liability, Criminal Liability.

I- Introduction

The internet has become an inseparable part of children's lives in modern India. Students use digital platforms for education, entertainment, communication, gaming, and social interaction. Social media applications such as Instagram, WhatsApp, Snapchat, Telegram, and online gaming platforms have become highly popular among teenagers. However, the increased use of technology has also resulted in growing incidents of cyberbullying among juveniles. Cyberbullying refers to the use of digital communication to harass, threaten, embarrass, intimidate, or emotionally harm another person. Unlike traditional bullying, cyberbullying can continue continuously through messages, images, videos, and anonymous online accounts.

The internet has become an important part of children's daily life in India. Most students use smartphones and social media platforms regularly. However, this has also increased cyberbullying cases among minors.⁸Cyberbullying refers to repeated harmful behaviour through digital communication intended to harass or humiliate another person.⁹ Unlike traditional bullying, it can happen anytime and spread quickly.¹⁰

In many cases, both victim and offender are minors, making legal handling complex. The Juvenile Justice Act focuses on rehabilitation rather than punishment.¹¹

⁷The Constitution of India, Article 21.

⁸ Nancy Willard, *Cyberbullying and Cyberthreats*, 2007.

⁹ S. Shariff, *Cyber-Bullying*, 2008.

¹⁰ American Psychological Association, *Cyberbullying Report*, 2020.

¹¹ Information Technology Act, 2000.

In India, cyberbullying among children is a major but under-researched issue. Many victims hesitate to report incidents due to fear, shame, or social pressure. In several cases, both the victim and the offender are minors, creating legal complications regarding punishment and rehabilitation. Juvenile cyberbullying may include abusive messages, circulation of private photographs, online defamation, fake social media profiles, trolling, blackmail, and threats. These actions can have serious psychological consequences including depression, anxiety, low self-esteem, social isolation, and suicidal tendencies.

The increasing frequency of cyberbullying has raised an important question before the Indian legal system: should juvenile offenders be punished through criminal law or reformed through counselling and rehabilitation? The Juvenile Justice (Care and Protection of Children) Act, 2015 primarily focuses on reformatory justice and child welfare.¹² However, public opinion after serious juvenile offences often demands stricter punishment. The debate becomes more complex in cases involving severe online harassment or cyber exploitation. This paper critically examines the conflict between reformatory justice and criminal liability in cases of juvenile cyberbullying in India. It also analyses the role of schools, parents, counsellors, and legal institutions in addressing this growing problem.

II- Meaning and Nature of Cyberbullying

Cyberbullying can be understood as intentional and repeated online behaviour aimed at causing emotional, psychological, or social harm to another individual. It differs from ordinary teasing because of its persistent nature and wide digital reach. A single online post can be shared with thousands of people within minutes, causing long-lasting humiliation to victims. Common forms of cyberbullying include:

1. Sending threatening or abusive messages;
2. Spreading false rumours online;
3. Creating fake social media accounts;
4. Sharing morphed or private photographs;
5. Online stalking and harassment;
6. Excluding individuals from online groups;
7. Public humiliation through comments or videos.

Children are particularly vulnerable because they spend a significant amount of time

¹² The Juvenile Justice (Care and Protection of Children) Act, 2015, *Available at:* <https://www.indiacode.nic.in>-
(Last visited on May 13,2026 at 7:30pm)

online and often lack emotional maturity. Cyberbullying can continue beyond school hours, making it difficult for victims to escape harassment. Unlike physical bullying, digital harassment leaves a permanent online record and reaches a larger audience. Cyberbullying includes abusive messages, fake profiles, online defamation, and sharing private content without consent.¹³ It is repeated, intentional, and harmful in nature. Teenagers are more vulnerable due to emotional immaturity and peer pressure.¹⁴ Victims may suffer anxiety, depression, and emotional distress.¹⁵

In India, cyberbullying is often underreported because parents and schools treat it as ordinary childish behaviour rather than a serious psychological and legal issue. The absence of dedicated legislation specifically dealing with cyberbullying further complicates the situation.

III- Legal Framework Relating to Juvenile Cyberbullying in India

India does not have a separate statute exclusively dealing with cyberbullying. However, several provisions under the Information Technology Act, 2000 and criminal law may apply depending upon the nature of the offence. India has no specific cyberbullying law. However, IT Act 2000 and Bharatiya Nyaya Sanhita 2023 apply.¹⁶ In *Shreya Singhal v. Union of India*, Section 66A was struck down.¹⁷

Juvenile Justice Act governs minors and focuses on rehabilitation.¹⁸ Section 15 allows trial of juveniles aged 16–18 as adults in serious cases.¹⁹ The Information Technology Act, 2000 addresses offences such as identity theft, publication of obscene material, hacking, and violation of privacy.²⁰ Although Section 66A earlier criminalized offensive online communication, it was declared unconstitutional by the Supreme Court in *Shreya Singhal v. Union of India* because it violated freedom of speech.²¹

Other legal provisions applicable to cyberbullying include criminal intimidation, defamation, obscenity, stalking, and harassment under the Bharatiya Nyaya Sanhita, 2023. In cases involving sexual harassment or circulation of intimate images of minors, the Protection of Children from Sexual Offences Act, 2012 may also apply. When the offender is below

¹³Sameer Hinduja and Justin W Patchin, 2022.

¹⁴Erik Erikson, *Identity: Youth and Crisis*, 1968.

¹⁵World Health Organization, *Adolescent Mental Health Report*, 2021.

¹⁶Information Technology Act, 2000.

¹⁷*Shreya Singhal v. Union of India*, (2015) 5 SCC 1.

¹⁸Juvenile Justice Act, 2015, Section 3.

¹⁹Juvenile Justice Act, 2015, Section 15.

²⁰Information Technology Act, 2000.

²¹*Shreya Singhal v. Union of India*, (2015) 5 SCC 1 Available at: <https://www.indiakanoon.org> -(Last visited on May 13, 2026 at 7:35pm)

eighteen years of age, proceedings are governed by the Juvenile Justice (Care and Protection of Children) Act, 2015.²² The Act defines a child in conflict with law as a person below eighteen years who is alleged to have committed an offence. The law adopts a child-friendly approach focusing on care, rehabilitation, and reintegration into society.

The Juvenile Justice Act recognizes the principle that children are mentally and emotionally different from adults. Section 3 of the Act lays down principles such as the best interest of the child, dignity, fresh start, and institutionalization as a last resort. These principles support reformatory justice rather than strict punishment.

However, the 2015 Act also introduced the controversial provision allowing children between sixteen and eighteen years of age to be tried as adults for heinous offences after assessment by the Juvenile Justice Board.²³ Although cyberbullying generally falls within less serious categories, severe cases involving extortion, sexual exploitation, or abetment to suicide may attract stricter legal consequences.

The Juvenile Justice Act therefore attempts to balance child protection with social accountability. Nevertheless, the law still lacks specialized provisions dealing specifically with cyberbullying among school children.

IV- Child Psychology and Juvenile Behaviour

Understanding child psychology is essential while dealing with juvenile cyberbullying. Adolescents are in a stage of emotional and psychological development where impulsive behaviour, peer pressure, and emotional instability are common. Scientific studies indicate that the human brain continues developing during adolescence, especially the areas responsible for judgment and self-control.

Juveniles often engage in online harassment without fully understanding its consequences. Social media creates a sense of anonymity and distance, reducing feelings of guilt or empathy. Children may treat cyberbullying as a joke or a means of gaining popularity among peers. In many cases, cyberbullies themselves are victims of emotional neglect, family problems, or previous bullying experiences. Adolescence is a stage of emotional instability and developing judgment.²⁴ Many juveniles do not fully understand consequences of online behaviour.²⁵ Victims face psychological trauma and stress.²⁶

²² The Juvenile Justice (Care and Protection of Children) Act, 2015, 2(13).

²³Id., 15.

²⁴ Laurence Steinberg, *Adolescence*, 2016.

²⁵ Jean Piaget, *Moral Development Theory*, 1965.

²⁶ American Psychological Association, 2020.

Victims of cyberbullying suffer severe mental health consequences. They may experience depression, anxiety, fear, stress, loneliness, and poor academic performance. Some children develop self-harm tendencies or suicidal thoughts. Since adolescence is a sensitive period of personality development, prolonged online harassment can create long-term psychological trauma.

Child psychologists argue that harsh criminal punishment may worsen juvenile behaviour instead of correcting it. Criminal labeling can isolate children from society and damage their future educational and professional opportunities. Counselling, behavioural therapy, emotional support, and parental guidance are considered more effective methods for correcting juvenile misconduct.

The reformatory philosophy behind the Juvenile Justice Act is therefore closely connected with principles of child psychology. The law assumes that children possess the capacity for change and rehabilitation if proper support systems are provided.

VII- School Liability in Cases of Cyberbullying

Schools play an important role in preventing and responding to cyberbullying among students. Since many incidents originate among classmates or school groups, educational institutions cannot avoid responsibility for student welfare.

Indian schools have a duty to provide a safe educational environment. If school authorities ignore repeated complaints of bullying, fail to supervise online student conduct connected with school activities, or neglect counselling responsibilities, they may indirectly contribute to harm suffered by victims.

Although Indian law does not expressly define school liability for cyberbullying, schools may still face legal and ethical accountability under principles of negligence and duty of care. Educational institutions are expected to implement anti-bullying policies, awareness programs, grievance mechanisms, and counselling facilities. Schools must ensure student safety and prevent bullying.²⁷ Many schools lack proper cyber safety systems and counselling support.²⁸

Unfortunately, many Indian schools still lack trained psychologists and digital safety education programs. Teachers often treat online harassment as personal disputes among students instead of recognizing its serious mental health impact. Victims therefore hesitate to

²⁷ CBSE Guidelines on School Safety, 2020.

²⁸ UNESCO, School Violence Report, 2019.

report incidents because they fear ridicule or inaction.

Schools should introduce:

1. Digital ethics and cyber awareness programs;
2. Student counselling services;
3. Anonymous complaint mechanisms;
4. Parent-teacher cooperation;
5. Strict anti-bullying guidelines;
6. Monitoring of school-related online groups.

Educational institutions must act as preventive and reformatory spaces rather than merely disciplinary authorities. Early intervention by schools can prevent minor online conflicts from developing into serious psychological or criminal cases.

VIII- Reformatory Justice and Restorative Approaches

The juvenile justice system in India is largely based on reformatory principles. Reformatory justice focuses on correcting behaviour rather than imposing harsh punishment. The main objective is to rehabilitate the offender and reintegrate the child into society. Juvenile justice focuses on reform, not punishment.²⁹ Restorative justice helps repair harm through counselling and mediation.³⁰ Restorative justice is closely related to reformatory justice. It emphasizes repairing the harm caused by the offender through dialogue, accountability, and emotional understanding. Instead of treating crime solely as a violation of law, restorative justice considers the impact on victims and society.

In cases of juvenile cyberbullying, restorative justice may involve:

1. Counselling sessions;
2. Apology and reconciliation programs;
3. Family participation;
4. Community service;
5. Digital behaviour education;
6. Victim-offender mediation

These mechanisms help juveniles understand the emotional consequences of their actions. They also allow victims to express their feelings and seek emotional closure. The Juvenile Justice Act supports rehabilitation and reintegration through counselling, education, and mental

²⁹ Juvenile Justice Act, 2015, Preamble.

³⁰ Howard Zehr, Restorative Justice, 2002.

health interventions.³¹ Observation Homes and Special Homes are intended to function as correctional and supportive institutions rather than punitive prisons.

Restorative justice is especially important in cyberbullying cases because many juvenile offenders do not possess criminal intentions in the traditional sense. Their actions often arise from immaturity, peer influence, or emotional frustration. However, restorative justice should not mean absence of accountability. Repeated offenders and severe cases involving sexual exploitation, extortion, or suicidal abetment may require stronger legal consequences. Therefore, restorative justice must function alongside legal supervision and behavioural monitoring.

XI- Criminal Liability and the Demand for Strict Punishment

Despite the reformatory philosophy of juvenile law, many people argue that increasing cyber offences require stricter punishment for juveniles. Public anger often rises after incidents involving serious online harassment, revenge pornography, blackmail, or cyber exploitation. Some argue juveniles should face stricter punishment for serious cyberbullying.³² However, harsh punishment may lead to stigma and long-term harm.³³ Supporters of criminal liability believe that lenient treatment may encourage juvenile offenders to misuse legal protections. The 2012 Delhi gang rape case significantly influenced public debates regarding juvenile crime in India and eventually contributed to changes in the Juvenile Justice Act allowing adult trial for certain heinous offences.

In the context of cyberbullying, severe offences can result in devastating consequences including suicide, social isolation, and long-term trauma. Victims and their families often feel dissatisfied when offenders receive only counselling or warnings.

However, excessive criminalization creates several problems. Subjecting juveniles to harsh criminal procedures may stigmatize them permanently. Exposure to criminal institutions may increase the possibility of future delinquency rather than reducing it. Children who make mistakes due to immaturity should not automatically be treated as hardened criminals. The challenge therefore lies in balancing accountability with rehabilitation. India must develop a graded approach where minor cyberbullying incidents are addressed through counselling and restorative methods, while exceptionally serious offences attract stricter legal intervention.

³¹Id., 53.

³² Law Commission of India, Report No. 262, 2015.

³³ V.D. Mahajan, Jurisprudence, 2020.

X- Need for Legal and Policy Reforms

India urgently requires comprehensive legal and policy reforms relating to juvenile cyberbullying. At present, the absence of a specific legal framework creates uncertainty regarding prevention, reporting, and accountability.

The following reforms may strengthen the existing system:

1. **Specific Anti-Cyberbullying Legislation**

India should introduce clear legal provisions specifically addressing cyberbullying among minors. The law should define cyberbullying, establish reporting procedures, and clarify institutional responsibilities.

2. **Mandatory School Policies**

Schools should be legally required to adopt anti-bullying and digital safety policies. Counselling and grievance redressal mechanisms should become compulsory.

3. **Child Counselling and Psychological Support**

Every district should establish child counselling centers involving psychologists, social workers, and cyber experts to assist both victims and offenders.

4. **Awareness Programs**

Parents, teachers, and students must receive awareness training regarding safe internet behaviour, privacy, and mental health consequences of cyberbullying.

5. **Specialized Juvenile Cyber Cells**

Police departments should create specialized juvenile cyber units trained in child-friendly investigation methods and psychological sensitivity.

6. **Restorative Justice Mechanisms** Juvenile Justice Boards should increasingly adopt restorative justice techniques in suitable cases involving cyberbullying.

XI- Conclusion

Juvenile cyberbullying is an emerging social and legal problem in India that requires urgent attention. The increasing use of digital technology among children has created new forms of harassment that deeply affect mental health and emotional well-being. Since both victims and offenders are often minors, the issue cannot be addressed solely through traditional criminal law. The Juvenile Justice (Care and Protection of Children) Act, 2015 rightly emphasizes rehabilitation, reintegration, and child welfare. Child psychology demonstrates that juveniles often lack emotional maturity and act under peer pressure or impulsive behaviour. Therefore, excessive criminalization may destroy the future of children who are capable of reform.

Cyberbullying among juveniles needs a balanced legal approach. Rehabilitation should remain central, but serious cases require intervention.³⁴ Restorative justice, counselling, and parental involvement are the best solutions.³⁵ At the same time, accountability cannot be ignored. Severe cyberbullying incidents causing serious psychological or social harm require effective legal intervention. Schools, parents, counsellors, and legal authorities must work together to create safer digital environments for children. Restorative justice offers a balanced solution by combining accountability with emotional healing and behavioural correction. India must strengthen its legal framework, educational policies, and counselling systems to effectively address juvenile cyberbullying while preserving the reformatory spirit of juvenile justice.

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³⁴ UNODC, *Restorative Justice Handbook*, 2020.

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