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# Cyber-Stalking in India: A Legal Analysis under the Information Technology Act 2000, and the Bharatiya Nyaya Sanhita, 2023, and the Constitutional Right to Privacy.

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**Abstract** -- The rapid growth of digital technology has significantly transformed the way people interact in modern society. While increased use of the internet, smartphones, and social media has improved connectivity, it has also led to the emergence of new forms of crime, including cyberstalking. Cyberstalking involves the repeated use of electronic communication to harass, threaten, or monitor an individual, often causing fear, emotional distress, and violation of privacy.

This research paper examines the concept and nature of cyberstalking and analyzes the legal framework governing it under the Information Technology Act, 2000, and the Bharatiya Nyaya Sanhita 2023. It also explores the constitutional perspective of the right to privacy under article 21 of the constitution of India.

The paper highlights the major challenges in addressing cyberstalking, including the absence of a specific law, difficulty in tracing offenders, and lack of awareness among the public. It also discusses the serious psychological and social impact on victims.

The study concludes that there is an urgent need for stronger legal provisions, effective enforcement, and increased awareness to combat cyber-stalking in India.

## Keyword

1. Bhartiya Nyaya Sanhita 2023
2. Cyber crime
3. Cyber-stalking
4. Information Technology Act
5. Online harassment
6. Privacy

## I. INTRODUCTION

In the modern era, the use of internet-based communication has become an essential part of daily life. People use smartphones and social media platforms not only for communication but also for education, business, and entertainment. Due to this increasing dependence on digital platforms, individuals are now more connected than ever before.

However, this increased connectivity has also created opportunities for misuse. One such misuse is cyberstalking, where a person is repeatedly targeted through online platforms.

This may include sending unwanted messages, making threats, or continuously monitoring someone's online activities.

Cyberstalking is particularly dangerous because it does not require physical presence. The offender can operate anonymously, making it difficult to trace their identity. Victims often feel unsafe and mentally disturbed, even in their own homes.

In India, many cases of cyberstalking remain unreported due to lack of awareness, fear of social stigma, and weak enforcement mechanisms. In my opinion, cyberstalking is not only a legal issue but also a serious social problem that affects the mental health, dignity, and personal security of individuals.

## II. HISTORICAL BACKGROUND

Prior to this technological era, stalking was mostly understood as a physical act. It simply means following someone, watching their movements, repeatedly appearing near them – usually places like streets, workplaces or neighborhoods.

As the time has been changed, communication methods have also changed. Firstly, people started using landline phones, and stalking began to include repeated phone calls and unwanted messages, which disturbed them.

Now, in today's technological era, stalking has changed completely and has taken a new form. As there is a rise in social media and smartphones, a person can target someone without even being physically present. Platforms like Instagram, Facebook, and Whatsapp have made communication easier. Along with the benefits, they also made misuse easier.

Cyberstalking is often associated with things like trolling and doxing. "Trolling" means posting offensive or hurtful comments, while "doxing" means sharing someone's private information without taking his or her permission. This clearly shows that stalking is no longer limited to physical space – it has now become dangerous in the digital space.



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### III. LITERATURE REVIEW

The issue of cybercrime and the challenges created in this digital era have been discussed by several scholars and legal experts. Many studies show that rapid growth of the internet and social media has increased the risk of cyber harassment. Many authors on cyber law have pointed out that the existing law framework in India, especially under the Information Technology Act 2000, is not fully equipped to deal with the evolving nature of cybercrime.

Articles also give importance to the right to privacy as a fundamental right and its connection with cyberstalking. Judicial pronouncements have further fortified this concept by recognizing privacy as an inalienable attribute of personal liberty.

Simultaneously, various reports and studies show that victims of cyberstalking often suffer from mental stress, fear, and social isolation.

There are some comparative studies that suggest that countries like the USA and UK have more developed legal systems to address cyberstalking, including stricter laws and optimal implementation frameworks. These studies show that India can improve its framework by introducing clearer laws and increasing awareness among people. In aggregate, the existing literature shows that cyberstalking is a growing problem and requires both legal reforms and social awareness for effective control.

### IV. OBJECTIVE

The main objective is to understand the cyber-stalking.

To analyze laws under the Information Technology Act 2000 and the Bhartiya Nyaya Sanhita 2023.

To study the right to privacy.

To identify the challenges.

To suggest a solution.

### V. SCOPE OF STUDY

This paper primarily focuses on cyberstalking in India. It mainly studies Indian laws and briefly refers to other countries.

### VI. RESEARCH METHODOLOGY

This research paper is mainly based on the doctrinal method of study. It means the methodology follows a retrospective approach using available literature. To achieve this, various secondary sources such as books, research articles, legal provisions, and online materials have been referred to.

The study focuses on analyzing laws related to cyberstalking in India, especially under the Information Technology Act 2000 and Bhartiya Nyaya Sanhita 2023. Relevant concepts like the rights to privacy under Article 21 have also been examined.

The methodology of this research is expository and interpretative. It explains the concept of cyberstalking and also analyzes the existing legal framework.

In addition to this, the study tries to find out the problem in the current system and suggest possible solutions.

No primary data, like surveys or interviews, has been used in this research. The information has been carefully collected and broken down into simple steps to make sure a person can understand the topic without any confusion.

### VII. MEANING AND NATURE OF CYBERSTALKING

Cyberstalking can be defined as a pattern of online behavior in which an individual continuously harasses, intimidates, or monitors another person using digital tools such as emails, social media platforms, or messaging applications.

It may involve :

- Sending repeated messages and unwanted messages.
- Monitoring a person's online activities.
- Posting false or harmful information.
- Threatening or blackmailing the victim.

Unlike traditional stalking, cyberstalking does not require the physical presence of the offender. This makes it more harmful, as the offender can remain anonymous and operate from any location.

Another important element of cyberstalking is its psychological impact on the victims. Victims often experience anxiety, fear, and emotional distress, and in some cases, they may suffer from depression.

In my view, cyberstalking represents a shift from physical harassment to psychological control over a person, making it more complex and difficult to regulate under traditional legal frameworks.

### VIII. LEGAL FRAMEWORK UNDER THE INFORMATION TECHNOLOGY ACT 2000

The Information Technology Act, 2000, is the primary law dealing with digital offenses in India. Although the act does not specifically define cyberstalking, certain provisions can be applied to address such context.



*Section 66E – Violation of privacy*

This section applies when there is a violation of privacy by capturing, publishing, or transmitting the private images of a person without consent. It provides protection against unauthorized surveillance and misuse of personal data.

*Section 67- public obscene content*

This section deals with punishment for publishing or transmitting obscene material in electronic forms. It offers a certain level of protection, especially in cases where cyberstalking involves harassment through obscene or inappropriate content.

However, these provisions are not fully sufficient to deal with all forms of cyber-stalking. The absence of a clear definition creates ambiguity in legal interpretation and enforcement.

In my opinion, the Act needs to be updated to include a specific provision dealing with cyber-stalking in a comprehensive manner.

**IX. PROVISION UNDER BHARTIYA NYAYA SANHITA 2023**

- It includes stalking as an offense and also talks about online behavior.
- Repeated contact with a person despite disinterest.
- Monitoring the online activity.
- This is a good step, but this mainly protects women. I think this should protect everyone irrespective of gender.

**X. RIGHT TO PRIVACY**

Under article 21 of the Indian constitution, the right to privacy is a fundamental right.

It says that everyone has the right to live freely without the unnecessary interference of others.

Cyberstalking definitely violates the fundamental right of a person, as it disturbs the privacy of the person and creates fear and insecurity in a person's mind.

**XI. COMPARATIVE PERSPECTIVE**

Whenever we look at the other countries, it can be easily seen that cyberstalking laws are more developed there.

In the United States, especially in California, anti-stalking laws were introduced quite early. These laws clearly recognize online harassment and provide strict punishment for offenders. Through restraining and legal remedies, victims also get better protection.

In the United Kingdom, the Protection from Harassment Act, 1997, deals with both physical and online stalking. The system becomes more effective by providing both civil and criminal remedies.

Compared to this, India lacks because of not having clear and specific laws on cyberstalking. Although some provisions exist, they are not fully sufficient. By learning from countries, India can improve its legal systems and make laws more clear and strict.

Cyberstalking does not only affect a person legally but also has serious mental effects. Victims often feel stressed, anxious, and unsafe. The constant fear that someone is watching or tracking them creates insecurity in their minds.

In some cases, victims may stop using social media or avoid interacting with others. Their confidence and daily life are affected.

Therefore, it is clear that cyber-stalking is not only a legal issue but also a serious mental health concern.

**XII. CHALLENGES IN ADDRESSING CYBERSTALKING**

There are several problems in dealing with cyberstalking.

- The first problem is that there are no specific laws that deal with cyberstalking.
- The second problem is that it is not easy to find out the offenders because they use fake accounts.
- The third problem is the lack of reporting of the crime because many victims do not register the case because of societal pressure and lack of legal awareness. When all these situations combine, this makes it worse.

**XIII. IMPACT ON VICTIMS**

*Cyberstalking affects the victim in many ways:*

*A victim may feel stressed or anxious.*

- Some people start feeling scared even in their own homes.
- If the false information is shared, their reputation may get affected.
- And in some serious cases victims may stop interacting with others or may avoid social media.
- According to my perspective, cyberstalking affects the mental health of a person very badly and should not be ignored.



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**XIV. STATISTICS**

According to reports by the National crime records bureau (NCRB), the cases of Cyber crime in India are increasing every year. Majority of cases involve online harrasment, especially against the women.

However, there are many cases which are still remain unreported. This may be because of having social pressure, fear or lack of awareness.

Even in states like Uttarakhand, the cases related to cyber crime have been rising. This shows that the problem is widespread and needs serious attention.

**XV. FINDINGS**

From this study, it can be observed that cyberstalking is increasing rapidly with growing use of digital technology. Along with this, there are some legal provisions under the Information Technology Act 2000 and Bhartiya Nyaya Sanhita; they are not fully effective in dealing with the issue of cybercrime.

One of the major problems is the absence of clear and specific laws on cyberstalking. It is also very difficult to find the offenders due to fake accounts and anonymity. In addition to this, there are so many victims who do not report such cases because of lack of awareness, fear, and societal pressure. Overall it is clear that cyberstalking is not only a legal issue, but it is also a serious societal problem.

**XVI. SUGGESTION**

“In my opinion, there is a need to introduce a specific and clear legal provision that deals with cyber-stalking. The law should be gender neutral.

There is a need to spread awareness among the people about cybercrime and legal remedies.

The government should give importance to cybercrime units and provide proper training to officials. Faster investigation and trial processes also play a significant role by supporting and encouraging victims to report such incidents.”

**XVII. CONCLUSION**

To conclude, cyberstalking has become a serious problem in today’s digital era. Even though there are laws like the Information Technology Act 2000 and the Bhartiya Nyaya Sanhita 2023, Article 21, they are not sufficient to deal with these issues effectively. It not only affects the right to privacy of an individual but also affects the mental health and dignity of individuals. In my opinion, both strict legal provisions and increased awareness are necessary to deal with this problem. Only then can people feel safe while using digital platforms.

**REFERENCES**

*Books*

- K.K. Nair, Cyber Law in India.

*Statues*

- Information Technology Act, 2000.
- Bhartiya Nyaya Sanhita, 2023.
- Constitution of India, Article 21.

*Case laws*

- Justice K.S. Puttaswamy v. Union of India
- Shreya Singhal v. Union of India

*Web sources\ Reports*

- Ministry of Electronics and Information Technology (MeitY)—Government of India.
- Legal service website and research articles on cyber law.
- National Crime Records Bureau (NCRB) , crime in India Reports.