
FREEDOM UNDER WATCH: SOCIAL MEDIA POLICING AND THE GENDERED BOUNDARIES OF EXPRESSION IN INDIA

Chandrima Mondal, BA LLB, UILS, Chandigarh University.

ABSTRACT

This article investigates the complex interaction between women's freedom of expression in India and the policing of social media. Digital platforms have created opportunities for women to gain visibility, communicate with others, and participate in public discourse, but they have also made women vulnerable to a myriad of online threats, including harassment, stalking, and violence.¹ Policing of social media has developed as a way of dealing with these abuses, through the legal framework of the Information Technology Act of 2000 and constitutional protections regarding free speech and privacy. However, the article contends that social media policing exists amid a wider patriarchal construct and often leads to excessive regulation of women's voices through moral policing and censorship pursuant to vague definitions of decency and morality. From a feminist standpoint, digital governance is often presented as a neutral platform; rather, it exhibits existing social prejudices that disproportionately affect women. Although the mechanisms for policing provide women with protection and relief, they can also be impediments to a woman's autonomy; compel women to engage in self-censorship; and diminish an individual's right to freedom of expression and privacy. The study indicates that there are several barriers to enforcing the laws surrounding social media, including a lack of awareness, inadequate training for law enforcement personnel, and little transparency or accountability in government regulation of social media or platform regulation. This study concludes that police use of social media must be balanced with individuals' rights; safety must not be achieved at the expense of freedoms, and gender-sensitive enforcement and granting authority to women must occur.

Keywords: Social Media Policing, Gender-Based Online Violence, Freedom of Expression, Digital Governance, Feminist Perspective, Accountability, Content Moderation, Cyber Harassment, Moral Policing.

¹ Pew Research Center, *Online Harassment 2017* (2017).

Introduction

Social media is a wide space that has significantly transformed itself into a space to facilitate communication, expression, and participation in public discourse. Digital platforms such as Instagram, Facebook, Twitter, Snapchat, etc. have been created to provide a space for individuals to voice their opinions, share experiences and engage in socio-political debates. However, these digital spaces unleash the other side of the same coin and become a place inhabited by harassment, abuse, and gender-based violence. To tackle these challenges, the concept of social media policing was proposed as a means of monitoring and regulating online behaviour to ensure safety.

While policing tries to protect women from getting harmed online on digital platforms, it also raises serious concerns regarding the potential restriction on exercising fundamental rights. This creates a difficult conflict as safeguarding women online often requires regulation, but regulation can also shrink their space for free expression. This article critically examines whether social media policing in India genuinely empowers women or whether it operates as another tool of patriarchy, shaped to inflict control by deeper societal biases.

Literature review

Research has also increasingly looked at women's freedoms of expressive capability in digital environments, particularly social media, as being both liberating and oppressive. Researchers broadly agree that social media has allowed women to connect with others, express themselves, and engage in public conversations; however, they have created a platform for women to be subjected to harassment, intimidation, and gender-based violence. Multiple studies have made the case that the proliferation of digital media has led to an expanded definition of gender-based violence, whereby online harassment manifests in ways that are generally anonymous, instantaneous, and extremely broad in scope, ultimately limiting women's voices by inducing psychological and sociological consequences.²

According to Susan H. Citron, cyber harassment should not be considered one-time events, but instead as part of a systemic form of coercive behaviour that limits women's participation in public settings, to occur freely within. The Pew Research Centre has conducted numerous empirical studies to support this by providing evidence that women experience more egregious

² U.N. Women, *Cyber Violence Against Women and Girls: A World-Wide Wake-Up Call* (2015).

forms of online harassment, such as stalking and sexual assault; these forms of violence are often accompanied by fear and self-censorship.³ In the case of India, Rajan's study further demonstrates that online violence against women is gendered in nature and is used as a form of exclusionary violence against women.⁴

Scholars have studied the laws applying to cybercrime and the behaviour of law enforcement related to cybercrime and social media activity from a legal standpoint in India. Jain and Sharma (2024) assert that although The Information Technology Act, 2000 created legal frameworks related to cybercrime, there continue to be limits to the information provided by India's current legal frameworks regarding the complexities of women's experiences with cyber violence; due to procedural gaps in terms of enforcement, and due to lack of information leading to victims not reporting incidents, the response to the crimes is often insufficient.⁵ Furthermore, academic scholars of law⁶ assert that Article 19(1)(a) of the Indian Constitution guarantees freedom of speech and expression to the citizens of India, but this right [Article 19(1)(a)] has limitations to the exercise of this right under Article 19(2), such as morality or decency, or order in the state.

The case of *Shreya Singhal v. Union of India* (2015) has influenced discussion about free speech online, as it identifies the risks of vague statutory provisions being utilised as a mechanism to limit or prevent the expression of opinions, ideas and thoughts.⁷

This legal research creates a backdrop to what may occur when disproportionate restrictions are placed on access to and participation within social media activity, and as indicated by the work of feminist scholars, the possible discrimination against women via the application of these laws based upon assumptions regarding the neutrality of guidelines and policies associated with the governance of cyberspace is also examined.

There is already evidence in the literature that shows that social media policing in India occurs at the intersection of safety, legal enforcement and patriarchal ideals or laws. Although legislation and platform moderation exist to protect women from harassment in India,

³ Danielle Keats Citron, *Hate Crimes in Cyberspace* (Harvard Univ. Press 2014).

⁴ B. Rajan, Cyber Violence and Online Harassment of Indian Women on Digital Platforms, 11 *Humanities & Soc. Sci. Commc'ns* art. 42 (2024).

⁵ S. Jain & P. Sharma, Legal Responses to Cyber Violence Against Women in India: Examining Legal Frameworks and Technological Challenges, *Research in Social Sciences and Law* (2024).

⁶ D.D. Basu, *Introduction to the Constitution of India* (25th ed., LexisNexis 2022).

⁷ *Shreya Singhal v. Union of India*, (2015) 5 S.C.C. 1 (India).

academics argue that the ambiguous standards of morality used to determine what constitutes harassment, as well as the growing use of surveillance, could lead to further silencing women. This chapter builds on these academic arguments to explore whether social media policing is indeed an emerging form of empowering women or whether social media policing will only continue to perpetuate the current state of patriarchal power and control in the digital space.

Growth of Social Media and Gendered Risks

Access to the internet has increasingly boomed after the promotion of digitalisation across the country. The incorporation of this idea- “technology for all” was intended for the sole purpose of bringing rapid changes to society, mostly contributing to the benefit of everyone, but apparently, the easy availability of both the internet and the devices brought repercussions to the initial idea. The digital platforms provide the space for exploration, expression and other aspects related to well-being, or to provide a safe space for all, women are still targeted to be exploited. There is no denying the fact that women have mostly benefited from these platforms as they provide opportunities for visibility, networking, and self-expression, but on the other side, their increased presence has also exposed them to various forms of trolling, online violence, cyberstalking, doxxing, and non-consensual sharing of images.⁸

Unlike traditional forms of harassment, digital abuse often operates anonymously and spreads rapidly, making it more difficult to control. Spreading hate online is easier than doing the same in reality. Women articulating their viewpoints on sensitive issues such as politics, gender equality, or sexuality are frequently targeted disproportionately. This exclusive nature of online violence that is fixated towards a particular gender highlights the need for effective regulatory mechanisms, thereby justifying the emergence of social media policing.

Recent empirical studies highlight that online gender-based abuse disproportionately affects women through mechanisms like cyberstalking, image-based abuse, and psychological intimidation.⁹

Legal Framework Governing Social Media Policing in India

Statutes that monitor and govern the online or digital spaces in India are:

⁸ Danielle Keats Citron, *Hate Crimes in Cyberspace* (Harvard Univ. Press 2014).

⁹ B. Rajan, Cyber Violence and Online Harassment of Indian Women on Digital Platforms, 11 *Humanities & Soc. Sci. Comm'ns* art. 42 (2024).

India's existing cybercrime framework, including the Information Technology Act, 2000¹⁰, has been critiqued for inadequate gender sensitivity and enforcement barriers in addressing women's online victimisation¹¹. The statute itself, along with its subsequent amendments and rules, provides mechanisms to address cyber offences such as harassment, identity theft, and publication of obscene content.

The Indian Constitution lays down provisions such as the right to freedom of speech and expression under Article 19(1)(a)¹² and the right to privacy under the advent of the right to life and personal liberty under Article 21¹³, which play a crucial role in shaping digital governance.

However, it is important to note that these rights given under the constitution are not absolute and are subject to reasonable restrictions under Article 19(2)¹⁴, which provides for considerations of public order, decency, and morality. Social media policing often operates within this framework, attempting to strike a balance between safeguarding individuals and maintaining public order. The challenge lies in ensuring that such restrictions do not disproportionately impact women's voices.

Understanding Social Media Policing

Social media policing refers to the monitoring, regulation, and enforcement of laws in digital spaces. It includes actions such as removal of offensive posts, content moderation, suspension of accounts and taking steps to curb this by initiating legal proceedings against individuals for ill behaviour online. The government bodies, in association with cybercrime units such as the Indian Cybercrime Coordination Centre, conduct media policing along with various private entities through their respective community standards. For instance, "Meta", which owns prominent social media platforms like WhatsApp, Instagram, Facebook, etc., has proper implementation of community standards to eradicate any sort of misbehaviour or ill practices throughout their network¹⁵.

However, the dual role of the State and private corporations creates a complex system of

¹⁰ Information Technology Act, No. 21 of 2000.

¹¹ S. Jain & P. Sharma, Legal Responses to Cyber Violence Against Women in India: Examining Legal Frameworks and Technological Challenges, *Research in Social Sciences and Law* (2024).

¹² D.D. Basu, *Introduction to the Constitution of India* (25th ed., LexisNexis 2022).

¹³ *Justice K.S. Puttaswamy (Retd.) v. Union of India*, (2017) 10 S.C.C. 1 (India).

¹⁴ *Shreya Singhal v. Union of India*, (2015) 5 S.C.C. 1 (India).

¹⁵ Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, Gazette of India, Feb. 25, 2021.

governance where decisions about acceptable speech are often subjective. This raises concerns about transparency, accountability, and consistency in enforcement.

Positive Role: Protection of Women in Digital Spaces

Protecting women from online harm is the utmost priority of social media policing. Policing provides redressal mechanisms related to misbehaviour or report abuse, including these mechanisms offer a sense of security and a safe space to users. Cybercrime cells and online complaint portals have made it easier for the victims to report offences and access remedies for any grievances.

Moreover, social media regulators have been able to regulate or remove abusive comments, non-consensual, assaultive content via developing content moderator policies that prevent this type of content from occurring or being recited on these platforms, thus reducing the harm suffered by these victims from the abuse committed against them. Law enforcement has also contributed to this by intervening in a timely manner and enabling the reduction and elimination of the ability of offenders to disseminate their abusive behaviours and hold those accountable who cause harm. Both of these efforts suggest that social media policing is important to promote and maintain safe online spaces for females.

Challenges and Risks: From Protection to Control

Despite providing wide benefits, social media policing raises several concerns, particularly from a feminist perspective. Risk of over-regulation is one of the major issues, where content posted by women is removed or restricted under vague standards of morality and decency. This often leads to the suppression of voices that challenge societal norms.

Another concern is that women experience moral policing¹⁶. This is seen by women being scrutinised by others when they project who they are and their opinions/lifestyle choices. People start to question the morals of these women. Society views these women as morally corrupt. In some cases, law enforcement also reflects these societal biases toward women. For alarms to support some of these women's complaints would not be considered to be a justifiable cause for the requirement of law enforcement; however, they would hold these women's

¹⁶ Sylvia Walby, *Theorizing Patriarchy* (Basil Blackwell 1990).

contents in the same scrutiny.

Feminist perspectives on social media moderation challenge the notion of neutrality inherent in these practices. Digital policing, in this view, is not a detached process; instead, it is embedded within a wider social and legal context, one that is significantly shaped by enduring patriarchal norms and power dynamics. The criteria determining what constitutes "acceptable," "decent," or "inappropriate" content online are frequently influenced by societal expectations, which have historically imposed more stringent standards on women. Therefore, even when social media rules and cyber laws seem fair on the surface, their real-world application often reflects the existing inequalities and biases found in society.

Feminist Analysis: Questioning Neutrality

When seen through the lens of feminism, the process of policing social media is not easily understood as an unbiased or neutral process. Online policing does not exist in a void; it exists within a context of wider social and legal systems, which have historically been produced through patriarchal relationships of power and have developed over time. The norms that determine how "acceptable," "decent," or "inappropriate" online content should be are often influenced by historical norms for women in society, where there are much higher levels of control over women's behaviour and actions. This is why online content may appear to be gender-neutral within the context of social media policies and cyber law, but when you look at how online policing and enforcement of policies take place, they are consistently aligned with the patriarchal inequalities and discrimination of offline society.¹⁷

In the context of protection and safety, it has been common to view women as a population that requires higher levels of protection and guidance compared to men, rather than viewing women as independent decision-makers who have the right to make their own decisions autonomously.

Although this protective mindset is justified as necessary for a woman's safety, it creates a paradox; it is designed to provide for her safety, but at the same time, it limits her ability to exercise her own personal freedom. Rather than being empowered and viewed as equal participants in the digital public space, women have often been subject to increased scrutiny regarding what they say, how they present themselves, what opinions they hold, and the choices they make related to their personal lives. By regulating the way in which women behave in the

¹⁷ Sylvia Walby, *Theorizing Patriarchy* (Basil Blackwell 1990).

context of morality, decency, or social order – all of which stem from patriarchal belief systems – this behaviour presents an opportunity for regulating women's behaviour.

This type of behaviour sustains the traditional concept of gender role by affording women continued dependence on men to provide for them; consequently, making it difficult for women to engage in public life adds to women's fears of possible online retaliation against them by other users, we can end up self-censoring ourselves, which ultimately impacts our participation and visibility in public spaces. In addition, the censorship of women's online activities will affect our rights to free expression and speech as enshrined in Article 19(1)(a) of the Constitution of India. Although Article 19(2) permits reasonable restrictions by providing that such restrictions should be limited and cannot be abused as a means of silencing women or inhibiting dissenting opinions on nebulous grounds of community standards. Also, the surveillance-driven aspect¹⁸ of social media and its policing raises fundamental privacy concerns under Article 21.

Women's online spaces being monitored, controlled and regulated with no transparency or accountability threatens women's autonomy as well as eroding their dignity. From a feminist perspective, empowerment is not based solely on a framework designed around protection but denies agency. Feminist theories, therefore, advocate for developing a rights-based approach that promotes agency, equality, and empowerment rather than using a framework based on protectionism. Policing of social media should not only be used for the purpose of "protecting" but should provide women with the ability to participate, communicate, and access digital spaces free from excessive control, judgment, or restraint.

Balancing Protection and Freedom

The central challenge is to protect users from online harm without converting social media regulation into excessive censorship or surveillance of social media platforms. Creating an environment that is safe should not come at the cost of violating someone's rights by limiting their ability to speak freely about whatever issue they wish to. To achieve this, the development of a policy that identifies and defines the various types of harm on social media will be required, along with strategies for detecting and preventing harm. Clear guidelines will also be needed

¹⁸ Shoshana Zuboff, *The Age of Surveillance Capitalism: The Fight for a Human Future at the New Frontier of Power* (PublicAffairs 2019).

to build a robust framework for enforcing legislation related to harmful content that is both fair and reasonable while safeguarding emerging constitutional rights. In order to establish guidance regarding the acceptable and appropriate manner in which to use both protection and the right to free speech in a free society, an equal balance should be struck between the two sets of rights.

Challenges in Implementation

Social media policing in India faces many issues that make it far less effective in the face of increasing demands for sound regulations on digital media. One of the major hurdles that inhibits the ability to police social media is a general lack of understanding and knowledge of the law and reporting procedures surrounding social media for users. Victims (particularly women) of online harassment are often unaware of their legal options, what cybercrime portals are appropriate or even the reporting procedure to follow in the event they want to file a complaint. The lack of digital and legal literacy often leads to underreporting, delays in reporting and/or the inability to provide appropriate evidence by the victim, and it ultimately detracts from the ability to successfully intervene.

At an institutional level, the lack of specialised training and sensitivity by law enforcement personnel further complicates the policing process. In fact, to be effective in the handling and investigation of cybercrime cases, police officers need to have a general understanding of technology, be able to respond quickly and have an understanding of the nature of online abuse. Unfortunately, police officers do not receive the training necessary to handle complaints regarding cybercrime efficiently. In many circumstances, the manner in which police officers respond to victims of cybercrime includes a complete lack of sensitivity, victim-blaming questions and a lack of urgency regarding a case of online harassment (especially when there is no physical harm associated with the online abuse). The lack of a gender-sensitive approach in the police response to cybercrime creates additional barriers to reporting online abuse for women because of the way that they are treated.

Besides these problems with structure, there is also another major issue. State agencies and private companies have very little accountability when it comes to policing online environments. Government police agencies and private companies continue to be the major players in policing social media today. However, social media platforms are heavily impacted and influenced by their internal rules/policies and by their community guidelines. Many times,

when a social media platform deletes a user's post, restricts the user's visibility, suspends or prohibits a user's account, the user is not provided sufficient transparency regarding the actions taken against them by the platform. Users typically do not receive sufficient notice as to what rules have been violated, what information was used to make that determination or why their information was removed. This leads to problems with inconsistency and arbitrariness, as the same type of content could be treated differently by the platform depending on who the user is or the situation involved.

Along with the lack of transparency regarding policing in the online environment, one other major issue that many social media users face when trying to obtain justice following an account being disrupted is that there are very few ways for users to file complaints or for the platforms to have an effective means to receive and process complaints. This creates more problems for users who have had their content removed or their account terminated and have no reasonable method of recourse, and are often discouraged from seeking recourse due to their situation as a female who has spoken out regarding political, sexual, gender or social issues.

Therefore, strengthening social media policing in India requires not only better implementation and training but also stronger safeguards to ensure that both State actions and platform decisions remain fair, accountable, and respectful of fundamental rights.

Suggestions and Reforms

To resolve these problems, a number of changes are needed; for instance, gender-specific training is to be provided to the law enforcement officers to keep empathy and understanding when handling complaints; the reasons must be clearly defined, and highly open-ended standards should be kept for content moderation, which in turn would stop arbitrary decision-making by platforms.

To enhance privacy protection, greater transparency is essential in the implementation of authorisations, and the need for accountability has become more urgent than ever. Moreover, when platforms fail to establish proper grievance redressal mechanisms, affected individuals may be denied access to an effective remedy, leaving their rights inadequately protected.

Empowerment through education will provide women with the knowledge necessary to seek legal remedies by understanding their rights.

Conclusion

In India, social media policing is indicative of an evolving and complicated interplay between safety and freedom. Social media has become a significant means of providing safety to women, as it is an increasingly dangerous environment filled with the threat of cyber harassment, online abuse, stalking, trolling and sharing private content without consent. Historically, Indian women have had to contend with systematic discrimination based on gender in physical spaces; now, there are added dangers to women online as cyber misogyny and gender-based violence are still prevalent. Thus, enforcing digital policing is essential as it provides some degree of legal acknowledgement and remedy for victims, along with the enforcement of conduct that is damaging to others in the digital sphere.

At the same time, the increased surveillance and regulated access to online spaces also raise grave concerns. Social media policing often serves the dual purpose of providing protection and controlling behaviour; unless laws are enforced uniformly and without regard for the values of decency, morality, acceptability or patriarchal assumptions about women, then social media policing has the potential to become a means of regulating and controlling women rather than offering them protection. Women are often scrutinised not only as victims but also as individuals whose speech, lifestyle, clothing, or opinions are considered “too bold” or “inappropriate.” This results in a troubling contradiction: women may remain under-protected when they seek justice against harassment, yet become over-policed when they attempt to express themselves freely.

From a feminist perspective, this highlights the fact that digital governance is not neutral. Even though social media policies and cyber laws may appear gender-neutral on paper, their enforcement often reflects the social biases that exist in the offline world. Women have illustrated to the world that they are capable of providing leadership and being leaders in multiple facets of life, from domestic to political roles, demonstrating the ability of women to contribute positively to society. The existence of diversity in women's roles illustrates that women are capable of fulfilling multiple roles simultaneously.

The overarching objective of the above policies and processes is to create an environment on social media that is safe for women and fosters unencumbered communication by women and provides for their ability to communicate openly and freely with others, regardless of their gender identity, and before any individual is judged, restricted from participation in social

media, or punished due to how they chose to identify themselves using social media. Thus, through developing an environment in which both safety and freedom coexist, we have enabled an inclusive and democratic social medium that is available for use by all individuals in our society.