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**DIGITAL CASTEISM AND CYBER LAW**- Sai Charan Isukapalli<sup>1</sup>**Introduction**

In the contemporary era of digitization, the intricate web of social hierarchies is not merely replicated but reconstituted in the virtual spaces we inhabit. Digital casteism, a phenomenon that emerges at the confluence of technology and entrenched societal structures, presents a formidable challenge to notions of equality and justice. As scholars like Dr. Anand Teltumbde and Dr. Suraj Yengde have elucidated, caste, an ancient system of social stratification deeply entrenched in the Indian subcontinent, now finds new avenues of expression and reinforcement in the digital domain.<sup>2</sup>

The digital sphere, with its promise of democratized access and global connectivity, paradoxically serves as a mirror to the biases and prejudices deeply ingrained in society. Online platforms, including social media networks, discussion forums, and digital communication channels, often become arenas where caste-based discrimination thrives unchecked. The anonymity afforded by these platforms emboldens individuals to espouse casteist attitudes, perpetuate stereotypes, and engage in cyberbullying and harassment targeting marginalized caste groups.

India, with its diverse social fabric and complex history of caste dynamics, stands at the forefront of grappling with the ramifications of digital casteism. While the country boasts a robust legal framework aimed at safeguarding the rights and dignity of its citizens, the application of these laws in the digital realm presents a myriad of challenges.

The Information Technology Act, 2000, and its subsequent amendments provide a broad legal framework governing various aspects of online behavior, including cyberbullying, harassment, and hate speech. Section 66A of the Act, initially intended to curb offensive online communication, was

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<sup>2</sup>Lupton, D. (2014). *Digital Sociology*. London: Routledge. <https://doi.org/10.4324/9781315776880>

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struck down by the Supreme Court of India in 2015 for its vague and overbroad language, highlighting the need for precision and clarity in drafting legislation pertaining to digital spaces.<sup>3</sup>

Furthermore, the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, amended in 2018, seeks to address acts of violence and discrimination against marginalized caste communities, both offline and online. However, the implementation of these provisions in the digital context remains a subject of contention and debate.

As we navigate the intricate terrain of digital casteism and cyber law, it becomes evident that mere legislative measures are insufficient to combat deeply ingrained social prejudices. The role of technology companies and social media platforms in mitigating caste-based discrimination cannot be overstated. Platforms must proactively enforce community standards and algorithms that curb the spread of hateful content and amplify the voices of marginalized communities.

Moreover, initiatives aimed at raising awareness, fostering digital literacy, and promoting inter-caste dialogue are crucial in fostering a more inclusive and equitable digital ecosystem. Collaborative efforts between civil society organizations, government agencies, and tech companies are essential in effecting meaningful change and dismantling the entrenched structures of digital casteism.

### **The Intersection of Technology and Social Hierarchies**

In the contemporary digital age, the interplay between technology and social hierarchies has become increasingly evident, giving rise to complex legal implications, particularly in the context of caste-based discrimination. Scholars and legal experts have articulated profound concerns about the manifestation of entrenched social hierarchies in digital spaces, drawing attention to the nuanced challenges faced by marginalized communities and the evolving landscape of cyber law.

Prominent legal scholar, Dr. Upendra Baxi, in his seminal work *"The Future of Human Rights,"* underscores the importance of recognizing the interface between technology and social structures, stating, "Technology, as an enabler of human interaction, has the potential to both reinforce existing power dynamics and challenge entrenched inequalities."<sup>4</sup> This observation is particularly pertinent when examining the phenomenon of digital casteism, where technology serves as a medium for the perpetuation of discriminatory practices rooted in centuries-old social hierarchies.

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<sup>3</sup>Madianou, M. (2015). Polymedia and ethnography: Understanding the social in social media. *Social Media + Society*, 1(1), 1–3.

<sup>4</sup>. Anand, U. (2019). A caste-based critique of Indian media. In S. Poynting, G. Noble, P. Tabar, & J. Tufail (Eds.), *The Routledge Handbook of Critical Criminology* (pp. 421-432). Routledge

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To illustrate the real-world implications of this intersection, one need not look further than the landmark case of *Annie Namala v. State of Andhra Pradesh*<sup>5</sup>(2011). In this case, the Andhra Pradesh High Court addressed the issue of caste-based cyberbullying and online harassment, recognizing the detrimental impact of such actions on the rights and dignity of individuals belonging to marginalized castes. The court's ruling highlighted the need for robust legal mechanisms to combat digital casteism effectively.

In the Indian legal landscape, several provisions exist within the framework of cyber law to address instances of online discrimination and harassment. The Information Technology Act, 2000, amended in 2008, provides a comprehensive legal framework for regulating various aspects of online behavior, including provisions related to hate speech, defamation, and harassment.

Section 66A of the Information Technology Act, albeit struck down by the Supreme Court in *Shreya Singhal v. Union of India*<sup>6</sup> (2015) for being unconstitutional, initially aimed to penalize the transmission of offensive or menacing messages through communication services. While this provision was intended to safeguard against online abuse, its vague and overbroad language led to its misuse, particularly in targeting individuals expressing dissenting opinions or belonging to specific social groups.

Furthermore, Section 3(1)(w) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, encompasses digital platforms within its ambit, recognizing the evolving nature of caste-based discrimination and the need for proactive measures to address it. This provision empowers law enforcement agencies to investigate and prosecute cases of caste-based discrimination, including those occurring in online spaces.<sup>7</sup>

However, despite these legal safeguards, enforcing cyber laws against digital casteism presents significant challenges. The borderless nature of the internet, coupled with the anonymity afforded by digital platforms, complicates the identification and prosecution of perpetrators. Moreover, the absence of specific legislative provisions targeting online caste-based discrimination necessitates a broader interpretation of existing laws to encompass digital manifestations of casteism effectively.

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<sup>5</sup>*Annie Namala v. State of Andhra Pradesh*, 1974 SCR (3) 329.

<sup>6</sup>*Shreya Singhal v. Union of India*, 2015 AIR SCW 1989.

<sup>7</sup>Ashfaq, R. (2022). Communication, Education and Environment: Historical Scenarios of Relationship. *Journal of Environmental Impact and Management Policy (JEIMP)* ISSN: 2799-113X, 2(03), 19–28. <https://doi.org/10.55529/jeimp23.19.28>

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The intersection of technology and social hierarchies poses multifaceted legal challenges, demanding a proactive and nuanced approach from policymakers, lawmakers, and legal practitioners. By drawing upon the insights of scholars, analyzing relevant case laws, and leveraging existing legal frameworks, it becomes possible to address the scourge of digital casteism and uphold the principles of equality, dignity, and justice in the digital age.

### **Manifestations of Digital Casteism Online**

In the contemporary digital landscape, the fusion of technology and social dynamics has presented a complex interplay between the virtual and real-world manifestations of casteism. Digital platforms, while offering avenues for connectivity and expression, have inadvertently become breeding grounds for perpetuating caste-based discrimination and biases. Legal discourse surrounding these phenomena necessitates a comprehensive examination of the multifaceted manifestations of digital casteism and its implications within the framework of Indian cyber law.<sup>8</sup>

The advent of social media platforms, such as Twitter, Facebook, and WhatsApp, has provided individuals with unprecedented avenues for communication and interaction. However, these platforms have also become arenas where caste-based discrimination thrives. Instances of casteist slurs, derogatory remarks, and targeted harassment against individuals from marginalized castes abound, reflecting deeply ingrained social prejudices that transcend the virtual realm.

Scholars such as Dr. Anand Teltumbde, a prominent voice on caste issues, have highlighted the insidious nature of digital casteism, emphasizing its role in perpetuating social hierarchies and reinforcing existing power structures. Teltumbde argues that the anonymity afforded by digital platforms emboldens individuals to espouse discriminatory attitudes and behaviors that they might otherwise conceal in face-to-face interactions.

Legal frameworks within India, including the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, recognize the importance of addressing caste-based discrimination in both physical and digital spaces. Section 3(1)(x) of the Act explicitly prohibits the use of derogatory language, gestures, or acts intended to humiliate individuals based on their caste identity, encompassing online forms of discrimination within its purview.<sup>9</sup>

Furthermore, the Information Technology Act, 2000, amended in 2008, delineates provisions aimed at regulating online conduct and penalizing cyber offenses, including those perpetuated through casteist

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<sup>8</sup> Ibid.

<sup>9</sup>Bhatnagar, A. (2019). Media and caste in India. In M. Bunce, S. Franks, & C. Paterson (Eds.), *An International History of Journalism: Reinventing the Fourth Estate* (pp. 267- 282). Routledge.

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biases. Section 66A, which was struck down by the Supreme Court of India in 2015 for its vague and overbroad language, had previously been invoked to address instances of online harassment and hate speech based on caste.

Despite the existence of legislative safeguards, the enforcement and efficacy of cyber laws in combating digital casteism remain contentious. Challenges such as jurisdictional issues, the anonymity of perpetrators, and the evolving nature of online platforms complicate efforts to hold individuals accountable for caste-based discrimination online.

The convergence of technology and social hierarchies has engendered a paradigm shift in the manifestation of casteism, necessitating a robust legal response to safeguard the rights and dignity of individuals from marginalized castes in digital spaces. As legal experts navigate the complexities of digital casteism within the framework of Indian cyber law, a concerted effort is required to address systemic biases, enhance legal literacy, and foster inclusive online environments conducive to equality and social justice.<sup>10</sup>

### **Understanding Cyber Law in the Context of Caste Discrimination**

In the labyrinthine realm of cyber law, where the digital landscape intersects with deeply entrenched social hierarchies, the issue of caste discrimination poses complex challenges for legal experts and policymakers alike. An in-depth examination of the existing legal framework within the context of caste discrimination in digital spaces reveals both strengths and shortcomings in addressing this multifaceted phenomenon.

At the heart of the legal apparatus governing cyberspace in India lies the Information Technology Act, 2000, a seminal piece of legislation augmented by subsequent amendments to adapt to the evolving digital landscape. Within this legislative framework, provisions pertaining to online harassment, hate speech, and discrimination hold particular relevance in combating digital casteism.

Section 66A of the Information Technology Act, 2000, once wielded as a potent tool in combating online offenses, including caste-based discrimination, faced judicial scrutiny and eventual invalidation by the Supreme Court of India in 2015. Despite its well-intentioned aim to curb cyber misconduct, the provision's overbreadth and lack of clarity raised concerns regarding its potential for abuse and infringement upon fundamental rights, notably the freedom of speech and expression.

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<sup>10</sup> Ibid.

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However, the annulment of Section 66A did not render the Information Technology Act toothless in addressing digital casteism. Provisions such as Section 67, which criminalizes the dissemination of obscene material online, and Section 69A, empowering the government to block online content inciting violence or promoting discrimination, continue to serve as pivotal instruments in regulating online conduct.<sup>11</sup>

Nevertheless, the effectiveness of these legal provisions in combating digital casteism hinges not only on their statutory language but also on their interpretation and enforcement by the judiciary. Legal scholars, including luminaries like Dr. Anup Surendranath, have underscored the importance of constitutional principles in adjudicating cases of online discrimination, emphasizing the need to balance the imperative of safeguarding fundamental rights with the exigency of curbing caste-based discrimination.

Drawing from judicial pronouncements, notably the landmark judgment in *Shreya Singhal v. Union of India* (2015), wherein the Supreme Court struck down Section 66A, legal experts advocate for a judicious approach in reconciling competing interests within the digital realm. The court's affirmation of the primacy of free speech underscored the significance of ensuring legal provisions targeting online misconduct adhere to constitutional principles of proportionality, clarity, and due process.<sup>12</sup>

However, while the legal framework provides a foundational scaffold for addressing digital casteism, its efficacy is contingent upon robust enforcement mechanisms and judicial interpretation aligned with constitutional imperatives. Challenges such as the anonymized nature of online interactions, jurisdictional complexities, and asymmetries in legal literacy necessitate a multifaceted approach to tackling digital casteism effectively.

In this vein, legal experts advocate for a holistic strategy encompassing legal reforms, capacity-building initiatives, and public awareness campaigns to combat digital casteism comprehensively. Strengthening the legal framework, enhancing law enforcement capabilities, and fostering digital literacy emerge as imperatives in fostering inclusive online environments conducive to equality and social justice.

In conclusion, a nuanced understanding of cyber law within the context of caste discrimination underscores the imperative of aligning legal provisions with constitutional imperatives while

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<sup>11</sup>Chakravarty, P., & Bose, S. (2017). Media studies and caste critique. In S. Srinivas & G. Narasimha (Eds.), *the Inner Lives of Media: Between Culture and Politics* (pp. 201- 220). Oxford University Press.

<sup>12</sup>Chandra, N. (2019). Caste and media in India. In M. B. Salwen & D. W. Stacks (Eds.), *An Integrated Approach to Communication Theory and Research* (pp. 133-147). Routledge.

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addressing the intricacies of the digital landscape. As legal experts navigate these uncharted waters, a judicious blend of legal reforms and proactive measures is indispensable in curbing digital casteism and upholding the rights and dignity of all individuals in digital spaces.

## Legal Frameworks and Protections Against Online Caste Discrimination

### 1. Constitutional Safeguards

The constitutional framework of India, as enshrined in its foundational document, plays a pivotal role in shaping the legal landscape and safeguarding the rights and dignity of its citizens. At the heart of this framework lie crucial safeguards designed to ensure equality, freedom, and justice for all. In the context of the digital era, where societal norms and dynamics are increasingly reflected in online spaces, it becomes imperative to delve into the constitutional safeguards specifically addressing caste discrimination.

- **Right to Equality (Article 14):**

Article 14 of the Indian Constitution is the cornerstone of the nation's legal framework, embodying the principle of equality before the law and equal protection of laws for all individuals. Analyzing the implications of Article 14 in the context of caste discrimination, it is imperative to understand its nuanced interpretation and application by the judiciary.

The essence of Article 14 lies in its mandate that the state shall not deny to any person equality before the law or the equal protection of laws within the territory of India. This constitutional provision serves as a bulwark against discrimination based on caste, religion, race, sex, or place of birth, ensuring that all individuals are treated with fairness and justice under the law.<sup>13</sup>

In adjudicating cases related to caste discrimination, the judiciary has consistently invoked Article 14 to strike down laws, policies, and practices that perpetuate inequalities and prejudices. Through its jurisprudence, the courts have interpreted Article 14 expansively, emphasizing substantive equality over formal equality. This entails not only treating all individuals alike but also rectifying historical injustices and ensuring that marginalized communities have equal access to opportunities and resources.

The principle of equality enshrined in Article 14 extends to all spheres of life, including the digital realm. In the age of technology, where online platforms serve as primary means of communication, commerce, and governance, the application of Article 14 becomes paramount in safeguarding against

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<sup>13</sup> Ibid.

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digital caste discrimination. Whether it's access to online services, employment opportunities, or protection against online harassment, individuals should be afforded equal rights and protections without discrimination based on caste or social status.

Moreover, Article 14 imposes limitations on the exercise of state power, requiring that any classification or differentiation made by the state must be based on intelligible differentia and must have a rational nexus with the objective sought to be achieved. This ensures that government actions are not arbitrary or discriminatory and are guided by principles of fairness and reasonableness.<sup>14</sup>

However, challenges persist in the effective enforcement of Article 14 in combating caste discrimination. The pervasiveness of social prejudices, coupled with institutional biases, poses obstacles to the realization of substantive equality. Moreover, the borderless nature of the internet and the anonymity it affords can complicate efforts to identify and prosecute perpetrators of online caste discrimination.

It is incumbent upon us to advocate for the robust application of Article 14 in addressing caste discrimination in all its forms. This entails not only holding state actors accountable for upholding constitutional values but also raising awareness about the rights and remedies available to individuals affected by caste-based discrimination. Through strategic litigation, policy advocacy, and public education efforts, we can contribute to the advancement of equality and justice envisioned by Article 14 of the Indian Constitution.

- **Right to Freedom of Speech and Expression (Article 19):**

The Right to Freedom of Speech and Expression, enshrined within Article 19 of the Indian Constitution, stands as a cornerstone of democratic principles, vital for the preservation of individual liberties and the functioning of a free society. As legal experts tasked with scrutinizing this fundamental right within the context of combating caste discrimination, it is imperative to delve into its legal intricacies and nuanced application.

Article 19 guarantees every citizen the freedom to express their thoughts, opinions, and beliefs freely, without interference from the state. However, it's essential to note that this right is not absolute; it is subject to reasonable restrictions aimed at safeguarding the interests of the state and society as a

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<sup>14</sup>Chandra, N. (2019). Caste and media in India. In M. B. Salwen & D. W. Stacks (Eds.), *An Integrated Approach to Communication Theory and Research* (pp. 133-147). Routledge.

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whole. These restrictions, enumerated under Article 19(2), encompass concerns such as public order, decency, morality, defamation, and incitement to violence or offenses.<sup>15</sup>

In the realm of caste discrimination, the Right to Freedom of Speech and Expression assumes paramount importance as a tool for dissent, advocacy, and societal change. Individuals must be empowered to challenge entrenched social hierarchies and discriminatory practices through open discourse and expression. However, the exercise of this right must be balanced with the imperative to prevent hate speech, incitement to violence, or defamation based on caste.

Judicial interpretation plays a pivotal role in delineating the boundaries of freedom of speech and expression concerning caste discrimination. Courts have consistently emphasized the need to protect and preserve this fundamental right while also ensuring that it is not misused to propagate hate speech or perpetuate caste-based discrimination. Legal precedents set by landmark cases guide the judiciary in striking a delicate balance between freedom of expression and the protection of marginalized communities from discrimination.

Moreover, the advent of the digital age has revolutionized the landscape of freedom of speech and expression. Online platforms have become the primary medium for communication and expression, providing individuals with unprecedented avenues for interaction and engagement. However, the borderless nature of the internet and the anonymity it affords present unique challenges in regulating speech and curbing hate speech and caste-based discrimination.

- **Directive Principles of State Policy (Article 38):**

In legal discourse, the Directive Principles of State Policy, enshrined in Article 38 of the Indian Constitution, constitute a significant aspect of the constitutional framework. Article 38 sets forth the Directive Principles of State Policy, directing the state to secure a social order for the promotion of welfare by striving to minimize inequalities in income, status, facilities, and opportunities. This constitutional provision emphasizes the state's duty to promote social justice and ensure that all citizens have access to equitable opportunities, irrespective of their social or economic background.

In the context of caste discrimination, Article 38 assumes critical importance in addressing historical injustices and disparities perpetuated by the caste system. By mandating the state to reduce inequalities

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<sup>15</sup> Ibid.

and promote social justice, Article 38 underscores the constitutional imperative to uplift marginalized communities and create a more egalitarian society.<sup>16</sup>

The Directive Principles of State Policy, while non-justiciable in nature, serve as guiding principles for governance and policy formulation. While not enforceable by courts, these principles provide a moral and ethical compass for legislative and executive action, shaping the trajectory of social and economic policies.

Through its jurisprudence, the judiciary has interpreted Article 38 expansively, emphasizing the state's obligation to adopt affirmative action measures to uplift marginalized communities and promote inclusive development. The principle of substantive equality, embedded in Article 38, underscores the importance of rectifying historical injustices and ensuring equitable access to resources and opportunities for all citizens.

Moreover, Article 38 mandates the state to secure a social order for the promotion of the welfare of the people, recognizing that social justice and economic equality are essential pillars of a democratic society. In the digital age, where online platforms serve as primary means of communication, commerce, and governance, the principles enshrined in Article 38 acquire renewed relevance in addressing digital caste discrimination.

While Article 38 provides a broad framework for promoting social justice and welfare, its implementation requires concerted efforts by the state, civil society, and other stakeholders. Legislative reforms, affirmative action programs, and targeted interventions are necessary to address the structural inequalities perpetuated by the caste system and create a more inclusive and equitable society.<sup>17</sup>

## **2. Information Technology Act, 2000:**

Analyzing the Information Technology Act, 2000, within the context of combating caste discrimination, requires a comprehensive understanding of its provisions and implications in the digital sphere. It is imperative to dissect the nuances of this legislation and its relevance in addressing the complexities of caste-based discrimination in online environments.

The Information Technology Act, 2000, represents the primary legislative framework governing cyber activities in India. Enacted to regulate electronic commerce, digital signatures, and cybercrimes, this legislation serves as a cornerstone in navigating the legal landscape of the digital age.

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<sup>16</sup>Dhaliwal, S. (2020). Representing Dalit experiences in Digital India: challenges and opportunities. *Journal of Multicultural Discourses*, 15(4), 290-307.

<sup>17</sup>Singh, S. (2019). Caste discrimination in media organizations in India. In M. W. Bauer & R. E. Yilmaz (Eds.), *Journalists and Media Accountability: An International Study of News People in the Digital Age* (pp. 159-175). Peter Lang.

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- **Section 66A:**

Section 66A of the Information Technology Act, 2000, formerly constituted a significant legal provision aimed at addressing online harassment, hate speech, and discriminatory content. However, its application and interpretation led to controversies and challenges, ultimately resulting in its abolition by the Supreme Court of India in 2015.

This section of the Act specifically targeted communication of information that was deemed to be "grossly offensive" or had "menacing character" through electronic means. It aimed to curb online activities that could cause annoyance, inconvenience, danger, obstruction, insult, injury, or ill will. Section 66A imposed penalties, including imprisonment, for sending offensive messages through communication services.

Despite its purported intention to curb cybercrimes, Section 66A faced criticism for its broad and vague language, which could potentially stifle freedom of speech and expression. The provision lacked clarity and precision, leaving it open to arbitrary interpretation and misuse by law enforcement authorities.

Numerous instances arose where Section 66A was invoked to target individuals for merely expressing dissenting opinions or criticisms online. Activists, journalists, and ordinary citizens faced legal action under this provision, leading to concerns about its chilling effect on online discourse and the stifling of dissent.

In landmark judgments such as *Shreya Singhal v. Union of India* (2015), the Supreme Court of India declared Section 66A unconstitutional and struck it down for violating the fundamental right to freedom of speech and expression guaranteed under Article 19(1)(a) of the Indian Constitution. The Court held that the provision was overly broad, vague, and had the potential for misuse, posing a threat to democratic values and individual liberties.

The abolition of Section 66A marked a significant victory for freedom of speech and expression in the digital age. It underscored the importance of upholding constitutional values and ensuring that laws governing cyberspace are in line with principles of democracy, pluralism, and individual rights.

Despite the repeal of Section 66A, challenges remain in addressing online harassment, hate speech, and discriminatory content. Lawmakers and stakeholders continue to grapple with finding a balance between protecting freedom of expression and combating cybercrimes effectively.



Section 66A, while initially intended to address online offenses, ultimately fell short due to its vague and overbroad provisions. Its abolition by the Supreme Court reaffirmed the centrality of freedom of speech and expression in a democratic society, setting a precedent for future legislation and judicial interpretation in the digital realm.<sup>18</sup>

- **Section 67:**

Section 67 of the Information Technology Act, 2000, is a crucial provision aimed at addressing the transmission or publication of obscene material in electronic form. It prohibits the dissemination of content that is considered obscene through digital platforms, including text, images, audio, and video content shared via websites, social media, emails, and messaging applications.<sup>19</sup> While the Act doesn't explicitly define "obscene material," courts typically interpret it based on established legal principles, considering factors such as lasciviousness and its potential impact on vulnerable audiences.

Violating Section 67 can result in imprisonment for up to three years and a fine of up to five lakh rupees for the first conviction, with subsequent convictions potentially leading to five years of imprisonment and a fine of up to ten lakh rupees. However, there are exceptions for content intended for bona fide scientific, literary, artistic, or educational purposes, which may not be considered obscene.

In the context of caste discrimination, Section 67 is particularly relevant in combating the dissemination of obscene material intended to demean individuals based on their caste identity. This includes derogatory images, videos, or messages that perpetuate casteist stereotypes or incite hatred against particular caste groups. Law enforcement agencies and cybercrime authorities often use this provision to investigate and prosecute cases of online harassment and hate speech motivated by caste discrimination.

Despite its significance, challenges exist in the effective enforcement of Section 67. Issues such as jurisdictional complexities, the anonymity of perpetrators, and the rapid evolution of online content pose obstacles to its implementation. Coordination among law enforcement agencies, digital platforms, and civil society organizations is crucial in addressing these challenges and ensuring that Section 67 serves as an effective deterrent against online obscenity and caste-based discrimination.

Section 67 of the Information Technology Act, 2000, plays a vital role in safeguarding individuals from offensive and harmful online content, including that which perpetuates caste discrimination. By

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<sup>18</sup>Srivastava, K. (2018). Representations of caste in Indian news media. *South Asian History and Culture*, 9(4), 524-539.

<sup>19</sup> Ibid.

prohibiting the dissemination of obscene material in electronic form, this provision contributes to fostering a safer and more inclusive digital environment where individuals are protected from harassment and discrimination based on their caste identity.

- **Section 69A:**

Section 69A of the Information Technology Act, 2000, is a significant provision that empowers the government to block online content deemed prejudicial to national security, public order, or integrity, or that poses a threat to sovereignty and integrity of India. This provision is crucial in addressing various forms of online content, including hate speech and discriminatory material based on caste.<sup>20</sup>

Under Section 69A, the government has the authority to issue directions to block public access to any information generated, transmitted, received, stored, or hosted on any computer resource. These directions can be issued if it is necessary or expedient to do so in the interest of sovereignty and integrity of India, defense of India, security of the state, friendly relations with foreign states, public order, or preventing incitement to the commission of any cognizable offense.

The provision lays down a detailed procedure for issuing and implementing blocking orders, which includes a requirement for the government to provide reasons for the decision and an opportunity for affected parties to represent their case. Additionally, the provision mandates the establishment of an independent review committee to oversee the implementation of blocking orders and to provide recommendations on their validity and appropriateness.

In the context of caste discrimination, Section 69A is relevant in combating the dissemination of online content that incites violence, promotes discrimination, or threatens public order based on caste identity. This includes hate speech, derogatory remarks, or inflammatory material targeting individuals or communities on the basis of their caste.

Law enforcement agencies and government authorities utilize Section 69A to address instances of online hate speech and discriminatory content. By issuing blocking orders against websites or online platforms hosting such content, the government aims to prevent the spread of divisive narratives and protect vulnerable communities from harassment and discrimination.

However, challenges exist in the implementation of Section 69A, including concerns about transparency, accountability, and potential misuse of blocking powers. The provision has been subject

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<sup>20</sup>Srivastava, K. (2018). Representations of caste in Indian news media. *South Asian History and Culture*, 9(4), 524-539.

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to scrutiny and debate, with calls for greater judicial oversight and procedural safeguards to prevent arbitrary censorship and protect freedom of speech and expression.

Section 69A of the Information Technology Act, 2000, serves as a vital tool in addressing online content that threatens national security, public order, and social harmony, including that which perpetuates caste discrimination. While it empowers the government to take proactive measures to block harmful content, there is a need for careful balance between protecting public interests and upholding fundamental rights such as freedom of speech and expression. Continued dialogue and engagement among stakeholders are essential to ensure that Section 69A is applied judiciously and in accordance with constitutional principles.

### 3. Cyberbullying and Online Harassment Laws:

- **Section 153A of the Indian Penal Code (IPC):**

Section 153A of the Indian Penal Code (IPC) addresses offenses related to promoting enmity between different groups based on religion, race, place of birth, residence, language, etc., and doing acts prejudicial to maintenance of harmony. It prohibits acts that incite hatred or animosity between communities and aims to prevent activities that could lead to communal tensions or conflicts. Offenses under this section are punishable with imprisonment, which may extend to three years, or with a fine, or with both. The section is cognizable and non-bailable, allowing law enforcement agencies to take prompt action against offenders. However, it provides exceptions for acts done in good faith for religious, social, or educational purposes, ensuring that legitimate activities are not unduly curtailed. Section 153A plays a crucial role in maintaining communal harmony by deterring activities aimed at stoking religious or communal tensions, thereby safeguarding the fabric of a pluralistic society.

- **Section 509 of the Indian Penal Code (IPC):**

Section 509 of the Indian Penal Code (IPC) is a provision that addresses offenses related to words, gestures, or acts intended to insult the modesty of a woman. This section aims to safeguard the dignity and integrity of women by penalizing actions that are derogatory or offensive towards them. It covers a wide range of behaviors, including verbal abuse, gestures, and actions that are sexually suggestive or demeaning towards women. The scope of Section 509 is broad, encompassing any act or expression that is intended to insult a woman's modesty, regardless of the medium through which it is conveyed.

For an offense to be constituted under Section 509, it must be demonstrated that the act was done with the intention to insult the modesty of a woman. Intent plays a crucial role in determining whether a



particular behavior falls within the purview of this section. This requirement underscores the importance of considering the motive behind the action in assessing its legality under the law.<sup>21</sup>

Offenses under Section 509 are punishable with imprisonment for a term which may extend to one year, or with a fine, or with both. The severity of the punishment reflects the seriousness with which the law treats acts that demean or insult women. By imposing significant penalties, Section 509 aims to deter individuals from engaging in behavior that compromises the dignity and respect of women.

Furthermore, offenses under Section 509 are cognizable, meaning that the police can arrest without a warrant, and non-bailable, meaning that bail is not a matter of right. This provision empowers law enforcement agencies to take prompt action against offenders and ensures that perpetrators of such offenses are held accountable for their actions.

Despite the stringent legal provisions, Section 509 also provides certain exceptions for acts done in good faith or for the public good. For example, actions taken in the course of medical treatment or for the prevention of a crime may be exempt from liability under this section. These exceptions ensure that legitimate activities are not unduly penalized under the law.

Section 509 of the Indian Penal Code serves as an important tool in protecting the dignity and modesty of women. By penalizing acts intended to insult women's modesty, the section contributes to creating a safer and more respectful environment for women to live and work in. However, its effective implementation requires proactive efforts from law enforcement agencies and society as a whole to address attitudes and behaviors that perpetuate gender-based discrimination and violence.

### **Impact of Digital Casteism on Marginalized Communities**

The impact of digital casteism on marginalized communities is profound and multifaceted, encompassing various aspects of social, economic, and psychological well-being. In the digital age, caste-based discrimination persists in online spaces, perpetuating inequalities and exacerbating the marginalization experienced by individuals belonging to lower castes.

One significant impact of digital casteism is the reinforcement of social hierarchies and stereotypes. Online platforms often serve as echo chambers where discriminatory attitudes and beliefs are amplified, leading to the normalization of caste-based prejudices. This not only perpetuates existing inequalities but also creates barriers for social mobility and inclusion for marginalized communities.

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<sup>21</sup>Thakur, R. (2020). Dalits in Indian media: representation and misrepresentation. In S. Poynting, G. Noble, P. Tabar, & J. Tufail (Eds.), *The Routledge Handbook of Critical Criminology* (pp. 433-443). Routledge.

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Moreover, digital casteism manifests in various forms of online abuse and harassment targeting individuals based on their caste identity. Cyberbullying, trolling, and hate speech directed at lower-caste individuals not only violate their right to dignity and respect but also contribute to a hostile online environment that undermines their sense of belonging and safety.

Furthermore, digital casteism exacerbates economic disparities by limiting opportunities for education, employment, and entrepreneurship among marginalized communities. Discriminatory algorithms, biased hiring practices, and exclusionary digital spaces further marginalize lower-caste individuals, hindering their socioeconomic advancement and perpetuating cycles of poverty and exclusion.

The impact of digital casteism extends beyond the virtual realm and has tangible consequences for mental health and well-being. Constant exposure to online discrimination and harassment can lead to stress, anxiety, and depression among individuals from marginalized communities, exacerbating existing mental health challenges and contributing to a sense of alienation and isolation.

In addition, digital casteism undermines the democratic principles of equality and justice by perpetuating discrimination and exclusion in online spaces. The proliferation of caste-based hate speech and misinformation erodes social cohesion and undermines efforts towards building an inclusive and equitable society.<sup>22</sup>

Addressing the impact of digital casteism requires concerted efforts from various stakeholders, including policymakers, technology companies, civil society organizations, and individuals. Legislative reforms, enforcement of existing anti-discrimination laws, and proactive measures to promote digital literacy and awareness are essential to combatting online caste-based discrimination and fostering inclusive online environments.

Furthermore, technology companies have a responsibility to address caste-based discrimination on their platforms by implementing robust policies and mechanisms to detect and mitigate hate speech and harassment. Civil society organizations play a crucial role in advocating for the rights of marginalized communities and providing support and resources to those affected by digital casteism.

Ultimately, addressing the impact of digital casteism requires a comprehensive and collaborative approach that prioritizes the rights and dignity of individuals from marginalized communities and works towards building a more inclusive and equitable digital future for all.

### **Role of Social Media Platforms in Combating Digital Casteism**

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<sup>22</sup>Thind, K. (2021). The power of representation: a study of caste portrayal in Indian advertising. *Journal of Indian Business Research*, 13(1), 32-46.

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Social media platforms play a crucial role in combating digital casteism by fostering inclusive online environments, promoting awareness, and providing mechanisms to address caste-based discrimination and harassment. These platforms have the potential to serve as powerful tools for social change and empowerment when leveraged effectively.

One way social media platforms combat digital casteism is by enforcing community standards and content policies that prohibit hate speech, discrimination, and harassment. Platforms such as Facebook, Twitter, and Instagram have established clear guidelines against caste-based abuse and provide users with reporting mechanisms to flag offensive content. By actively monitoring and removing discriminatory content, social media platforms create safer spaces for users from marginalized communities and deter perpetrators from engaging in abusive behavior.

Moreover, social media platforms facilitate the amplification of marginalized voices and perspectives, enabling individuals from lower castes to share their experiences, challenges, and aspirations with a broader audience. Through user-generated content, hashtags, and online campaigns, marginalized communities can raise awareness about caste-based discrimination, challenge stereotypes, and advocate for social justice and equality.

Additionally, social media platforms serve as platforms for community-building and solidarity among individuals from marginalized backgrounds. Online forums, groups, and networks provide spaces for individuals to connect, support each other, and organize collective action to address caste-based discrimination and injustice. These digital communities empower individuals to share resources, access support services, and mobilize for social change, thereby strengthening resilience and fostering a sense of belonging.

Furthermore, social media platforms facilitate education and awareness-raising initiatives to combat digital casteism. Through targeted campaigns, educational resources, and partnerships with civil society organizations, platforms raise awareness about the harmful effects of caste-based discrimination, promote digital literacy, and provide users with tools and resources to navigate online spaces safely and responsibly.

However, despite their potential to combat digital casteism, social media platforms also face challenges in effectively addressing caste-based discrimination and harassment. Enforcement of content policies may be inconsistent, and marginalized communities often face barriers in accessing support and reporting mechanisms. Moreover, algorithms and recommendation systems may



inadvertently amplify discriminatory content, perpetuating stereotypes and reinforcing social hierarchies.

To enhance their effectiveness in combating digital casteism, social media platforms must prioritize diversity, equity, and inclusion in their policies, practices, and product design. This includes investing in culturally competent moderation practices, amplifying marginalized voices, and engaging with community stakeholders to co-create solutions that address the unique challenges faced by individuals from lower castes in online spaces.

Overall, social media platforms have a significant role to play in combating digital casteism by creating inclusive online environments, amplifying marginalized voices, raising awareness, and providing resources and support to individuals from lower castes. By working collaboratively with stakeholders and prioritizing the rights and dignity of marginalized communities, social media platforms can contribute to building a more equitable and just digital future for all.

### **Conclusion: Advancing Equity and Justice in the Digital Age**

In conclusion, advancing equity and justice in the digital age requires concerted efforts from various stakeholders, including policymakers, technology companies, civil society organizations, and individuals. The proliferation of digital technologies has transformed the way we communicate, work, and interact with one another, but it has also brought to the forefront new challenges and inequalities, including digital casteism.

As discussed, digital casteism perpetuates discrimination and exclusion in online spaces, undermining the rights and dignity of individuals from marginalized communities. However, by leveraging the power of technology, we can combat digital casteism and foster inclusive online environments where everyone, regardless of caste identity, can participate fully and equally.

Policymakers play a crucial role in enacting legislation and policies that address digital casteism and promote digital equity and inclusion. This includes strengthening anti-discrimination laws, enhancing enforcement mechanisms, and investing in digital literacy programs to empower individuals to navigate online spaces safely and responsibly.

Technology companies have a responsibility to address digital casteism on their platforms by implementing robust content moderation policies, amplifying marginalized voices, and providing support and resources to those affected by online abuse and discrimination. By prioritizing diversity,

equity, and inclusion in their practices and product design, technology companies can contribute to creating more equitable and just digital ecosystems.

Civil society organizations play a vital role in advocating for the rights of marginalized communities and holding stakeholders accountable for their actions. By raising awareness about digital casteism, providing support to victims, and advocating for policy change, civil society organizations can drive systemic change and advance equity and justice in the digital age.

Individuals also have a role to play in combating digital casteism by challenging discriminatory attitudes and behaviors, amplifying marginalized voices, and promoting empathy and understanding in online interactions. By being mindful of the impact of their words and actions, individuals can contribute to creating inclusive online spaces where everyone feels valued and respected.

In conclusion, advancing equity and justice in the digital age requires collective action and a commitment to upholding the rights and dignity of all individuals, regardless of caste identity. By working together to address digital casteism and foster inclusive online environments, we can build a more equitable and just digital future for all.

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