
CRITICAL ANALYSIS OF PROCEDURAL FRAMEWORK IN CYBER STALKING AND VICTIM PROTECTION

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ABSTRACT

The paper examines cyber stalking as a patterned, technology mediated form of violence that exploits ubiquitous connectivity, datafication and platform design to sustain control, intimidation and humiliation. It situates Indian experience within global evidence that women and marginalised users face disproportionate levels of online surveillance, threats and image based abuse, which undermine autonomy, speech and participation in digital public spheres. The study maps the fragmented substantive and procedural framework across Bharatiya Nyaya Sanhita 2023, Bharatiya Nagarik Suraksha Sanhita 2023, Bharatiya Sakshya Adhinyam 2023, the Information Technology Act and Rules, and the Digital Personal Data Protection Act 2023, and interrogates how these instruments actually operate in cyber stalking complaints. It interrogates complaint registration, e-FIRs, digital forensics, admissibility of electronic evidence, bail, victim protection schemes and intermediary duties, using doctrinal and comparative analysis. The paper argues that current responses remain reactive, offence centric and unevenly gender sensitive, and that procedural safeguards for accused persons coexist uneasily with weak, under-resourced victim support. It proposes a more integrated, rights based procedural architecture, drawing on international and comparative practice on technology facilitated gender based violence, that combines a clear cyber stalking offence with structured risk assessment, protection orders, time bound platform responses, robust evidence standards and accessible compensation and psycho social support mechanisms.

Keywords: Cyber stalking, procedural framework, electronic evidence, victim protection, digital rights in India.

INTRODUCTION

A. Background and context of cyber stalking

Cyber stalking describes a pattern of repeated, unwanted online contact, surveillance or harassment that uses internet and digital devices to intrude into a person's life and mind. It links constant messaging, tracking, threats and humiliation with exploitation of personal data, images and social media traces, so the victim feels watched all the time even inside her home. Indian scholarship stresses that anonymity, fake profiles and identity theft deepen this sense of insecurity, because the target often cannot see who is behind the screen or how many people are involved.¹

Technology facilitated violence against women and girls now appears as a distinct global phenomenon, not just a minor side effect of internet use. UN Women notes that digital technologies have enabled new forms of stalking, doxxing, non consensual image sharing and deepfake abuse that travel across borders in seconds and stay permanently searchable. States across regions have started to frame specific measures on technology facilitated violence, but the overall response still lags far behind the speed and scale at which abuse spreads online.²

Indian crime data shows a steady and worrying rise in cyber offences with a strong gendered pattern. NCRB based analysis of cybercrime against women records more than ten thousand cyber offences against women in 2020 alone, around one fifth of all cybercrime that year, with trends over 2017 to 2020 showing persistent growth in online harassment, publishing of obscene content and cyber stalking.³ More recent commentary reading the 2023 Crime in India report notes that overall cybercrime cases have crossed eighty six thousand, with rates per lakh population climbing, which signals that digital victimisation is no longer marginal to Indian criminal law but a core field of harm that needs tailored procedure.⁴

¹ Heena Keswani, Cyber Stalking: A Critical Study, *Bharati L. Rev.* 131 (2017), <https://docs.manupatra.in/newslines/articles/Upload/455C1055-C2B6-4839-82AC-5AB08CBA7489.pdf> (last visited Mar. 9, 2026).

² U.N. Women, Global Trends to Prevent and Respond to Technology-Facilitated Violence Against Women and Girls 5–9 (2025), <https://www.unwomen.org/en/digital-library/publications/2025/12/global-trends-to-prevent-and-respond-to-technology-facilitated-violence-against-women-and-girls> (last visited Mar. 9, 2026).

³ R. Rani & P. Singh, The Facets of Cyber Crimes Against Women in India, *12 J. Pos. Sch. Psychol.* 4211, 4215–17 (2022), <https://journalppw.com/index.php/jpsp/article/download/12614/8178/15151> (last visited Mar. 9, 2026).

⁴ Mahjabeen Imam, Conceptualising Cyber-Crime Against Women, *IMPRI* (Nov. 28, 2025), <https://www.impriindia.com/insights/cyber-crime-against-women/> (last visited Mar. 9, 2026).

Specialised reports on online crimes against women in India underline that the National Cybercrime Reporting Portal has seen over a 100 percent rise in online crimes against women between 2020 and 2024, including categories such as sexual extortion, deepfakes, circulation of sexually explicit material and gang rape content. These patterns show how cyber stalking today often intersects with image based abuse and blackmail, and how perpetrators rely on social media, encrypted messaging and anonymous calling apps to exert pressure on victims and to threaten offline harm.⁵

B. Research Questions

1. How adequate is the present Indian substantive and procedural framework in identifying, investigating and prosecuting cyber stalking as a distinct, technology-mediated pattern of harm?
2. How effectively do the Bharatiya Nyaya Sanhita 2023, Bharatiya Nagarik Suraksha Sanhita 2023 and Bharatiya Sakshya Adhiniyam 2023 address core procedural challenges in cyber stalking cases, such as complaint registration, digital forensics, electronic evidence and chain of custody?
3. To what extent do existing institutional mechanisms and victim-support schemes in India ensure timely protection, psycho-social assistance, compensation and meaningful access to justice for survivors of cyber stalking, particularly women and other vulnerable groups?
4. How does the Indian procedural framework on cyber stalking and victim protection compare with selected foreign and regional models, and what normative and structural lessons can be drawn to strengthen a rights-based, victim-centred response?

C. Research objectives

1. To critically examine the substantive and procedural provisions that currently govern cyber stalking in India and to identify doctrinal and operational gaps that

⁵ Antara Nanda Mondal, *Deepfakes, Doxxing and Digital Abuse: Online Crimes Against Women in India*, Ctr. Pub. Policy Res. (Oct. 23, 2025), <https://www.cprr.in/articles/deepfakes-doxxing-and-digital-abuse> (last visited Mar. 9, 2026).

weaken victim protection and accountability of offenders.

2. To analyse the functioning of key procedural stages under the new criminal codes, including e-reporting, investigation, digital forensics, admissibility of electronic evidence and trial standards, in the specific context of cyber stalking prosecutions.
3. To evaluate the accessibility and effectiveness of victim-centric measures, including online reporting portals, one-stop centres, compensation schemes and legal aid mechanisms, in securing safety, dignity and restoration for cyber stalking survivors.
4. To undertake a focused comparative assessment of select international and foreign frameworks on cyber stalking and technology-facilitated violence, and to formulate concrete recommendations for legal and institutional reforms within the Indian system.

D. Research methodology

The research methodology used in this paper is mainly the doctrinal and analytical research approach, which is based on the close reading of primary legal sources, including statutes, rules, regulations, government notifications, case law, and official guidelines on cyber law, criminal procedure, electronic evidence, data protection and victim compensation in India. Secondary sources such as books, peer reviewed articles, empirical reports, law commission reports, NCRB statistics and policy papers on cyber stalking and technology-mediated gender based violence are systematically examined to chart trends, criticisms and interpretive discussions. The comparative analysis is conducted based on the analysis of the selected foreign and regional documents on cyber stalking, harassment and victims rights and the focus on their procedural structure and institutional design. The study is based on qualitative content analysis instead of fieldwork, although it incorporates the existing empirical data on prevalence, reporting trends and victim experience to test the sufficiency of the Indian procedural framework and to support reform recommendations with normative and pragmatic reasoning, as well as practice-based evidence.

CONCEPTUAL AND NORMATIVE FOUNDATIONS

A. Definitional contours of cyber stalking and allied cyber harms

Cyber stalking usually involves repeated, unwanted online contact or digital monitoring that targets a particular person, creates a pattern of intrusion, and reasonably causes fear or serious distress. It operates through emails, messaging apps, social media, location tracking and other networked tools, and it often blends overt threats with subtle surveillance or persistent “checking up” behaviour that erodes the victim’s sense of safety in both digital and physical spaces.⁶

Indian criminal law now places this conduct within a broader notion of stalking under section 78 of the Bharatiya Nyaya Sanhita, 2023, which covers repeated following, persistent communication and digital monitoring against the will of the person, while the Information Technology Act, 2000 addresses transmission of obscene and sexually explicit material that is frequently used as a tool in cyberstalking campaigns. This dual framework builds a composite offence profile, yet it still leaves conceptual gaps where the pattern of harassment is primarily psychological, persistent and data driven but may not fit neatly into obscenity or physical following language.⁷

Definitional debates also extend to a wide family of allied cyber harms, such as cyber harassment, doxxing, non-consensual dissemination of intimate images, deepfake abuse, impersonation profiles, revenge-porn pages and coordinated trolling that seeks to silence or shame victims. These acts rely on the weaponisation of personal data, images and communication traces, and they create a continuum of online abuse where cyber stalking becomes the central organising technique around which other harms cluster in practice, especially when the perpetrator uses multiple platforms at once to keep pressure on the victim.⁸

Indian scholarship on cyberstalking against women shows how these harms disproportionately target women, girls and gender-nonconforming persons through sexualised abuse, threats of rape, body-shaming, slut-shaming and continual monitoring of social media activity, leading to anxiety, depression and withdrawal from online spaces. The pattern often includes

⁶ Heena Keswani, *Cyber Stalking: A Critical Study*, *Bharati L. Rev.* 131 (2017), <https://docs.manupatra.in/newslines/articles/Upload/455C1055-C2B6-4839-82AC-5AB08CBA7489.pdf> (last visited Mar. 9, 2026).

⁷ *Stalking under the Bharatiya Nyaya Sanhita (BNS): Meaning, Precautions, Enforcement and the Apprehensions about Misuse*, 12 *J. Just. & Juris.* 45 (2025), <https://law.shodhsagar.com/index.php/j/article/view/119> (last visited Mar. 9, 2026).

⁸ Divya Sharma & Shefali Gupta, *Cyber Stalking: Issues of Enforcement in Cyber Space*, *Int’l J. L. Mgmt. & Human.* (2020), <https://ijlmh.com/wp-content/uploads/2020/05/Cyber-Stalking-Issues-of-Enforcement-in-Cyber-Space.pdf> (last visited Mar. 9, 2026).

exploitation of patriarchal norms about “honour” and respectability, so the legal definition cannot remain technology neutral only, it must also reflect the gendered, intersectional character of the harm and the way victims internalise fear and self-censorship.⁹

The normative frameworks of the international level tend to consider cyber stalking and other online harms as gender-based violence and violations of privacy, dignity and autonomy, as a subset of the law of cybercrime and digital rights. The instruments and the policy guidance related to the Convention on Cybercrime and reports by the specialists on cyber violence against women highlight the need of defining the concept to include sustained online pursuits, digital surveillance and threats that cross platforms, as well as requiring states to design procedures and platform responsibilities strong enough to serve victims in real-time.¹⁰

B. Distinction between traditional stalking and cyber mediated harassment

Traditional stalking rests on physical proximity, repeated trailing and unwanted approaches at home, work or public places. Section 78 of the Bharatiya Nyaya Sanhita 2023 carries forward the logic of former section 354D IPC and speaks of following a woman and repeatedly contacting her while also including monitoring her use of the internet or electronic communication. The provision therefore fuses corporeal pursuit and digital surveillance into one offence even though the modalities of harm and evidentiary traces in physical and online environments differ quite sharply.¹¹

Physical stalking usually unfolds in bounded geographic space, with the stalker and survivor inhabiting the same neighbourhood, campus or workplace. Cyber mediated harassment, as mapped by Heena Keswani, breaks this spatial constraint since the perpetrator can act from another city or even another country, often with no prior relationship and sometimes with only a social media profile as anchor. It also allows persistent monitoring of online movements, scraping of personal information and contact through multiple platforms, while the offender

⁹ T. Kaur, Cyberstalking Against Women in the Indian Perspective, 29 IOSR J. Human. & Soc. Sci. 55 (2024), <https://www.iosrjournals.org/iosr-jhss/papers/Vol.29-Issue11/Ser-11/H2911115560.pdf> (last visited Mar. 9, 2026).

¹⁰ European Inst. for Gender Equal., Combating Cyber Violence Against Women and Girls (2025), https://eige.europa.eu/sites/default/files/documents/combating_cyber_violence_against_women_and_girls.pdf (last visited Mar. 9, 2026).

¹¹ Anoop Singh, Stalking under the Bharatiya Nyaya Sanhita (BNS): Meaning, Precautions, Enforcement and the Apprehensions about Misuse, 3 Indian J. L. 13 (2025), <https://law.shodhsagar.com/index.php/j/article/view/119> (last visited Mar. 9, 2026).

stays shielded by high levels of anonymity and low personal risk.¹²

Offline stalking typically leaves visible behavioural cues, such as being followed on a route, repeated visits or telephone calls that help police infer a pattern. Cyber stalking, as analysed by Aruna Baby Stephen, lowers the cost and effort of repetition because a single script or automated message can trigger hundreds of communications and posts. The stalker may impersonate the victim, post inflammatory content under her name, or incite third parties by sharing her address and phone number, transforming a dyadic obsession into crowd based harassment. The same conduct can cross borders instantly and complicate investigation, jurisdiction and mutual legal assistance.¹³

C. Theoretical perspectives on victimisation, gender and power in digital spaces

Feminist theories of gender based violence view cyber stalking as a continuation of patriarchal control into networked environments, not as a new, value neutral misuse of tools. They show how digital platforms amplify existing male dominance by enabling constant access, anonymous threats and humiliation before a large audience. Online abuse therefore works as a technique of disciplining women who speak, organise or simply appear in public digital spaces, and it systematically chills their participation and voice.¹⁴

Intersectionality theory, developed by Kimberlé Crenshaw, explains why victims of cyber stalking do not experience harm in a uniform way, because gender interacts with caste, religion, class, sexuality, disability and location. A Dalit or Muslim woman activist online may face caste slurs, communal hate and sexualised threats together, while legal categories and police practice still treat each episode as a discrete incident. This lens argues that digital victimisation reflects layered power relations in society and that remedy must address these co existing axes of oppression, not just gender alone.¹⁵

¹² Heena Keswani, *Cyber Stalking: A Critical Study*, *Bharati L. Rev.*, Apr.–June 2017, at 131, <https://docs.manupatra.in/newline/articles/Upload/455C1055-C2B6-4839-82AC-5AB08CBA7489.pdf> (last visited Mar. 9, 2026).

¹³ Aruna Baby Stephen, *Comparative Analysis of Cyber Stalking Legislations in UK, US and India*, 6 *Christ U. L.J.* 61 (2017), <https://journals.christuniversity.in/index.php/culj/article/download/1880/1563> (last visited Mar. 9, 2026).

¹⁴ U.N. Women, *Preventing and Eliminating Technology Facilitated Violence Against Women and Girls: A Global Strategy 2025*, at 7–10 (2025), <https://www.unwomen.org/sites/default/files/2025-12/un-women-strategy-preventing-and-eliminating-technology-facilitated-violence-against-women-and-girls-en.pdf> (last visited Mar. 9, 2026).

¹⁵ Kimberlé Williams Crenshaw, *Mapping the Margins: Intersectionality, Identity Politics, and Violence Against Women of Color*, 43 *Stan. L. Rev.* 1241 (1991),

Cyber civil rights scholarship argues that cyber harassment and cyber stalking function as mechanisms of group based subordination, rather than isolated interpersonal conflicts. Danielle Citron shows how mobs and repeat harassers target women and minorities to drive them out of online spaces, damage reputation and employment, and destroy privacy, so that the message to the wider group is that their presence is conditional and fragile. This account reframes online violence as an equality and civil rights problem, requiring structural duties on states and platforms, not only criminal punishment after the fact.¹⁶

The most important studies in the field of online gender based violence in India indicate that online space is a reflection of offline structures and tends to perpetuate them due to anonymity, virality and lack of accountability. The records of extremely high rates of online harassment against Indian women indicate incessant unsolicited messages, non consensual sharing of images and doxxing, which compel a significant portion of women to self censor or quit entirely. In this kind of environment, the victim is not just a single complainant, she is a point of entry by which patriarchal authority, the honour of community and communal politics are all mediated in the digital form of violence.¹⁷

Human rights based approaches treat technology facilitated gender based violence as a violation of multiple rights at once, including equality, privacy, freedom of expression and participation in public life. UN and development agency reports stress that digital technologies should serve as tools for empowerment and access, but that design choices, data extraction models and weak redress systems currently reproduce power imbalances and render many harms legally invisible. Law and policy responses therefore must centre survivors, recognise structural discrimination, and impose positive obligations on states and intermediaries to prevent, investigate and remedy abuse in a timely manner.¹⁸

D. Constitutional and human rights framework for online safety and dignity

The Indian constitutional framework reads online safety through the core of dignity, equality

<https://blogs.law.columbia.edu/critique1313/files/2020/02/1229039.pdf> (last visited Mar. 9, 2026).

¹⁶ Danielle Keats Citron, *Hate Crimes in Cyberspace* (Harvard Univ. Press 2014),

<https://www.law.virginia.edu/scholarship/publication/danielle-keats-citron/1115081> (last visited Mar. 9, 2026).

¹⁷ Riya Sharma, *Digital Violence: The Rise of Online Gender Based Violence Against Women in India*, *Int'l J. Future Multidiscip. Res.* 1, 3–5 (2025), <https://www.ijfmr.com/research-paper.php?id=41785> (last visited Mar. 9, 2026).

¹⁸ U.N. Dev. Programme, *Analysis of the Legislation Related to Technology Facilitated Gender Based Violence Against Women and Girls 8–12* (2024), <https://www.undp.org/sites/g/files/zskgke326/files/2024-12/final-analysis-tf-gbv.pdf> (last visited Mar. 9, 2026).

and personal liberty under Articles 14, 15, 19 and 21. The Supreme Court in Justice K.S. Puttaswamy (Retd.) v. Union of India treated privacy as an intrinsic part of dignity and as a precondition for autonomy in contemporary life, including control over personal data and digital traces. This understanding implies that unchecked cyber stalking, surveillance and doxxing can amount to constitutional injury, and that the State carries positive obligations to prevent, investigate and remedy such interference by private actors too, not only by its own organs.¹⁹

The equality code and the guarantee of a life with dignity also inform judicial responses to gender based harassment that now moves easily into online environments. In *Vishaka v. State of Rajasthan*, the Court located protection from sexual harassment within Articles 14, 19(1)(g) and 21, read with India's commitments under the Convention on the Elimination of All Forms of Discrimination Against Women, and directed the State and employers to secure a safe working environment. The same logic supports a duty to secure safe digital workplaces, classrooms and public platforms, where cyber stalking, sexualised trolling and non consensual circulation of images directly undermine women's equal participation in public life.²⁰

The guarantee of free speech in Article 19(1)(a) also shapes the constitutional limits of procedural responses to online abuse. In *Shreya Singhal v. Union of India*, the Supreme Court struck down section 66A of the Information Technology Act because vague and overbroad restrictions on online speech created a chilling effect and failed the test of reasonableness under Article 19(2). The judgment recognises that the internet is a vital forum for democratic debate, so criminalisation of cyber stalking and online harassment must be narrowly tailored, precise and coupled with procedural safeguards, otherwise measures that claim to protect victims may end up silencing them or criminalising legitimate expression.²¹

International human rights law reinforces these domestic guarantees by treating digital violations of privacy, dignity and security as extensions of existing treaty obligations. The International Covenant on Civil and Political Rights protects both privacy and freedom of expression, while United Nations General Assembly Resolution 68/167 on the right to privacy in the digital age affirms that unlawful or arbitrary surveillance, interception and data collection can violate Articles 12 of the Universal Declaration of Human Rights and 17 of the Covenant.

¹⁹ Justice K.S. Puttaswamy (Retd.) v. Union of India, (2017) 10 SCC 1.

²⁰ *Vishaka v. State of Rajasthan*, (1997) 6 SCC 241.

²¹ *Shreya Singhal v. Union of India*, AIR 2015 SC 1523.

The resolution calls on States to review legislation, ensure effective oversight and provide remedies for victims, an approach that supports robust procedural frameworks against cyber stalking and technology facilitated gender based violence in India.²²

SUBSTANTIVE AND PROCEDURAL LEGAL FRAMEWORK ON CYBER STALKING

Cyber stalking in India sits at the intersection of general criminal law and specialised cyber norms. Section 354D of the Indian Penal Code, 1860, now carried forward in substance into the Bharatiya Nyaya Sanhita, 2023 (BNS), criminalises stalking including monitoring of a woman's online activity, with enhanced punishment for repeat offenders. This core offence works together with provisions on voyeurism, criminal intimidation and insult to modesty that cover persistent "online following" and threats in social media or messaging spaces.²³

The Information Technology Act, 2000 supplements this matrix by targeting modality and content of cyber mediated harassment. Sections 66E, 67, 67A and 67B address non-consensual capture of private images, circulation of obscene or sexually explicit material and child sexual abuse content, all typical tools used by cyber stalkers to coerce and control victims. Read with Section 43A on negligent handling of sensitive data, these provisions create overlapping liability for both individual perpetrators and defaulting corporate entities that fail to secure personal data exploited in stalking episodes.²⁴

Procedurally, the emerging data protection regime gives a parallel regulatory track for victim protection. The Digital Personal Data Protection Act, 2023 recognises processing of personal data for "prevention, investigation or prosecution of offences" as a legitimate ground, which allows law enforcement to obtain platform-held logs, IP-addresses and subscriber information in cyber stalking complaints. At the same time, the Act creates duties of purpose limitation, storage limitation and security safeguards on data fiduciaries, so platforms cannot indefinitely retain or misuse sensitive victim data collected during reporting and takedown processes.²⁵

²² G.A. Res. 68/167, The Right to Privacy in the Digital Age (Dec. 18, 2013), <http://undocs.org/en/A/RES/68/167> (last visited Mar. 9, 2026).

²³ Cyber Stalking Laws in India, JURYSKAN (May 16, 2025), <https://www.juryscan.in/cyber-stalking-laws-in-india/> (last visited Mar. 9, 2026).

²⁴ *Id.*

²⁵ Nidhi Dubey, Digital Personal Data Protection Act (DPDPA), 2023, IPLEADERS (Aug. 31, 2023), <https://blog.ipleaders.in/digital-personal-data-protection-act-dpdpa-2023/> (last visited Mar. 9, 2026).

The Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) recalibrates criminal procedure for technology-facilitated offences. Mandatory registration of cognisable offences through e-FIRs and electronic service of summons reduce entry barriers for victims who face ongoing online surveillance. Section 105 of BNSS makes audio-video recording of search and seizure compulsory, including when police seize phones, laptops or cloud-linked devices, and requires prompt transmission of such recordings to the Magistrate, which in principle should reduce fabrication allegations and protect both victims and accused during digital evidence collection.²⁶

The Bharatiya Sakshya Adhiniyam, 2023 (BSA) modernises evidentiary rules for cyber stalking trials. Sections 62 and 63 treat computer outputs and other electronic records as documents if specified conditions about regular use, proper functioning and certification are met, while Section 61 bars courts from rejecting evidence solely because it is digital. Explanations to the definition of primary evidence explicitly cover multiple digital copies and parallel video streams, which allows screenshots, chat logs, platform takedown emails and CCTV footage of device use to come in as primary evidence when produced from proper custody and supported by the requisite certificate.²⁷

Intermediary liability and platform-governance rules close the loop between substantive offences and procedure. The Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 oblige intermediaries to prohibit content that is obscene, invasive of bodily privacy, or insulting and harassing on the basis of gender; to preserve removed content and related logs for at least 180 days; and to maintain fast-track grievance mechanisms that acknowledge complaints within twenty-four hours and resolve many within seventy-two hours. These duties, coupled with safe-harbour under Section 79 of the IT Act, structurally embed intermediaries into the investigative and victim-protection framework in cyber stalking cases.²⁸

²⁶ Ministry of Home Affairs, New Criminal Laws – Accountability of Police, PRESS INFORMATION BUREAU (Aug. 6, 2024), <https://pib.gov.in/PressReleasePage.aspx?PRID=2042126> (last visited Mar. 9, 2026).

²⁷ Electronic Evidence under Bhartiya Sakshya Adhiniyam, 2023, DRISHTI JUDICIARY (July 16, 2024), <https://www.drishtijudiciary.com/to-the-point/bharatiya-sakshya-adhiniyam-%26-indian-evidence-act/electronic-evidence-under-bhartiya-sakshya-adhiniyam-2023> (last visited Mar. 9, 2026).

²⁸ Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 (as amended 2022 & 2023), MINISTRY OF ELECTRONICS & INFORMATION TECHNOLOGY, <https://www.meity.gov.in/static/uploads/2024/02/Information-Technology-Intermediary-Guidelines-and-Digital-Media-Ethics-Code-Rules-2021-updated-06.04.2023-.pdf> (last visited Mar. 9, 2026).

PROCEDURAL ARCHITECTURE OF INVESTIGATION AND PROSECUTION

A. Complaint registration, FIR and e-reporting mechanisms

The BNSS framework on registration of information in cognisable offences now explicitly accommodates electronic communication and recognises the device of Zero FIR, which allows any police station to record information even without territorial jurisdiction. Standard operating procedures on Zero FIR and e-FIR emphasise that officers must promptly reduce cyber complaints into writing, give a free copy to the informant, and transfer the matter to the competent police station without forcing the victim to travel or re-narrate facts many times.²⁹

Guidelines on Zero FIR and e-FIR under section 173 BNSS clarify that information about a cognisable offence may be received through email, online portal or other electronic means, and that such an e-FIR must be confirmed by the informant's signature within a short period, typically three days, to mature into a regular FIR. This structure is crucial for cyber stalking survivors who may be in different cities from the offender or feel unsafe visiting a police station immediately, yet need the legal clock to start running on preservation of logs and electronic evidence.³⁰

The National Cybercrime Reporting Portal creates a parallel but integrated channel for complaint registration in cyber offences, with special focus on content targeting women and children. The portal, operated under the Indian Cybercrime Coordination Centre (I4C), permits victims to report incidents from anywhere, choose the correct category such as online harassment or cyber stalking, upload screenshots and other digital material, and then track status through a unique reference number that is routed to the appropriate State or district police unit.³¹

Government policy on Cyber Crime Prevention against Women and Children places this portal in a bigger ecosystem of helpline, awareness interventions and forensic capacity and official releases show that the portal is there to offer a single point of entry with regard to cyber

²⁹ Puducherry Police, SOP for Zero FIR, e-FIR and Preliminary Enquiry under BNSS (2023), <https://police.py.gov.in/SOP%20for%20Zero%20FIR%20-%20e-FIR%20and%20Preliminary%20Enquiry%20under%20BNSS.pdf> (last visited Mar. 9, 2026).

³⁰ Nat'l Council of Educ. Research & Training, *The Bharatiya Nagarik Suraksha Sanhita*, 2023: Module 68, at 16 (2024), https://ncert.nic.in/pdf/module/New_Laws_2023/BNSS68-2023E.pdf (last visited Mar. 9, 2026).

³¹ Indian Cybercrime Coordination Centre, National Cybercrime Reporting Portal (NCRP), I4C, Ministry of Home Aff., <https://i4c.mha.gov.in/ncrp.aspx> (last visited Mar. 9, 2026).

complaints with an emphasis on obscene and exploitative material. Within the framework of this plan, the Ministry of Home Affairs emphasizes timely reporting and the synchronization of law enforcement with service providers in such a way that offensive content can be promptly erased and evidences are acquired before being erased off the sites.³²

The recommendations of the National Commission of Women provide an insight into the necessity to have a smooth transfer of complaints between the specialised bodies and central reporting portal, in particular, where women initially contact NCW or State Commissions instead of the police. The Commission has suggested that online women specific complaint units would be connected to each other in a manner that any cybercrime complaint would be automatic to be received by the Crime Reporting Unit of MHA with the same recognition to both NCW and the complainant so as to establish one chain of procedures as opposed to a network of uncoordinated digital desks.³³

B. Role and responsibilities of police and specialised cyber units

State police remain the primary gatekeepers for cyber stalking complaints, because police and public order lie in the State List. They must receive complaints at local stations, women's help desks, and cyber crime police stations, and then register and investigate offences reported through the National Cyber Crime Reporting Portal, where victims upload digital evidence and track status. The portal operates as a front-end for law enforcement, so police carry the burden of converting online complaints into FIRs and actionable investigations in cyber stalking cases.³⁴

Specialised cyber cells and cyber crime police stations handle technologically complex cases and support ordinary police stations. The Union Ministry of Home Affairs has documented a sharp rise in dedicated cyber crime police stations across States and Union Territories, linked with data compiled by the Bureau of Police Research and Development in its "Data on Police Organizations". This institutional growth signals a clear expectation that specialised units will lead on prevention, detection, investigation and prosecution of cyber offences, including online

³² Press Release, Ministry of Home Aff., Online Cyber Grooming of Women and Young Children (Mar. 16, 2022), <https://www.pib.gov.in/Pressreleaseshare.aspx?PRID=1806602> (last visited Mar. 9, 2026).

³³ Nat'l Comm'n for Women, Cyber Crime Prevention Against Women and Children (CCPWC), <https://www.ncw.gov.in/ncw-cells/legal-cell/review-of-laws-affecting-women-and-legislative-measures-suggested/cyber-crime-prevention-against-women-and-children-ccpwc/> (last visited Mar. 9, 2026).

³⁴ National Cyber Crime Reporting Portal, Nat'l Gov't Servs. Portal (India), <https://services.india.gov.in/service/detail/national-cyber-crime-reporting-portal> (last visited Mar. 9, 2026).

harassment and stalking, while also guiding general police units on technical issues.³⁵

At the national level, the Indian Cyber Crime Coordination Centre (I4C) under the Cyber and Information Security Division of the Ministry of Home Affairs functions as the nodal coordination hub. Its components such as the National Cybercrime Threat Analytics Unit, National Cyber Crime Reporting Portal, National Digital Investigation Support Centre and National Cybercrime Training Centre provide analytics, digital forensics support and standardised training modules to State police and cyber units. These structures shape the responsibilities of cyber units to rely on central threat intelligence, use national training curricula, and route interstate or organised cyber stalking networks through joint cyber investigation platforms.³⁶

The Ministry of Home Affairs also links these responsibilities to capacity building schemes. Under initiatives like Cyber Crime Prevention against Women and Children, the Centre has funded cyber forensic-cum-training laboratories, junior cyber consultants and extensive training of law enforcement, prosecutors and judicial officers. This financial and institutional support expects police and specialised units not only to investigate individual complaints, but to develop in-house forensic capacity, run awareness programmes and maintain a rapid response to gendered cyber harms such as cyber stalking and online harassment.³⁷

State-level cyber units illustrate these operational roles in concrete terms. The Karnataka Cyber Crime Division, which began as India's first Cyber Crime Police Station and later expanded into a full division, now houses investigation units, cyber forensics labs, a technical cell and the Centre for Cybercrime Investigation Training and Research. It investigates important cyber crime cases referred from local police, assists all units in extraction and analysis of digital evidence, and conducts large-scale training and research on cybercrime investigation. This model shows how specialised units are expected to combine direct investigation of serious cyber stalking cases with technical hand-holding and capacity building for the wider police

³⁵ Press Release, Ministry of Home Affairs, Establishment of Cyber Crime Units, Press Info. Bureau (Dec. 9, 2025), <https://www.pib.gov.in/PressReleasePage.aspx?PRID=2200973&lang=1®=3> (last visited Mar. 9, 2026).

³⁶ Cyber and Information Security (C&IS) Division – Overview about the I4C, Ministry of Home Affs., <https://www.mha.gov.in/en/divisionofmha/cyber-and-information-security-cis-division> (last visited Mar. 9, 2026).

³⁷ Press Release, Ministry of Home Affairs, Cyber Security and Financial Fraud Combat, Press Info. Bureau (Dec. 17, 2025), <https://www.pib.gov.in/PressReleaseDetailm.aspx?PRID=2205201> (last visited Mar. 9, 2026).

organisation.³⁸

Victim-centred responsibilities of police and cyber units are reinforced through operational standard operating procedures. Guidelines on investigating cyber offences involving sexual violence emphasise that investigators must secure and preserve digital evidence, coordinate promptly with social media platforms, and provide continuous support to victims to reduce secondary trauma. These SOPs locate specialised cyber units as custodians of good practice in handling cyber stalking, especially against women and children, and require them to embed a trauma-informed, rights-sensitive approach inside routine investigative work.³⁹

C. Digital forensics, electronic evidence and chain of custody

Digital forensics in cyber stalking cases reconstructs a pattern of online surveillance from scattered artefacts like chat logs, screenshots, IP logs, device images and platform records. Investigating officers now routinely rely on the National Cyber Crime Reporting Portal and the Indian Cyber Crime Coordination Centre (I4C) ecosystem, where the National Cyber Forensic Laboratory (Investigation) in New Delhi provides early stage forensic assistance to State and UT police, including analysis of mobile phones, cloud accounts and communication records that support stalking prosecutions.⁴⁰

The Bharatiya Sakshya Adhiniyam, 2023 treats electronic and digital records as “documents” and makes computer outputs admissible if they satisfy the conditions in section 63 regarding regular use of the device, proper functioning and ordinary course feeding of data. The statute requires a certificate that identifies the electronic record, explains how it was produced, describes the device, and affirms compliance with the statutory conditions, often with a hash value to demonstrate integrity of the seized data, which is central to any chain of custody narrative in cyber stalking trials.⁴¹

Comprehensive guidelines notified by the Government of Puducherry under the Bharatiya

³⁸ Cyber Crime Division, Crim. Investigation Dep’t, Gov’t of Karnataka, <https://cid.karnataka.gov.in/15/cyber-crime-division/en> (last visited Mar. 9, 2026).

³⁹ Karnataka State Comm’n for Prot. of Child Rights, Standard Operating Procedures and Guidelines for Investigating Cyber Offences 1–4 (2024), https://kscpcr.karnataka.gov.in/uploads/media_to_upload1757932131.pdf (last visited Mar. 9, 2026).

⁴⁰ Press Release, Ministry of Home Aff., Strategy to Control Cyber Crimes in the Country (July 23, 2025), <https://www.pib.gov.in/PressReleaseIframePage.aspx?PRID=2147183> (last visited Mar. 9, 2026).

⁴¹ Electronic Evidence, Bharatiya Sakshya Adhiniyam, 2023: Topic Electronic Evidence 3–8 (2024), <https://cdnbbsr.s3waas.gov.in/s3ec01a0ba2648acd23dc7a5829968ce53/uploads/2024/12/2024122766.pdf> (last visited Mar. 9, 2026).

Sakshya Adhiniyam emphasise that electronic records may be collected through search and seizure under sections 106 and 185 of the Bharatiya Nagarik Suraksha Sanhita, 2023 or through summons under section 94, and that the hash value of each seized device or copy must be recorded in the case diary, with clear distinction between primary evidence such as original DVRs and secondary copies like exported CCTV clips.⁴²

The Kerala Police Standard Operating Procedure on digital evidence in crimes against women and children sets out a five phase workflow of identification, collection, analysis, preservation and presentation, and stresses that every action relating to seizure, imaging, storage and transfer of digital devices must be fully documented. The SOP links poor documentation, ad hoc policies and lack of trained responders directly to a broken chain of custody and warns that any uncontrolled alteration of data can render crucial cyber harassment evidence legally suspect.⁴³

Parliamentary material on the Cyber Crime Prevention against Women and Children Scheme records that cyber forensic cum training laboratories have been commissioned across most States and that CERT-In's Cyber Forensics Lab has been notified as an Examiner of Electronic Evidence under section 79A of the Information Technology Act, 2000, equipping law enforcement with accredited facilities to image devices, compute hash values, and issue expert reports that support an unbroken chain of custody from seizure to courtroom testimony in cyber stalking prosecutions.⁴⁴

D. Bail, anticipatory safeguards and misuse concerns

Bharatiya Nyaya Sanhita classifies stalking, including cyber mediated monitoring and unwanted online contact, as a cognizable offence with graded punishment that normally falls within the up to seven years bracket, and first time stalking remains bailable while repeat conduct becomes non bailable.⁴⁵ This graded scheme directly shapes bail, because courts and

⁴² Govt. of Puducherry, Home Dep't, Comprehensive Guidelines for the Admissibility of Digital and Electronic Records under the Bharatiya Sakshya Adhiniyam, 2023, G.O. Ms. No. 27, Gazette of Puducherry, Part II (May 9, 2025), <https://styandptg.py.gov.in/2025/MAY/EXTRAORDINARYPART-II/1/40-PART-II%20dated%2009-05-2025.pdf> (last visited Mar. 9, 2026).

⁴³ Kerala Police, Standard Operating Procedure for Digital Evidence Related to Crimes against Women and Children 1–13 (2021), <https://keralapolice.gov.in/storage/pages/custom/ckFiles/file/7GafuMCjLbFgjBNh8aXz8WhLv2Zqtfczvbi7Uv6m.pdf> (last visited Mar. 9, 2026).

⁴⁴ Rajya Sabha, Unstarred Question No. 3892, Cyber Crime Prevention against Women and Children Scheme (Apr. 6, 2022), <https://xn--i1b5bzbybhfo5c8b4bxh.xn--11b7cb3a6a.xn--h2brj9c/MHA1/Par2017/pdfs/par2022-pdfs/RS06042022/3892.pdf> (last visited Mar. 9, 2026).

⁴⁵ Bharatiya Nyaya Sanhita, No. 45 of 2023, § 78.

police read the first incident as suitable for release on conditions, but treat repeat or aggravated conduct as requiring closer risk assessment for victim safety.⁴⁶ The statutory design tries to respect the presumption of innocence, yet it also recognises that persistent cyber stalking often escalates from digital intrusion to physical harm, so judicial officers must look beyond sentence length and examine pattern, technological sophistication and prior complaints.

Bharatiya Nagarik Suraksha Sanhita recasts bail and bonds in Chapter XXXV and keeps the classic distinction between bailable and non bailable offences while emphasising proportionality and recording of reasons.⁴⁷ Anticipatory bail now lies in Section 482 BNSS for persons apprehending arrest in non bailable offences, including repeat cyber stalking or composite charges involving sexual harassment and IT Act provisions.⁴⁸ The provision allows high courts and sessions courts to craft tailored conditions, like appearance for interrogation, non interference with witnesses and travel restrictions, so judges can protect complainants without defaulting to custodial detention.⁴⁹ At the same time, BNSS reinforces that ordinary bail in bailable stalking must not be mechanically refused, because denial of liberty is an exception and not the rule.

Supreme Court in *Arnesh Kumar v. State of Bihar* insisted that police cannot arrest merely because an offence is cognizable and non bailable and must first apply the statutory necessity test for offences up to seven years, which includes most cyber stalking situations.⁵⁰ These guidelines, read with the new BNSS structure, require police to justify why custody is needed, for example to prevent further online targeting, destruction of digital evidence or intimidation of the complainant, instead of using arrest as the first response to any accusation. Trial courts, when considering regular bail, must review compliance with these safeguards, otherwise pre trial detention becomes punitive rather than preventive.

There is still controversy over the abuse of gender sensitive crimes and some research on stalking under BNS has expressed some worries that poorly framed ingredients and social

⁴⁶ Anoop Singh, *Stalking under the Bharatiya Nyaya Sanhita (BNS): Meaning, Precautions, Enforcement and the Apprehensions about Misuse*, 3 *Indian J. L.* 13 (2025), <https://law.shodhsagar.com/index.php/j/article/view/119> (last visited Mar. 9, 2026).

⁴⁷ *Bharatiya Nagarik Suraksha Sanhita*, No. 46 of 2023, ch. XXXV (Provisions as to Bail and Bonds).

⁴⁸ *Bharatiya Nagarik Suraksha Sanhita*, No. 46 of 2023, § 482.

⁴⁹ Ram Pratap Yadav, *Objectives and Scope of Bail Under BNSS, 2023: An In-depth Analysis*, *Int'l J. Res. Innovation & Applied Sci.* (July 4, 2025), <https://rsisinternational.org/journals/ijrias/articles/objectives-and-scope-of-bail-under-bnss-2023-an-in-depth-analysis/> (last visited Mar. 9, 2026).

⁵⁰ *Arnesh Kumar v. State of Bihar*, (2014) 8 S.C.C. 273 (India).

hatred may occasionally permit false and retaliatory accusations.⁵¹ Nonetheless empirical research on cybercrimes against women in India records consistent under reporting and it has been estimated that only a small percentage of cyber violence cases are ever registered and even less of them actually come to trial, which argues against endemic misuse but in favor of endemic under enforcement. A fair process of doing so should include sound anticipatory and routine bail policies, arrest policies, and risk based conditions including no contact orders and platform limitations, such that due process safeguards of the accused do not conflict with actual, but not symbolic, protection of cyber stalking victims.

E. Trial process, burden of proof and standard of appreciation of e-evidence

Trial in cyber stalking prosecutions still follows the basic accusatorial structure, but electronic records now sit at the centre of the evidentiary narrative rather than at its margins. Under the Bharatiya Sakshya Adhiniyam, 2023, electronic records and computer outputs are treated as documents and, in many settings, as primary evidence, subject to compliance with the statutory conditions for admissibility. The court therefore frames charges on the basis of a digital factual matrix, looks at sequences of messages, call records and platform logs, and then proceeds through examination in chief, cross examination and final arguments in a way that constantly engages with screens, printouts and forensic reports instead of only oral testimony.⁵²

The burden of proof in these trials remains proof beyond reasonable doubt on the prosecution, but its content shifts toward proving identity, authorship and continuity across multiple devices and accounts. The Supreme Court in *Anvar P.V. v. P.K. Basheer* held, under the earlier Evidence Act, that electronic records must satisfy the special provisions on admissibility and that issues of genuineness and reliability arise only after the threshold of relevancy and admissibility is crossed. That approach, now substantially carried into section 63 of the Bharatiya Sakshya Adhiniyam, means that the prosecution must first cross the statutory gate of admissibility and only then persuade the court, through corroboration and cross examination, that the e evidence points unerringly to the accused stalker.⁵³

⁵¹ Subhra Rajat Balabantaray et al., *A Sociological Study of Cybercrimes Against Women in India*, 19 Int'l J. Asia Pac. Stud. 23 (2023), https://ijaps.usm.my/wp-content/uploads/2023/01/IJAPS-191_Art-2.pdf (last visited Mar. 9, 2026).

⁵² The Bharatiya Sakshya Bill, 2023, PRS LEGISLATIVE RESEARCH, <https://prsindia.org/billtrack/the-bharatiya-sakshya-bill-2023> (last visited Mar. 9, 2026).

⁵³ *Anvar P.V. v. P.K. Basheer*, (2014) 10 SCC 473 (India).

Certificate requirements and chain of custody therefore become central to the trial process. In *Arjun Panditrao Khotkar v. Kailash Kushanrao Gorantyal*, the Supreme Court reaffirmed that a certificate in terms of section 65B(4) of the old Evidence Act is mandatory where the original electronic record cannot be produced, and rejected attempts to bypass this safeguard in the name of flexibility. Trial courts in cyber stalking cases must now insist on analogous certification under section 63 of the Bharatiya Sakshya Adhiniyam, scrutinise who signed it, when it was prepared, and whether it matches the seized device and hash values, since any serious gap in this chain can fatally weaken the prosecution case.⁵⁴

Standard of appreciation of e evidence requires courts to move beyond a mechanical suspicion of digital material, but still remain alive to possibilities of fabrication and editing. Judicial and training material on section 63 stresses that courts should look at contemporaneity of messages, metadata, device logs, consistency between victim testimony and digital trace, and whether independent platform responses corroborate the record. In cyber stalking trials, judges often read long chat threads, compare them with call detail records and login histories, and then weigh the totality of circumstances rather than rely on a single screenshot or isolated post, so that the final finding reflects the pattern of course of conduct.⁵⁵

The new codes also have digital implications on the trial management and appreciation of electronic material. The practice in other States like Haryana demonstrates that now courts are provided with the search and seizure video, statements, and summons via electronic systems, and it simplifies the process of access to digital records and saves conflicts in terms of manipulation of physical documents. In cases where there are audio video records of searches or victim statements, the judges can directly observe how devices were seized or how the survivor narrated online harassment, and this tends to add weight of supporting electronic exhibits by indicating that the process of their collection was fair and did not contradict the procedural safeguards in the Bharatiya Nagarik Suraksha Sanhita.⁵⁶

⁵⁴ *Arjun Panditrao Khotkar v. Kailash Kushanrao Gorantyal*, (2020) 7 SCC 1 (India).

⁵⁵ Electronic Evidence, Bharatiya Sakshya Adhiniyam, 2023: Topic Electronic Evidence 3–8 (2024), <https://cdnbbsr.s3waas.gov.in/s3ec01a0ba2648acd23dc7a5829968ce53/uploads/2024/12/2024122766.pdf> (last visited Mar. 9, 2026).

⁵⁶ 90% Summons Served via Online in Haryana, Says Secretary, TIMES OF INDIA (July 9, 2025), <https://timesofindia.indiatimes.com/city/gurgaon/90-summons-served-via-online-in-haryana-says-secretary/articleshow/122327740.cms> (last visited Mar. 9, 2026).

VICTIM PROTECTION, SUPPORT AND ACCESS TO JUSTICE

Protecting the victim of cyber stalking nowadays starts with the reporting level itself, since the availability of an easy and secure line of complaint is often the determining factor in whether a victim will report or not. The Cyber Crime Prevention against Women and Children (CCPWC) scheme under the Nirbhaya Fund funds the Cyber Stalking and Allied Online Abuse National Reporting Portal and the Nirbhaya Fund Toll free helpline 1930 that enable women and children to report cyber stalking and other related online abuse at any place, even without the need to visit a police station. This scheme links reporting with police, prosecutors and judicial officers awareness and capacity building, in such a way that the system can react to the digital harms with some sensitivity and not consider these as small squabbles.⁵⁷

Support structures after reporting increasingly use an integrated, one roof model. Sakhi One Stop Centres under the Ministry of Women and Child Development provide coordinated services to women in distress, including assistance in lodging FIRs, free legal aid, medical help, psycho social counselling and short stay shelter. Experience from districts such as Coimbatore shows that these centres now also receive women facing blackmail and cyber harassment, often routed through the 181 women helpline, and that case numbers are rising every year, which suggests that victims do use these spaces when they are visible and trusted.⁵⁸

Compensation and financial rehabilitation form a second pillar of victim protection in the procedural framework. Section 396 of the Bharatiya Nagarik Suraksha Sanhita reworks and strengthens the earlier CrPC victim compensation scheme, clarifying state liability to frame schemes, provide interim relief and pay compensation even when the offender remains unknown or acquitted, so long as the victim has suffered proven harm. Recent scholarship notes that this provision, if interpreted purposively, can extend to women subjected to technology facilitated violence, including cyber stalking that causes severe psychological injury, reputational loss or forced relocation.⁵⁹

⁵⁷ Press Release, Ministry of Women & Child Dev., Government Implements a Scheme of Cyber Crime Prevention against Women and Children (CCPWC) under Nirbhaya Fund (July 31, 2024), Press Information Bureau, <https://www.pib.gov.in/PressReleaseIframePage.aspx?PRID=2039866> (last visited Mar. 9, 2026).

⁵⁸ Over 3,000 Women Assisted in Coimbatore's Sakhi Centres, *TIMES OF INDIA* (July 1, 2025), <https://timesofindia.indiatimes.com/city/coimbatore/over-3000-women-assisted-in-coimbatore-sakhi-centres/articleshow/122168007.cms> (last visited Mar. 9, 2026).

⁵⁹ Isha Ojal, Addressing the Disparity in Victim Compensation Across India After BNSS: A Cross-jurisdictional Analysis, 7 *J. Victimology & Victim Just.* (forthcoming 2025), <https://www.sciencedirect.com/science/article/pii/S2590291125001640> (last visited Mar. 9, 2026).

The NALSA Compensation Scheme to Women Victims or Survivors of Sexual Assault or Other Crimes, 2018, is a model scheme that State Legal Services Authorities implement as their schemes and funds. It imposes indicative slabs of compensation, requires claims to be processed on a time bound basis and requires compensation to be related to rehabilitation, such as counselling, education support and vocational training. National and state Legal Services Authorities also have the mandate to offer free legal services, legal representation, and legal awareness to women who present their grievances on cyber violence, which in turn directly influences their actual access to their criminal and civil solutions.⁶⁰

The Union Government has provided guidelines on Central Victim Compensation Fund that serve to minimize the difference in the compensation level between different States and also to complement inadequate state schemes. These guidelines state that compensation is not a charitable undertaking but a civic duty based on victimology and restorative justice and they urge states to establish special women victim compensation funds and to count counselling, medical care and long term rehabilitation as a legitimate head of expenditure. This architecture used correctly can provide cyber stalking survivors with an avenue that will lead them out of a complaint and takedown of harmful material and into financial and psycho social rehabilitation, rather than abandoning them once an FIR is filed.⁶¹

JUDICIAL RESPONSE AND DOCTRINAL CRITIQUE

Courts in India gradually construct a specific judicial vocabulary around cyber stalking and online harassment, mainly by reading section 354D of the Indian Penal Code together with information technology offences and modesty provisions. Trial courts, for instance in *State of West Bengal v. Animesh Boxi*, treat hacking of intimate images, threats of disclosure and upload on pornographic sites as composite cyber stalking, and expressly describe the harm as “virtual rape”, which shows a readiness to treat digital intrusion as serious sexual violence and to impose deterrent sentences.⁶²

⁶⁰ Victim Compensation, NAT'L LEGAL SERVS. AUTH., <https://nalsa.gov.in/victim-compensation/> (last visited Mar. 9, 2026).

⁶¹ Nat'l Legal Servs. Auth., Victimology and Compensation 8–12 (2024), <https://cdnbbsr.s3waas.gov.in/s3ec01a0ba2648acd23dc7a5829968ce53/uploads/2024/12/2024122730.pdf> (last visited Mar. 9, 2026).

⁶² Vinod Joseph & Mitali Jain, Anti Cyber Bullying Laws in India – An Analysis, Argus Partners (28 Sept. 2020), <https://www.argus-p.com/papers-publications/thought-paper/anti-cyber-bullying-laws-in-india-an-analysis/> (last visited Mar. 9, 2026).

High Courts frequently use bail and anticipatory bail decisions to signal the gravity of cyber stalking against women. In matters involving fake social media profiles, morphed images and persistent online abuse, such as *Jitender Singh Grewal v. State of West Bengal*, *Prakhar Sharma v. State of Madhya Pradesh* and *Hareesh v. State of Kerala*, courts uphold refusal of regular or anticipatory bail, stressing the lasting psychological impact of online targeting and the need to protect victims during investigation, even when the offences are “only” technology mediated and not physically proximate.⁶³

At the same time, judicial response also narrows overbroad use of section 354D when ingredients are not made out. The Karnataka High Court in *Abhishek Mishra v. State of Karnataka and Anr.*, while dealing with intimate relationship allegations and abusive electronic messages, quashes the stalking charge but retains voyeurism, criminal intimidation and privacy offences, and clearly holds that mere exchange of profane messages between adults does not by itself amount to stalking unless there is repeated unwanted contact or monitoring after a clear indication of disinterest, thereby insisting on a precise procedural and evidentiary threshold.⁶⁴

Other High Courts interpret the same provision expansively when conduct clearly weaponises networked publicity. The Bombay High Court, Nagpur Bench, observes that objectionable social media posts aimed at defaming a woman can attract both section 354D IPC on stalking and section 354 IPC on outraging modesty, and therefore allows prosecution to proceed, emphasising that repeated online publication and tagging can constitute following and monitoring in a virtual sense, and that digital virality aggravates fear, humiliation and loss of agency for the woman complainant.⁶⁵

Scholarly and professional commentary on this jurisprudence points to a mixed doctrinal picture, where courts strongly condemn egregious cyber stalking yet still work with a text that conflates offline and online behaviour and uses open textured terms like “monitoring” without clear statutory indicators. Analyses of Indian case law argue that recognition of privacy as part

⁶³ Id.

⁶⁴ Ruchi Sharma, HC Explains: Does Text Msgs with Foul Language constitute Section 354D IPC Offence, Read Order, LatestLaws.com (15 July 2025), <https://www.latestlaws.com/case-analysis/does-text-msgs-with-foul-language-constitute-section-354d-ipc-offence-227599/> (last visited Mar. 9, 2026).

⁶⁵ Sparsh Upadhyay, Objectionable Online Posts Defaming Woman May Attract Offences Of “Outraging Modesty” & “Stalking” Under IPC: Bombay High Court, LiveLaw (5 Dec. 2025), <https://www.livelaw.in/high-court/bombay-high-court/bombay-high-court-objectionable-social-media-posts-outraging-modesty-stalking-ipc-312298> (last visited Mar. 9, 2026).

of Article 21 and the gendered nature of cyber stalking require a more explicit, victim centric cyber stalking offence and more structured guidance on factors like persistence, anonymity, power imbalance, and platform architecture, so that judicial discretion in bail, quashing and sentencing does not vary unpredictably across courts.⁶⁶

COMPARATIVE ANALYSIS

Indian regulation of cyber stalking, largely routed through stalking provisions under Bharatiya Nyaya Sanhita 2023 read with legacy approaches under section 354D IPC and select information technology norms, still relies on adapting offline constructs to online harms, while several jurisdictions have created bespoke cyberstalking offences with clearer attention to course of conduct, technological modalities and victim autonomy.⁶⁷

The United Kingdom employs a layered model under the Protection from harassment Act 1997 where section 1 outlaws any harassment, section 2A defines stalking by expressing stalking as an example, section 4A increases the liability where the conduct causes one to fear being assaulted or seriously alarmed and upset in relation to their everyday living; and so this framework has created a framework in which the protection and the tools within the framework are structurally embedded in the same law which India not yet has.⁶⁸

The United States is a combination of federal and state response; 18 U.S.C. SS 2261A expressly provides the use of any interactive computer service or electronic communication system of interstate commerce to initiate a course of action that causes reasonable fear of death or bodily injury serious or severe or substantial emotional distress to pursue a course of conduct, including provisions on cyberstalking or other cyber harassment crimes, supported by protection orders with full faith and credit across state lines, so that the victim does not lose her procedural protections when relocating, which is much less secure in the⁶⁹

At the regional level, the Council of Europe Istanbul Convention requires parties to criminalise stalking as repeated threatening conduct causing fear for safety, and links this to duties to train

⁶⁶ Varalika Nigam, Cyberstalking and the Indian Jurisprudence, Mondaq (16 May 2022), <https://www.mondaq.com/india/social-media/1193320/cyberstalking-and-the-indian-jurisprudence> (last visited Mar. 9, 2026).

⁶⁷ Arunbaby Stephen, Comparative Analysis of Cyber Stalking Legislations in UK, US and India, 6 Christ U. L.J. 61 (2017), <https://journals.christuniversity.in/index.php/culj/article/download/1880/1563> (last visited Mar. 9, 2026).

⁶⁸ Protection from Harassment Act 1997, c. 40, §§ 1, 2A, 4A (UK).

⁶⁹ 18 U.S.C. § 2261A (2018).

police, prosecutors and judges, and to provide restraining and protection orders and specialised support services; this integrated lens treats stalking, including technology assisted forms, as a gendered human rights harm rather than only an interpersonal crime, which contrasts with the still predominantly public order oriented framing that informs many Indian prosecutions.⁷⁰

European Union victim protection instruments build further on this by combining the Directive 2012/29/EU on minimum standards for victims' rights with the Directive on the European Protection Order and mutual recognition of protection measures, thereby creating a transnational procedural architecture where risk assessment, information duties, support services and recognition of protection orders must operate as a coherent package; the Indian framework on cyber stalking and victim protection, in comparison, shows normative commitment on paper but does not yet ensure a similarly structured, rights based and cross jurisdictionally resilient system for victims whose abuse often spans platforms, states and borders.⁷¹

FINDINGS, RECOMMENDATIONS AND CONCLUSION

The overall mapping of Indian law on cyber stalking shows a dense but fragmented framework, spread across Bharatiya Nyaya Sanhita, the Information Technology Act and Rules, DPDP Act, BNSS and Bharatiya Sakshya Adhinyam, with each instrument solving a piece of the puzzle but none giving a clear, self contained, victim centred cyber stalking code. Findings from doctrinal studies highlight definitional ambiguity, overlapping provisions, and heavy reliance on police and prosecutorial discretion, which together create uncertainty for victims about which remedies will actually work and which forum to approach first.⁷²

The study also points out that the current model is still highly reactive and dedicated to the registration of offences, seizure of devices and ensuring a conviction whereas systemic tasks related to prevention, early risk evaluation and governance of platforms are not developed yet. It would be advisable by comparative analysis that India should have a specifically focused

⁷⁰ Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence art. 34, May 11, 2011, C.E.T.S. No. 210.

⁷¹ Ioannis Androulakis, European Perspectives on Rights for Victims of Crime, 9(4) *Eu crim* 111 (2014), <https://eucrim.eu/articles/european-perspectives-rights-victims-crime/pdf/> (last visited Mar. 9, 2026).

⁷² Meenakshi Pandey, *An Analytical Study on Existing Legal Remedies Related to Cyberstalking in India and Its Loopholes* (2023), https://www.researchgate.net/publication/367335664_AN_ANALYTICAL_STUDY_ON_EXISTING_LEGAL_REMEDIES_RELATED_TO_CYBERSTALKING_IN_INDIA_AND_ITS_LOOPHOLES (last visited Mar. 9, 2026).

technologically responsive cyber stalking offence, with digital protection orders, time limited content removal, obligatory risk related bail terms and express responsibilities with reference to websites to collaborate with law enforcement and to offer quick, trauma sensitive redress to victims of technology-assisted abuse.⁷³

Recommendations therefore point towards a more integrated procedural charter for technology facilitated violence, anchored in BNSS and supported by detailed rules. Such a charter could codify standard operating procedures on chain of custody, e evidence, victim sensitive interviewing, cross border data requests and multi agency coordination, while also tying criminal process to compensation schemes and psycho social services. Scholars of cyber crime law stress that any reform should remain gender sensitive but formally gender neutral, explicitly recognise intersectional vulnerability, and embed due process protections, so that robust victim protection does not collapse into unchecked surveillance or speech control online.⁷⁴

The analysis supports a broader shift from piecemeal reform to a digital safety governance approach, aligned with international human rights standards on technology facilitated violence against women and girls and victims' rights more generally. Guidance from global and regional practice underlines that effective frameworks combine clear offences, tailored procedures, specialist units, independent oversight, strong data protection and accessible support services, all organised around the idea of autonomy and dignity in digital life. Translated into the Indian context, this means using the new criminal codes, evidence law and data protection regime as an opportunity to craft a coherent, rights based and future proof procedural architecture for cyber stalking and victim protection, rather than relying only on incremental case law and executive circulars.⁷⁵

⁷³ Reconceptualising Cyberstalking Regulation in India, 12 Int'l J. L. & Just. 1 (2026), <https://www.lawjournals.org/assets/archives/2026/vol12issue1/12074.pdf> (last visited Mar. 9, 2026).

⁷⁴ Sivanesh T. et al., Cyber Stalking: Comprehensive Legislative Framework in India, Int'l J. Trend Sci. Res. & Dev. (2024), <https://www.ijtsrd.com/papers/ijtsrd72660.pdf> (last visited Mar. 9, 2026).

⁷⁵ U.N. Women, Global Trends to Prevent and Respond to Technology-Facilitated Violence Against Women and Girls (2025), <https://www.unwomen.org/en/digital-library/publications/2025/12/global-trends-to-prevent-and-respond-to-technology-facilitated-violence-against-women-and-girls> (last visited Mar. 9, 2026).

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