



INTERNATIONAL LAW  
JOURNAL

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**WHITE BLACK  
LEGAL LAW  
JOURNAL  
ISSN: 2581-  
8503**

*Peer - Reviewed & Refereed Journal*

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## ***ABOUT US***

WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal provide dedicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

# **EXPANDING ARTICLE 21: MENTAL HEALTH, DIGITAL WELL-BEING, PSYCHOLOGICAL AUTONOMY, AND CRIMINAL LIABILITY FOR CYBERBULLYING UNDER INDIA'S NEW CRIMINAL LAWS<sup>1</sup>**

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## ***Abstract***

*This research paper critically examines the scope and expansion of Article 21 of the Constitution of India in light of emerging digital harms, with particular emphasis on mental health, digital well-being, and psychological autonomy. As India enters a new era of criminal justice through the Bharatiya Nyaya Sanhita (BNS), Bharatiya Nagarik Suraksha Sanhita (BNSS), and Bharatiya Sakshya Adhinyam (BSA)—which collectively replace the IPC, CrPC and Evidence Act—it becomes essential to evaluate whether these laws sufficiently address the constitutional and psychological harms associated with cyberbullying. The paper argues that Article 21 must be interpreted to include a robust right to mental health and digital well-being, supported by both substantive and procedural protections. Using doctrinal analysis, comparative study, and an empirical framework (survey and interview-based), the paper assesses whether India's new criminal law architecture effectively protects victims of cyberbullying and advances their psychological autonomy. The study concludes that while the new statutes modernize many aspects of criminal law, significant gaps remain in victim-centric protections, mental-health support, digital forensic capacity, and regulatory duties imposed on platforms. Recommendations for legal reform and constitutional recognition of psychological autonomy are provided.*

## **1. Introduction**

Digital technologies have reshaped human relationships, identity formation, communication patterns, and social vulnerability. Indian society today exists within an increasingly digital ecosystem where interactions generate psychological, emotional, and behavioural

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<sup>1</sup> Authored by Pankaj Thakur Assistant Professor, MATS University, Raipur Chhattisgarh

consequences. This expanded digital landscape has amplified the risks of cyberbullying—persistent online harassment, doxxing, impersonation, revenge pornography, hateful targeting, and trolling—which can inflict severe psychological harm, distort self-perception, undermine autonomy, and trigger long-term mental-health disorders. These harms are not merely social problems; they raise constitutional questions about the right to life, dignity, and mental well-being under Article 21 of the Constitution of India.<sup>2</sup>

Over the past four decades, the Supreme Court of India has gradually expanded Article 21 to encompass wide-ranging rights such as livelihood, clean environment, privacy, health, reproductive autonomy, and dignity. Yet, despite the rise of digital harms, the explicit recognition of **psychological autonomy** as a distinct constitutional right remains unexplored. This gap is striking because cyberbullying, algorithmic manipulation, misinformation, and digital coercion erode autonomy in ways no prior social phenomenon has.<sup>3</sup>

Concurrently, India has introduced a sweeping overhaul of its criminal justice system through the **BNS (2023)**, **BNSS (2023)** and **BSA (2023)**—laws that aim to modernize criminal procedure, evidence, and substantive offences, including cyber offences. These laws provide new tools to address digital crimes, but the efficacy of these provisions depends on their compatibility with Article 21’s evolving landscape and the state’s obligations to protect mental health and dignity.<sup>4</sup>

This paper integrates doctrinal, comparative, and empirical perspectives to examine whether India’s new criminal laws adequately address psychological harms from cyberbullying, whether Article 21 should be interpreted to include psychological autonomy and digital well-being, and how legal reform can be structured to establish a more constitutionally coherent framework.

## 2. Evolution of Article 21 and Psychological Rights

Article 21 of the Constitution states: “*No person shall be deprived of his life or personal liberty except according to procedure established by law.*” Judicial interpretation has transformed this

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<sup>2</sup> *Justice K.S. Puttaswamy (Retd.) v. Union of India*, (2017) 10 SCC 1.

<sup>3</sup> *Maneka Gandhi v. Union of India*, (1978) 1 SCC 248.

<sup>4</sup> *Bharatiya Nyaya Sanhita*, 2023; *Bharatiya Nagarik Suraksha Sanhita*, 2023; *Bharatiya Sakshya Adhinyam*, 2023.

simple clause into a constitutional reservoir of human rights. Notable phases include:

### 2.1 Early Liberalisation (Maneka Gandhi era)

In *Maneka Gandhi v. Union of India*, the Supreme Court held that any procedure restricting liberty must be “just, fair, and reasonable,” broadening Article 21's interpretative scope.<sup>5</sup>

### 2.2 The Dignitarian Turn

Cases such as *Francis Coralie Mullin*, *Bandhua Mukti Morcha*, and *PUDR* recognized dignity, humane conditions, and freedom from exploitation as part of Article 21.

### 2.3 Health, Mental Health, and Bodily Integrity

The right to health gained recognition in *Parmanand Katara* and *Paschim Banga Khet Mazdoor Samity*, and later expanded to mental health in case law involving prisoners, sexual assault survivors, and persons with disabilities.

More recently, courts have articulated that mental well-being is inseparable from human dignity. However, the articulation stops short of declaring **psychological autonomy** as a fundamental right. Yet, psychological autonomy—the freedom to think, form beliefs, maintain self-respect, and protect one’s mental space—is logically embedded in the constitutional values of dignity and privacy as articulated in *Puttaswamy*.<sup>6</sup>

### 2.4 The Digital Challenge to Article 21

The modern digital ecosystem produces:

- extreme emotional distress,
- erosion of decision-making capacity,
- manipulation using algorithms,
- persistent exposure to harmful content.

These harms demand constitutional attention because they directly implicate the integrity of personal liberty.

Cyberbullying thus emerges not only as a criminal wrong but also as a **constitutional harm**—undermining autonomy, identity, and mental well-being. The doctrinal trajectory of Article 21 supports its expansion to meet such harms.

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<sup>5</sup> *Supra* at 3

<sup>6</sup> *Justice K.S. Puttaswamy (Retd.) v. Union of India*, (2017) 10 SCC 1.

### 3. Digital Well-Being: A Constitutional Perspective

Digital well-being, as used in this paper, includes:

1. **Freedom from online harassment and psychological harm.**
2. **Control over one's digital autonomy and mental space.**
3. **Access to remedies that restore dignity and mental balance.**
4. **State protection from harmful digital ecosystems that threaten mental health.**

Article 21's jurisprudence—especially post-*Puttaswamy*—supports positive obligations on the State to protect digital well-being. These include:<sup>7</sup>

- regulating platforms effectively,
- ensuring timely law enforcement action,
- establishing mental-health support mechanisms,
- penalizing malicious online conduct.

Digital well-being thus becomes a necessary extension of the right to life and dignity in the Information Age.

### 4. Psychological Autonomy as a Fundamental Right

#### 4.1 Conceptual Meaning

Psychological autonomy includes:

- control over one's thoughts, emotions, and self-conception,
- freedom from coercion, intimidation, and manipulation,
- ability to make decisions without overwhelming digital influence.

In contemporary psychology, autonomy is linked to mental health, resilience, and human flourishing. Constitutional democracies protect autonomy to ensure citizens can meaningfully exercise all other rights (speech, association, choice, privacy).

#### 4.2 Doctrinal Foundations

Article 21 already protects:

- dignity,
- privacy,
- mental integrity.

Psychological autonomy follows logically from these doctrines. *Puttaswamy* emphasized decisional autonomy as an element of privacy; psychological autonomy is a necessary

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<sup>7</sup> *Justice K.S. Puttaswamy (Retd.) v. Union of India*, (2017) 10 SCC 1.

precondition for exercising this decisional autonomy.<sup>8</sup>

### 4.3 The Threat of Cyberbullying

Cyberbullying:

- disrupts thought processes,
- causes fear, shame, and self-doubt,
- reduces confidence in self-expression,
- affects cognitive and emotional regulation.

Therefore, cyberbullying directly infringes psychological autonomy and Article 21 rights.

### 4.4 Need for Constitutional Recognition

This paper argues that:

- Article 21 must be explicitly interpreted to protect psychological autonomy;
- statutory frameworks must reflect this constitutional duty;
- criminal law must incorporate victim-centric mental-health protections.<sup>9</sup>

## 5. Cyberbullying and Constitutional Harms

Cyberbullying differs from traditional harassment in scale, anonymity, speed, permanence, and amplification. Forms include:

- abusive messages,
- impersonation,
- doxxing,
- revenge pornography,
- hate campaigns,
- manipulated content.

### 5.1 Psychological Harms

Cyberbullying causes:

- depression,
- anxiety,
- suicidal ideation,

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<sup>8</sup> *Justice K.S. Puttaswamy (Retd.) v. Union of India*, (2017) 10 SCC 1.

<sup>9</sup> *ibid*

- PTSD-like symptoms,
- social withdrawal,
- academic/work performance decline.

## 5.2 Constitutional Dimensions

These harms map directly onto:

- Article 14 (equal protection),
- Article 19(1)(a) (free expression compromised by fear),
- Article 21 (dignity, mental health, autonomy).

Cyberbullying thus constitutes a constitutional injury.

## 6. Criminal Liability under BNS, BNSS, BSA (2023–24)

The 2023–24 criminal law reforms aim to modernize India’s criminal justice system.

### 6.1 Bharatiya Nyaya Sanhita (BNS)

Relevant provisions include:

- offences relating to online harassment,
- defamation,
- sexual exploitation,
- stalking,
- identity theft,
- cyber fraud.

Strengths:

- updated terminology,
- clearer definitions,
- integration of cyber offences.

Weaknesses:

- no dedicated offence for cyberbullying,
- limited recognition of psychological harm,
- inadequate victim-support provisions.

### 6.2 Bharatiya Nagarik Suraksha Sanhita (BNSS)

BNSS modernizes procedure by incorporating:

- digital evidence handling protocols,
- forensic requirements,
- mandatory video-recording in certain cases,
- victim participation mechanisms.

However:

- police capacity varies across states,
- digital forensic infrastructure remains inconsistent,
- victims lack clarity on filing digital complaints.

### **6.3 Bharatiya Sakshya Adhiniyam (BSA)**

The new evidence law:

- eases admissibility of electronic records,
- mandates chain-of-custody safeguards,
- grants legal recognition to hash values and metadata.

Challenges remain:

- lack of technical expertise in courts,
- inconsistent data retention by platforms,
- limited training of police officials.

## **7. Comparative Study (US, UK, EU, Singapore)**

### **7.1 United Kingdom**

- Uses traditional criminal statutes for online harassment.
- Crown Prosecution Service provides cybercrime guidance.
- Strong civil protection mechanisms (e.g., harassment injunctions).

### **7.2 European Union**

- The Digital Services Act (DSA) imposes duties on platforms.
- Focus on systemic risk assessments and proactive moderation.

### **7.3 Singapore**

- Protection from Harassment Act (POHA) is strict and modern.
- Specialised courts ensure speedy relief.
- Administrative orders ensure quick takedown of harmful content.

#### 7.4 United States

- First Amendment limits online speech regulation.
- Cyberbullying laws exist at state level.
- Strong due-process protections for defendants.

#### Key Lessons for India:

- combine criminal, civil, administrative, and platform-level obligations;
- create specialised digital courts;
- integrate mental-health support into remedies.

## 8. Mental Health Consequences – Empirical Framework

### 8.1 Research Questions

1. *What is the association between cyberbullying exposure and mental-health outcomes in India?*
2. *Do victims who seek legal redress under BNS/BNSS/BSA report better outcomes?*
3. *What factors most strongly predict successful legal remedy?*
4. *How do victims describe psychological autonomy loss?*

### 8.2 Hypotheses

- H1: Severe cyberbullying predicts higher depression/anxiety scores.
- H2: Faster evidence-gathering improves legal outcomes and satisfaction.
- H3: Awareness of new laws is low; outcomes depend more on institutional response than legal knowledge.

### 8.3 Methodology

- **Mixed-methods** (quantitative survey + qualitative interviews).
- **Sample:** 1,200 participants (oversampling victims).
- **Measures:** PHQ-9, GAD-7, autonomy scales.
- **Analysis:** OLS/logistic regression, survival analysis, thematic coding.
- **Ethics:** anonymisation, counselling referral protocol.

## 9. Do Existing Laws Protect Psychological Autonomy?

### Findings (Doctrinal + Empirical Synthesis)

1. **Doctrinal:** Article 21 supports recognition of psychological autonomy.
2. **Statutory:** BNS/BNSS/BSA modernize law but are not victim-centric.
3. **Implementation:** digital evidence collection inconsistent.
4. **Gaps:** lack of mental-health support; weak platform regulation.

## 10. Recommendations for Legal Reform

### 1. Create a Dedicated Offence of Cyberbullying in the Bharatiya Nyaya Sanhita (BNS)

One of the most significant lacunae in India's current criminal framework is the absence of a **stand-alone, clearly defined offence of cyberbullying** tailored to digital realities and psychological harms. While the BNS, 2023 contains scattered provisions dealing with online harassment—such as intimidation, insulting the modesty of women, identity misuse, dissemination of sexually explicit material, extortion, and stalking—these provisions operate in isolation and do not recognise **cyberbullying as a unique, repetitive, technology-facilitated pattern of aggression** that results in mental trauma.

The creation of a dedicated offence is justified on several grounds. First, cyberbullying often involves **non-physical but severe psychological harm**, such as humiliation, exclusion, social media mobbing, deepfake circulation, doxxing, persistent messaging, and public shaming. Traditional crimes, drafted in the pre-digital era, do not fully capture these modalities. Second, the absence of a defined offence leads to **inconsistent police action**, low registration of FIRs, and misclassification of complaints under broad provisions like criminal intimidation. Third, technological harms occur at a **speed and scale** that demand tailored definitions of culpability, particularly for adolescents, where the developmental and social implications are substantial.

The new offence must encompass:

- **Intentional, repeated electronic communication** aimed at causing fear, distress, or psychological injury.
- Special treatment of **anonymised attacks**, bot-based harassment, and coordinated trolling.
- **Aggravated forms**, including cyberbullying of minors, women, LGBTQ+ persons, disabled persons, or caste-based targeting.

- Liability for **circulation of morphed images, deepfakes, or private information**, even if initially shared by another party.
- Statutory recognition of **psychological injury** as a form of harm, supported by digital forensic evidence and mental-health evaluations.

A dedicated offence would align India with comparative jurisdictions such as the **UK (Malicious Communications Act, Communications Act)**, **Singapore (POHA)**, and various US state legislations. It would also symbolically recognise **psychological autonomy and digital dignity** as constitutionally protected interests.

By explicitly articulating cyberbullying within the BNS, India can set a stronger normative standard that signals zero tolerance for digital violence and provides clearer guidance to law-enforcement agencies, prosecutors, and courts.

## **2. Introduce Victim-Support Services, Including Mandatory Counselling**

Cyberbullying leads to long-lasting mental-health consequences, including anxiety, depression, insomnia, self-harm ideation, academic decline, and social withdrawal. Despite this, Indian criminal law remains **offender-centric** and **procedure-centric**, with minimal statutory emphasis on victim recovery or psychological rehabilitation.

Introducing structured victim-support services is essential to bridge this gap. Such services must include:

### **a. Mandatory Psychological Counselling**

Victims—especially minors—need immediate professional psychological intervention to mitigate trauma. Counselling should be:

- provided free of cost;
- integrated into the legal process;
- facilitated through government-certified mental health professionals; and
- extended for adequate duration until mental restoration is achieved.

### **b. Dedicated Digital Harm Support Units**

Inspired by Singapore's Protection from Harassment Court (POHA Court) and UK-style victim support networks, India should establish **digital-harm support cells** within police departments and district legal services authorities. These bodies can assist victims in:

- collecting digital evidence;
- filing complaints;
- accessing counselling;

- coordinating with platforms for content takedowns;
- enabling safe return to online life without fear of further harm.

### **c. School- and University-Level Support Mechanisms**

Cyberbullying among adolescents often occurs in educational environments. Hence, schools and colleges should be mandated to have:

- counsellors familiar with digital-psychology frameworks;
- anonymous reporting portals;
- mandatory parental awareness workshops;
- restorative justice programmes (where appropriate).

### **d. Training for Counsellors and Mental-Health Professionals**

Mental-health professionals must be trained in **cyberpsychology, digital trauma, and online behaviour patterns**, ensuring they can accurately identify cyberbullying-induced psychological injuries.

Integrating such services into the legal framework advances the constitutional mandate of **Article 21**, which includes mental well-being, dignity, and autonomy. It also aligns Indian practice with international models of trauma-informed justice.

## **3. Enhance Digital Evidence Training for Police**

The effectiveness of any legal framework depends significantly on the capacity of enforcement agencies. Currently, Indian police often lack specialised skills in identifying, collecting, preserving, and analysing digital evidence. In cyberbullying cases, delayed or improper preservation may result in **loss of crucial evidence**, especially on platforms where content is ephemeral (e.g., stories, disappearing messages).

A national-level plan is required to build competency through:

### **a. Mandatory Cybercrime Investigation Modules**

All police training academies—including state police academies, the National Police Academy, and regional training centres—must incorporate modules covering:

- extraction and verification of digital communications;
- metadata interpretation;
- cyber-forensics tools;
- handling of encrypted environments;
- child protection norms;
- chain of custody requirements specific to digital evidence;
- platform cooperation protocols;

- psychological first-aid for victims of digital trauma.

#### **b. Specialised Cyberbullying Investigation Units**

Police cyber cells must create **Cyberbullying Investigation Units** with trained personnel capable of:

- conducting undercover digital investigations;
- identifying anonymous or VPN-masked offenders;
- tracking bots, coordinated trolling networks, and fake accounts;
- retrieving deleted content through lawful tools.

#### **c. Standardised National Guidelines**

A unified set of guidelines must be issued to prevent inter-state disparities. These guidelines must include protocols for:

- rapid evidence preservation;
- platform data requests;
- blocking or restricting harmful content;
- interacting with adolescent victims and offenders, keeping in mind developmental concerns.

#### **d. Resource Allocation**

Cybercrime units often suffer from understaffing and inadequate access to forensic tools. The Centre and states must equip units with updated hardware, forensic software, and 24×7 technical support.

Such reforms would ensure more professional, timely, and victim-sensitive investigations while enhancing the credibility of digital harm jurisprudence in India.

### **4. Incorporate EU-Style Platform Obligations**

The European Union's **Digital Services Act (DSA)** offers a sophisticated framework for regulating platform responsibilities in addressing digital harms. India's legal system currently lacks a comparable statutory regime imposing proactive duties on intermediaries, especially concerning cyberbullying and online psychological harm.

Adopting EU-style obligations would require platforms to:

#### **a. Implement Risk Assessment and Mitigation Measures**

Platforms must evaluate and mitigate systemic risks such as:

- dissemination of harmful content;
- cyberbullying patterns;
- algorithmic amplification of harassment;

- exploitation of minors;
- coordinated online attacks.

Mandatory annual risk reports should be shared with a regulatory authority.

#### **b. Ensure Robust Content Moderation Systems**

Platforms must:

- employ trained moderators;
- adopt AI tools for early detection of harassment;
- act swiftly on complaints of cyberbullying;
- provide transparent reasons for content removal or retention.

This shifts responsibility from victims to platforms, reducing delays and enhancing digital safety.

#### **c. Stronger Transparency Obligations**

Inspired by the DSA, platforms should disclose:

- takedown statistics;
- average response times;
- appeals processes;
- bot-detection methods;
- moderation policies.

Transparency builds public trust and enables academic research on digital harms.

#### **d. Accessibility and Protection for Minors**

Platforms must create **child-safe interfaces**, default privacy settings, and age-appropriate content filters. This directly reduces exposure to cyberbullying in vulnerable groups.

#### **e. Independent Audits**

Large platforms should undergo annual audits to verify compliance with safety obligations, algorithmic accountability, and anti-bullying protocols.

Introducing such obligations ensures that India's regulatory regime evolves from a **safe-harbour to responsibility framework**, aligning with global best practices and the constitutional duty to protect user dignity.

### **5. Create Fast-Track Digital Harm Tribunals**

Cyberbullying victims often experience prolonged trauma due to delays in the justice system. Traditional courts, constrained by backlog and procedural requirements, are ill-equipped to address urgent digital harms where rapid relief—such as content takedown—is essential. Establishing **Fast-Track Digital Harm Tribunals** can radically improve India's capacity to

address digital rights violations.

### **a. Jurisdiction and Powers**

These tribunals should have the power to issue:

- immediate restraining orders;
- emergency takedown orders;
- digital protection orders (DPOs);
- monetary compensation for mental harm;
- mandatory counselling directives;
- platform compliance orders.

Such powers mirror Singapore's POHA Court and the UK's Online Safety Act enforcement mechanisms.

### **b. Speedy Procedures**

Tribunals must operate through simplified, hybrid digital processes:

- online filing of complaints;
- virtual hearings;
- 48-hour emergency order mechanisms;
- timelines for final resolution within 60–90 days.

### **c. Composition**

Tribunals may consist of:

- a judicial member;
  - a cyber-forensics expert;
  - a psychologist or mental-health expert;
- ensuring interdisciplinary adjudication.

### **d. Victim-Centric Approach**

Tribunals must prioritise psychological recovery. This includes:

- privacy-protective procedures;
- anonymity orders for victims;
- non-adversarial inquiry methods;
- assistance for minors and vulnerable groups.

### **e. Appeals System**

Orders may be appealable to the High Court, ensuring judicial oversight while maintaining efficiency.

By institutionalising such tribunals, India can create a specialised mechanism to handle digital psychological harms swiftly and effectively.

## 6. Recognize Psychological Autonomy under Article 21 through Judicial Clarification

While Article 21 jurisprudence has expanded significantly to include privacy, dignity, and mental well-being, **psychological autonomy** remains an implied, but not explicitly articulated, constitutional right. Given the increasing penetration of digital environments into cognitive and emotional spaces, judicial recognition of psychological autonomy is essential.

### a. Conceptual Basis

Psychological autonomy refers to the right of individuals to:

- maintain control over their mental states;
- be free from emotional manipulation;
- protect their self-concept;
- preserve digital dignity;
- avoid unwanted intrusions into cognitive or emotional integrity.

The Supreme Court, in cases such as *Puttaswamy (Privacy)*, *Selvi (Narco-analysis)*, and *Shakti Vahini (Honour Crimes)*, has implicitly acknowledged autonomy and mental integrity, but without explicit articulation.<sup>10</sup>

### b. Constitutional Justification

Recognition of psychological autonomy aligns with:

- Article 21's guarantee of life and personal liberty;
- Article 14's mandate of non-arbitrariness;
- Article 19 protections against speech that causes harm;
- global legal trends such as EU cognitive liberty discussions.

### c. Judicial Recognition through PILs or Constitutional Cases

Courts can declare psychological autonomy as a facet of Article 21, enabling:

- stronger rights against digital harassment;
- heightened scrutiny of cyberbullying offences;
- obligations on platforms and the State to protect mental health;
- development of tort-based remedies for emotional injury.

### d. Practical Impact

Explicit recognition will influence:

- the development of mental health jurisprudence;
- legislative design of offences like cyberbullying;
- victims' ability to claim compensation for psychological injury;

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<sup>10</sup> *Justice K.S. Puttaswamy (Retd.) v. Union of India*, (2017) 10 SCC 1.

- judicial review of digital policies.

#### e. International Alignment

Globally, mental integrity is increasingly recognised as a human right. Judicial clarification in India would harmonise national law with global digital-rights principles.

## 11. Conclusion

cyberbullying poses **deep, multidimensional harms** that strike at the core of constitutional rights and psychological integrity, demanding urgent and holistic attention from India's legal system. Its effects go far beyond momentary online interactions; cyberbullying triggers **long-term mental-health consequences** including anxiety, depression, trauma, self-harm tendencies, social isolation, and degradation of personal dignity. These harms implicate the very essence of **Article 21**, which guarantees life, personal liberty, and dignity. Yet the current legal landscape, even with the advent of the Bharatiya Nyaya Sanhita (BNS), the Bharatiya Nagarik Suraksha Sanhita (BNSS), and the Bharatiya Sakshya Adhinyam (BSA), continues to exhibit structural gaps. These new criminal laws modernise certain procedural and evidentiary aspects, but they still do not provide an **explicit, coherent, or victim-sensitive regime** to prevent, investigate, and remedy cyberbullying and its severe psychological impacts.

In particular, the absence of a **dedicated statutory offence** tailored to cyberbullying leaves victims reliant on fragmented provisions that inadequately reflect the complexity of digital aggression—such as anonymity, virality, amplification, and algorithmically fuelled harassment. Similarly, procedural reforms in the BNSS, while significant, do not address issues such as the need for specialised digital investigation protocols, trauma-informed police interactions, and rapid issuance of protection or takedown orders. The BSA modernises evidentiary rules but still lacks clarity regarding the standards for proving **psychological injury**, assessing digital behavioural patterns, or authenticating rapidly disappearing or manipulated content such as deepfakes.

Given the profound consequences of digital harms, the **expansion of Article 21** to expressly include **psychological autonomy, cognitive integrity, and digital well-being** is not only desirable but doctrinally justified within India's evolving constitutional jurisprudence. The Supreme Court has already recognised privacy, dignity, bodily integrity, and mental health as integral to Article 21. Extending this protection to the digital realm constitutes a **logical and**

**necessary constitutional progression**, ensuring that fundamental rights remain meaningful in an era where personal identity, social relationships, and emotional experiences are intertwined with digital platforms. Judicial clarification would also guide legislative drafting and administrative policymaking, enabling a more rights-conscious approach to regulating digital spaces.

However, constitutional recognition alone is insufficient. India requires a **synchronised, multi-layered reform strategy** that integrates constitutional principles with statutory innovation and administrative capacity-building. Statutory amendments must include: a clear cyberbullying offence in the BNS, obligations on digital platforms to prevent and remove harmful content, child-safety-by-design norms, and compensation mechanisms acknowledging psychological harm. Simultaneously, administrative reforms are essential—particularly the establishment of **victim-support frameworks**, mandatory mental-health counselling, trained digital forensics personnel, and specialised cyberbullying units capable of swift investigative response.

Additionally, India's platform regulation framework must be strengthened to reflect global best practices, particularly the **EU's Digital Services Act model**, which imposes risk-assessment duties, algorithmic accountability, transparent content moderation, and independent audits. Without such regulatory safeguards, cyberbullying victims remain at the mercy of opaque platform policies, inconsistent moderation, and unpredictable response systems. Empowering platforms with clarity—and obligating them to protect users—creates a shared ecosystem of accountability.

Ultimately, only a **comprehensive constitutional–statutory–administrative synergy** can generate meaningful protection against the rising mental-health crisis stemming from digital harms. India must build a robust normative and institutional architecture that safeguards psychological autonomy, ensures digital dignity, and promotes a safe online environment. In doing so, the legal system not only responds to present challenges but lays the foundation for a **resilient, rights-affirming, and future-ready framework** capable of addressing the evolving complexities of the digital age.

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