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Digital Misogyny and the Chilling Effect on Female Dissent: A Socio-Legal Analysis of the CJP Protests

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ABSTRACT

The recent youth mobilizations led by the Cockroach Janta Party (CJP) to protest against systemic malfeasance in the educational sector in India, including the NEET examination leaks, present an important context in which to study the state's contemporary response to democratic dissent. This paper examines the dual-layered paradigm of repression employed against the protesters, particularly women, following the 'Chalo Sansad' mobilization in New Delhi. It charts a trajectory of retaliation from gendered physical coercion by law enforcement to technology-facilitated gender-based violence (TFGBV) perpetrated by non-state actors ideologically aligned with the state but operating in a decentralized manner. The analysis explores the asymmetric use of the criminal justice apparatus, namely the Bharatiya Nyaya Sanhita (BNS) and the Intelligence Fusion and Strategic Operations (IFSO) unit, to highlight the symbiotic relationship between institutional power and digital vigilantism. The paper submits that, having regard to the constitutional jurisprudence developed by the Supreme Court of India in Kaushal Kishor v. State of Uttar Pradesh (2023), the State has failed to discharge its positive duty to protect the horizontal application of fundamental rights under Articles 19 and 21 against private digital actors. More broadly, the paper argues that the weaponization of the digital public sphere is a form of asymmetric warfare that has deep chilling effects on women's political agency and thereby reinforces patriarchal institutional hegemony.

Keywords: Digital Repression, Technology-Facilitated Gender-Based Violence, Political Dissent, State Retaliation, Women's Political Participation

I. INTRODUCTION

India's terrain of political dissent has been radically reconfigured, from the embodied space of streets and public squares to the dispersed, ubiquitous space of the internet. The newly formed pressure group, the Cockroach Janta Party (CJP), organized the 'Chalo Sansad' march at Jantar Mantar, New Delhi, on July 20, 2026. The movement, led mainly by students and young citizens, was an organic reaction to systemic institutional failure, sparked by the leaks of the

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National Eligibility cum Entrance Test (NEET) examination. The stir had immediate political repercussions: Union Education Minister Dharmendra Pradhan resigned on July 25, 2026.¹ This paper argues that the fallout from this democratic exercise revealed a two-pronged architecture of repression, calibrated, in effect, to penalize female political agency, and that the response to the CJP protests marks an evolution in the ways in which political control is exercised. The first mode of control was overt, physical and state directed. The Delhi Police reportedly resorted to lathis, water cannons, tear gas, pellet guns and nail-studded batons to disperse the crowd.² Once the physical protests were over, a secondary mode of repression took hold. This secondary campaign moved the locus of violence away from the streets and into the digital sphere, deploying a decentralized web of ideological surrogates to exact psychological and reputational vengeance on female dissenters. The systematic targeting of young women during and after the CJP protests was not, this paper contends, an accidental byproduct of political polarization. Rather, it is indicative of a structural phenomenon in which the state and actors ideologically aligned with it deploy digital misogyny to impose patriarchal hegemony and chill female political participation. On this reading, the suppression has been propelled from the executive branch, from the Prime Minister down to regional ministers, who have either publicly disparaged the protesters or, by inaction, tacitly granted impunity to digital mobs.

II. PATRIARCHAL POLICING AND PHYSICAL COERCION

The physical suppression of the ‘Chalo Sansad’ march on July 20, 2026 presents a disturbing case study in the gendered application of state violence. Even against India’s well-documented history of police excess at public protests, the violence reported at the CJP march stood out for being sexualized and gendered in its targeting. Video footage and testimonies of female protesters, including minors, circulated after the march alleged that male police officers hurled misogynist abuse at women and targeted their bodily dignity by shoving lathis around their genital areas and breasts; in one widely shared clip an Additional Deputy Commissioner of Police was filmed slapping a woman protester, an act the Delhi Police later conceded and for which the officer was removed from the site.³ The gravity of this physical repression is exemplified by the critical condition of a 21-year-old woman protester who, having been

¹ Yashraj Sharma, *What Next for India’s ‘Cockroach’ Movement After Education Minister Sacked*, AL JAZEERA (July 26, 2026), <https://www.aljazeera.com/news/2026/7/26/what-next-for-indias-cockroach-movement-after-education-minister-sacked>.

² Debayan Dutta, ‘Pellets’, ‘Shocks’, ‘Batons with Nails’: *Injuries of Those at Cockroach March to Parliament Tell Tales*, THE TELEGRAPH (India) (July 24, 2026, 4:56 PM), <https://www.telegraphindia.com/india/pellets-shocks-batons-with-nails-injuries-of-those-at-cockroach-march-to-parliament-tell-tales/cid/2171593>.

³ Mayank Kumar, *Slap Video at CJP Protest: Delhi Police Admits Additional DCP ‘Lost Cool’, Cop Removed from Jantar Mantar*, THEPRINT (July 23, 2026), <https://theprint.in/india/slap-video-at-cjp-protest-delhi-police-admits-additional-dcp-lost-cool-cop-removed-from-jantar-mantar/2994053/>.

brought to Ram Manohar Lohia Hospital unconscious after the police action, spent a week on ventilatory support in the intensive care unit (ICU).⁴ The localized street violence soon turned into targeted domestic intimidation. After the protests were called off on July 25, the police pursued women student and youth leaders at their homes. On July 28, Delhi Police officers, the Students' Federation of India (SFI) alleged, entered the CPI(M) central office in an attempt to arrest Aishe Ghosh, former president of the Jawaharlal Nehru University Students' Union and an All India Joint Secretary of the SFI.⁵ Similarly, Indian Youth Congress leader Surbhi Dwivedi has described Delhi Police officers arriving at her Mumbai home early one morning with a notice in a case relating to an earlier protest, after what she described as a threatening late-night call from a station house officer, a tactic she characterized as an attempt to intimidate her and her family.⁶ The unprecedented participation of young women in the CJP protests was a visceral, direct affront to the traditional patriarchal gatekeeping of Indian politics. Digital storytelling and social media have enabled young women to bypass male-dominated media structures in articulating their political demands. This autonomous visibility generated profound anxiety in the patriarchal establishment. Perhaps the most conspicuous instance of institutional hostility to this feminine agency came from the actor and BJP Member of Parliament Kangana Ranaut, who publicly labelled the protesters 'generation gutter'.⁷ Such rhetoric has a double effect: it delegitimizes the political grievances of the young while moralizing and pathologizing their dissent. When women citizens expressed political frustration in assertive, colloquial, or even abusive language, the state and its ideological allies, this paper argues, actively decontextualized that speech. It was no longer legitimate democratic friction but a crisis of 'sanskar' (traditional moral values) which had to be corrected urgently, morally and legally. Supporters of the ruling establishment pursued, in effect, a multi-stage strategy: identification of female protesters from video footage, doxxing of their personal data, gendered intimidation, and the exploitation of institutional complicity.⁸

⁴ *21-Year-Old Woman, Who Landed in ICU After Cop Action in CJP Protest, Discharged from Delhi's RML Hospital*, HINDUSTAN TIMES (July 30, 2026), <https://www.hindustantimes.com/india-news/21-year-old-injured-during-cjp-chalo-sansad-protest-discharged-from-delhi-s-rml-hospital-lathi-charge-101785408907584.html>.

⁵ *The Hindu Bureau, Delhi Police Attempted to Arrest Aishe Ghosh, Alleges SFI*, THE HINDU (July 28, 2026), <https://www.thehindu.com/news/national/delhi-police-attempted-to-arrest-aishe-ghosh-alleges-sfi/article71277452.ece>.

⁶ Nandlal Sharma, *'Are You Trying to Intimidate Us, 'Student Questions Delhi Police over Home Notice*, NATIONAL HERALD (Aug. 6, 2026), <https://www.nationalheraldindia.com/national/jantar-mantar-protest-are-you-trying-to-intimidate-us-student-questions-delhi-police-over-home-notice>.

⁷ *Cockroaches Spreading Their Filth, Who Is Birthing Them?: Kangana Ranaut on CJP-Led Protests*, THE HINDU (July 28, 2026), <https://www.thehindu.com/news/national/kangana-ranaut-remarks-on-student-protesters-genz-social-media-post/article71276724.ece>.

⁸ *Women Criticizing Modi Facing Rape Threats Amid Protests*, RTV ONLINE (Aug. 2, 2026), <https://rtvonline.com/english/amp/international/india/275817>.

III. THE STATE'S STRIKEDOWN ON WOMEN

The CJP protests, it is submitted, are not an isolated phenomenon but part of a wider culture of misogyny that has been tolerated, and at times fostered, at the highest levels of the executive: a patriarchal backlash. The constitutional framework enjoins ministers, in principle, to uphold the dignity of the individual, but recent history has shown a troubling pattern of public functionaries making statements demeaning to women in order to shield the government from criticism. This executive complicity was the principal trigger for the intervention of the Supreme Court in *Kaushal Kishor v. State of Uttar Pradesh*.⁹ The case stemmed from two disturbing incidents involving state ministers. In the first, a minister in the Uttar Pradesh government termed the gang rape of a woman and her minor daughter a mere 'political conspiracy' against the state administration. In the second, a minister in the Kerala government made public statements characterized as 'highly derogatory of women'. These incidents reveal a mechanism by which members of the political elite use their platforms to discredit and humiliate women and to undermine the fundamental right to dignity under Article 21. A minister's reduction of a gang rape to a 'political conspiracy' operates, in effect, as a signal from the apex of the state that the victim's trauma is to be discounted and that law enforcement may treat the complainant as an adversary.¹⁰ A comparable pattern of executive rhetoric surfaced in the 2026 CJP protests. A girl identified in the police record as 'the teenager', who has stated that she is 15 years old, was filmed hurling expletives at the Prime Minister; she was then subjected to a coordinated campaign of online abuse and doxxing that compelled her to issue an apology under evident psychological duress.¹¹ Prime Minister Narendra Modi's subsequent response, in an Instagram video, illustrates what this paper characterizes as the patriarchal posture of the state. The Prime Minister said that it was a 'cultural shock' that 'our daughters' could use such language, described those responsible as 'misled' and 'naughty children', and said that he wanted to 'forgive' them.¹² This rhetoric is an exercise in patriarchal hegemony. By framing young, politically active women as 'misled' and 'naughty children', the Prime Minister effectively

⁹ Ashi Sangwan, *Kaushal Kishor v. State of Uttar Pradesh: Ministers and the Freedom to Make 'Hurtful' Statements: Supreme Court's Constitution Bench Verdict*, LEGAL VIDHIYA (May 21, 2024), <https://legalvidhiya.com/kaushal-kishor-v-state-of-uttar-pradesh-ministers-and-the-freedom-to-make-hurtful-statements-supreme-courts-constitution-bench-verdict/>.

¹⁰ *Kaushal Kishor v. State of Uttar Pradesh*, (2023) 4 SCC 1 (India).

¹¹ Suruchi Kumari, *FIR Against Noida Woman over 'Abusive' Posts on PM Transferred to Delhi amid Fresh Online Threats, Doxxing*, THE HINDU (July 31, 2026), <https://www.thehindu.com/news/national/cjp-stir-fir-against-noida-woman-over-objectional-remarks-on-pm-transferred-to-delhi/article71289838.ece>.

¹² Yashraj Sharma, *India's Modi Says He Forgives Students Who Abused Him in Cockroach Protests*, AL JAZEERA (Aug. 1, 2026), <https://www.aljazeera.com/news/2026/8/1/indias-modi-says-he-forgives-students-who-abused-him-in-cockroach-protests>; *'Abuses Never Solve Anything': Modi Posts Another Instagram Reel, Says He Forgives 'Misled Youth'*, THEPRINT (July 31, 2026), <https://theprint.in/india/abuses-never-solve-anything-modi-posts-another-instagram-reel-says-he-forgives-misled-youth/3002585/>.

stripped them of their political agency and standing as citizens. It infantilized legitimate democratic dissent, converting a demand for educational accountability into a failure of female morality and domestic discipline. Furthermore, the Prime Minister's performative 'forgiveness' did nothing to halt the machinery already in motion: even as the Delhi Police moved against posts targeting the Prime Minister,¹³ digital trolls continued to push conspiracy theories about the minor and to harass her, and they did so, this paper contends, in the knowledge that the state's leadership had framed the victims as morally wayward.

This paper identifies four distinct but interlocking modes of repression in the state's response to the agitation: physical, executive, digital and legal. The first, the physical and institutional modality, is carried out by the police and the wider coercive apparatus. This layer of repression is blatant and corporeal: lathi charges, electric-shock batons, visits to and raids on homes, and physical assault. Its immediate effects are to disperse gatherings quickly, to cause bodily injury, and to instil a profound fear of state power among participants. Where force is used in this gendered manner, it violates the right to life and personal liberty guaranteed under Article 21 of the Constitution and institutionalizes patriarchal violence within the law enforcement machinery. The second modality operates at the executive and political level, through the rhetoric of high-level actors, including the Prime Minister, ministers and Members of Parliament. It employs infantilizing language, labelling protesters 'naughty children' or 'generation gutter', and, as in the ministerial statements at issue in *Kaushal Kishor*, dismisses violence against women as a contrived 'political conspiracy'. The effect of this rhetorical strategy, it is argued, is to delegitimize women's political agency and to signal impunity to ideological supporters. Such top-down dismissal undermines the constitutional dignity guaranteed under Article 21 and consolidates a national tone of patriarchal dominance. The third, digital and decentralized, modality is performed by non-state actors, mainly ideological surrogates and coordinated troll networks, beyond direct institutional action. These groups deploy extreme, technology-enabled violence, including systematic doxxing, coordinated rape and death threats, character assassination and the sexual dehumanization of female dissidents. This kind of digital warfare aims to cause lasting psychological damage, compel social isolation and leave victims with an indelible digital record. That this harassment has, to date, gone largely unpunished is read here as tacit impunity, and it constitutes a serious violation of fundamental rights in the horizontal dimension, in which private citizens operating as digital mobs circumvent constitutional protections without state interference. The fourth, legal and

¹³ The Wire Staff, 'Since When Is an Elected Representative Above Questioning,' Asks CJP as Delhi Police Asks X to Take Down Posts Targeting Govt Heads, THE WIRE (July 29, 2026), <https://m.thewire.in/article/rights/delhi-police-asks-x-to-take-down-posts-targeting-govt-heads-file-fir-against-posts-on-modi>.

asymmetric, modality is the strategic use of the criminal justice system by state agencies, notably the Intelligence Fusion and Strategic Operations (IFSO) unit of the Delhi Police, and by politically connected private complainants: the strategic filing of 'Zero FIRs', the deployment of particular sections of the Bharatiya Nyaya Sanhita (BNS), and the targeted criminalization of political satire. These legal tactics are less about securing convictions than about legal and financial exhaustion, intimidating prominent critics and making an example of them for the rest of civil society. The result is a profound chilling effect on the freedom of speech and expression guaranteed under Article 19(1)(a), achieved by circumventing, rather than confronting, the progressive free-speech jurisprudence.

IV. DIGITAL MISOGYNY

The physical violence and executive rhetoric set the stage, but the long-term chilling effect was achieved through technology-facilitated violence against women. Supporters of the ruling establishment deployed what amounted to a multi-stage strategy of digital repression: identification of female protesters from video recordings, doxxing of personal data, gender-based intimidation including explicit threats of sexual violence, and the mobilization of institutional complicity, whereby complaints were pursued against the victims while the digital mobs went unprosecuted. Consider the case of 23-year-old Shraddha Singh, a yoga teacher and content creator from Madhya Pradesh.¹⁴ It shows how everyday digital participation is being weaponized. In the midst of the protests, Shraddha shot a short Instagram reel standing alongside two Rapid Action Force (RAF) personnel near Connaught Place. Within hours, the video had been hijacked by coordinated social media networks and given malicious captions accusing her of insulting the security forces. This manufactured outrage quickly turned into gender-based violence. Shraddha became the target of a decentralized mob, which issued graphic rape and death threats. Commenters reportedly posted a monetary 'rate' of Rs 200 to Rs 300 in the comment sections of her unrelated posts, in a coordinated effort to sexually dehumanize her and to destroy her professional and personal dignity. The harassment then metastasized, reaching her mother and friends, whose social media accounts were flooded with abuse. This form of digital violence exploits the structural vulnerabilities of the architecture of the internet and the psychological trauma of a collapse of privacy. Doxxing, the public release of personal, identifiable information without consent, is a digital force multiplier for threats in the physical world. By revealing a woman's whereabouts and identity to a hostile ideological

¹⁴ Basant Kumar & Khushi Jaiswal, 'Feels Like Career Over': The Online Campaign to Intimidate Women Part of CJP Protest, NEWSLAUNDRY (Aug. 3, 2026), <https://www.newslaundry.com/2026/08/03/feels-like-career-over-the-online-campaign-to-intimidate-women-part-of-cjp-protest>.

network, the mob effectively subjects her to continuous, decentralized surveillance. Digital storytelling allowed young women to express their demands directly, but this visibility caused great anxiety in the patriarchal establishment, whose proxies, on this paper's reading, then set about imposing a brutal correction.

V. LEGAL WARFARE

The case of Shraddha Singh is emblematic of the violence of the digital mob; the case of the teenager booked in the Zero FIR is emblematic of the interplay between the ideological mob and the formal legal machinery of the state. In the police record, the girl, who states that she is 15, was described as a 25-year-old salon worker from Noida, and her mother has stated that the name recorded in the FIR is not her daughter's.¹⁵ She was filmed hurling expletives at Prime Minister Narendra Modi at the CJP protest at Jantar Mantar. The response was swift, punitive, and legally disproportionate. A complainant, a Supreme Court advocate who is also a district office-bearer of the women's wing of a regional political party, had a 'Zero FIR' registered against the teenager at the Expressway police station in Noida on July 29, 2026.¹⁶ The Zero FIR, a mechanism designed to ensure prompt justice for victims by allowing a complaint to be registered at any police station regardless of jurisdiction,¹⁷ was thus used to fast-track the criminalization of a minor's political speech. The case was then transferred to Parliament Street Police Station in New Delhi for formal investigation. As the police proceedings opened, the digital mob stepped up its extrajudicial tactics. Trolls posted the girl's personal details, photographs and phone number online; television channels broadcast her face and 'tracked' her to her housing society; and a copy of the complaint posted on Instagram disclosed her home address.¹⁸ Pro-Hindutva accounts called for women protesters to be 'taught a lesson' by the Hindu nationalist organization Bajrang Dal,¹⁹ and digital vigilantes posted videos claiming to have located the girl's address, placing a 15-year-old at grave and immediate physical risk. The proceedings against the teenager illustrate, it is submitted, how the criminal law can be deployed to shield political leaders from insult while the violence directed at women goes unaddressed.

¹⁵ Shinjinee Majumder, Prantik Ali & Ankita Mahalanobish, *Tracked, Doxxed, Put on TV Trial: How Women CJP Protesters Were Hunted Down by the Right Wing & 'Star' Anchors*, ALT NEWS (Aug. 11, 2026), <https://www.altnews.in/tracked-doxxed-put-on-tv-trial-how-women-cjp-protesters-were-hunted-down-by-the-right-wing-star-anchors/>.

¹⁶ TOI City Desk, *Zero FIR Against Noida Woman [name withheld] over 'Objectionable Remarks' Against PM Narendra Modi During CJP Protest Transferred to Delhi*, TIMES OF INDIA (July 31, 2026, 3:30 PM), <https://timesofindia.indiatimes.com/city/delhi/zero-fir-against-noida-woman-ruchika-singh-over-objectionable-remarks-against-pm-narendra-modi-during-cjp-protest-transferred-to-delhi/articleshow/132763501.cms>.

¹⁷ The Bharatiya Nagarik Suraksha Sanhita, No. 46 of 2023, INDIA CODE (2023), § 173(1).

¹⁸ Majumder, Ali & Mahalanobish, *supra* note 15.

¹⁹ Kumar & Jaiswal, *supra* note 14.

The Zero FIR invoked three sections of the BNS,²⁰ in what this paper regards as a serious regression in Indian free-speech jurisprudence:

- Section 352 BNS: on the basis that the language used was abusive towards the Prime Minister and was intended to provoke a breach of the peace or disturb public tranquillity.
- Section 353(1) BNS: on the basis that the slogans could cause enmity, public nuisance or social disorder.
- Section 356(1) BNS: invoked for criminal defamation, on the contention that the speech damaged the reputation and dignity of the Prime Minister's office.

The complainant withdrew the complaint in early August 2026 after the teenager apologized, citing the Prime Minister's 'forgiveness'.²¹ Civil society and constitutional commentators criticized the registration of the case as legal overreach. Traditionally, vulgar public speech in India was regulated by Section 294 of the Indian Penal Code (IPC), which made it an offence to perform obscene acts or utter obscene words in public.²² Over the decades, the Supreme Court of India has evolved its understanding of 'obscenity' from the restrictive Victorian-era Hicklin test of 1868²³ to the more progressive 'community standards' test adopted in *Aveek Sarkar v. State of West Bengal* in 2014.²⁴ The Hicklin test criminalized material that tended to deprave and corrupt those whose minds were open to such influences. The community standards test assesses the material as a whole from the standpoint of the average contemporary person. This progressive jurisprudence was side-stepped entirely by the invocation of BNS Sections 352, 353(1) and 356(1) against a teenager in 2026. By characterizing the teenager's speech as a threat to public peace rather than as a question of obscenity, the complaint, and the police who registered it, evaded the existing legal protections for free expression. The nature of this legal warfare is profoundly asymmetrical, pitting the immense power of the state against an individual citizen. The asymmetry is starkly illuminated by the conduct of the Intelligence Fusion and Strategic Operations (IFSO) unit of the Delhi Police. Following the protests, the IFSO unit registered an FIR against several social media handles for allegedly posting

²⁰ The Bharatiya Nyaya Sanhita, No. 45 of 2023, INDIA CODE (2023), §§ 352, 353(1), 356(1).

²¹ *Case Against 15-Year-Old [name withheld] over Abusive Remarks Against Modi Withdrawn After Apology, Complainant Cites PM's Forgiveness*, THE STATESMAN (Aug. 5, 2026), <https://www.thestatesman.com/india/ruchika-singh-pm-modi-forgives-15-year-old-girl-complaint-withdrawn-abusive-remarks-cjp-protest-1503624557.html>.

²² The Indian Penal Code, No. 45 of 1860, INDIA CODE (1860), § 294.

²³ *R v. Hicklin* (1868) LR 3 QB 360 (Eng.).

²⁴ *Aveek Sarkar v. State of West Bengal*, (2014) 4 SCC 257 (India); see also *Sarkar v. West Bengal*, COLUMBIA GLOBAL FREEDOM OF EXPRESSION, <https://globalfreedomofexpression.columbia.edu/cases/sarkar-v-west-bengal/> (last visited Aug. 11, 2026).

‘derogatory, malicious and defamatory’ content against Prime Minister Modi and other constitutional functionaries, and sought account details from X.²⁵ Yet, as far as has been reported, the same specialized unit took no suo motu action against the many accounts issuing explicit rape and death threats, doxxing women, and publishing their home addresses. As CJP founder Abhijeet Dipke put it, in asking whether there are ‘two laws’ in India, this asymmetry has given digital mobs a deep sense of impunity.²⁶ The state apparatus mobilized considerable institutional resources against satirical posts and political criticism targeting the leadership, but was, on the available record, passive when identical or demonstrably worse language, including explicit threats of sexual violence, was directed at young female citizens. This paper contends that this structural asymmetry is not an administrative oversight but a feature of what may be termed state-tolerated online hatred, in which the state deploys its coercive power to defend the powerful while leaving women exposed to the unregulated terror of the digital mob.

VI. CRITICAL ANALYSIS OF *KAUSHAL KISHOR V. STATE OF UTTAR PRADESH*

The state’s failure, as argued above, to protect female citizens from private digital mobs brings into focus the constitutional doctrine of the horizontal application of fundamental rights. The fundamental rights in Part III of the Constitution of India, traditionally conceived as vertical constraints, were meant to protect the individual from the arbitrary exercise of power by the State or its instrumentalities.²⁷ But the contemporary socio-political landscape of powerful private actors, decentralized digital platforms, and mobilized non-state actors has rendered the orthodox public-private divide inadequate. This paradigm underwent a tectonic shift in January 2023, when a five-judge Constitution Bench of the Supreme Court delivered its landmark judgment in *Kaushal Kishor v. State of Uttar Pradesh*. The Court, by a 4:1 majority, held that the fundamental rights guaranteed under Article 19 (freedom of speech and expression) and Article 21 (right to life and personal liberty) are enforceable not only against the State but also against private actors and non-state entities, thereby formally establishing a horizontal application of these core liberties.^{28,29} The doctrine of horizontality admits of two different

²⁵ *Delhi Police Files FIR over Abusive Posts on PM Modi, X Served Notice, CJP Questions Move*, MID-DAY (July 29, 2026), <https://www.mid-day.com/news/india-news/video/delhi-police-files-fir-over-abusive-posts-on-pm-modi-x-served-notice-cjp-questions-move-1081235>.

²⁶ ‘Two Laws?’: CJP’s Dipke Questions FIR Against Woman; Asks Why BJP Leaders Not Booked over Abusive Remarks, THE NEW INDIAN EXPRESS (July 31, 2026), <https://www.newindianexpress.com/india/2026/Jul/31/two-laws-cjps-dipke-questions-fir-against-woman-asks-why-bjp-leaders-not-booked-over-abusive-remarks>.

²⁷ Shaurya Chopra & Dhruv Pratap Singh, *Changing Views on Horizontal Application of Fundamental Rights: The Aftermath of the Kaushal Kishore Judgement*, 1 J. COMP. CONST. JURIS. 257 (2025), https://jccj.in/wp-content/uploads/2025/03/x_2025-1-jccj-257.pdf.

²⁸ Saumya Tripathi, *Horizontality of Fundamental Rights in India: Kaushal Kishor: A Solution or a Quandary?*, PCLS BLOG: HNLU (Jan. 2, 2025), <https://pclshnlh.com/2025/01/02/horizontality-of-fundamental-rights-in-india-kaushal-kishor-a-solution-or-a-quandary/>.

²⁹ *Kaushal Kishor*, *supra* note 10.

readings. Direct horizontality permits a person to sue private parties directly on the basis of constitutional rights, without the mediation of other laws. Certain provisions of the Indian Constitution already have direct horizontal application, designed to address deep-rooted social vulnerabilities. These include Article 15(2) (prohibition of discrimination in access to public places on grounds of religion, race, caste or sex), Article 17 (abolition of untouchability) and Articles 23 and 24 (prohibition of human trafficking, forced labour and child labour). Indirect horizontality, by contrast, means that although constitutional rights primarily impose duties on the State, they have an indirect effect on private law; thus the law governing private parties cannot contravene constitutional guarantees. In *Kaushal Kishor*, the majority tied direct horizontality to the doctrine of positive obligations. The Court held that the State has a positive, affirmative duty to protect the life and liberty of its citizens from threats by private individuals. The majority drew on earlier jurisprudence, quoting from *Nilabati Behera v. State of Orissa* the proposition that the ‘purpose of public law is not only to civilize public power but also to assure the citizen that he lives under a system which aims to protect his interests and preserve his rights’.³⁰ This progressive expansion was, however, met with a strong dissent by Justice B.V. Nagarathna. Justice Nagarathna reasoned that Article 21 creates a negative duty on the State (not to deprive any person of life and personal liberty except by procedure established by law) and that extending fundamental rights to private relationships would blur the line between constitutional tort and common law remedies. She warned that state interference to protect Article 21 from private actors might contravene the State’s negative duty and lead to constitutional overreach. The conduct of the state in the aftermath of the CJP protests represents, it is submitted, a failure of the constitutional mandate laid down by the *Kaushal Kishor* majority. In the digital era, the fundamental rights of female protesters were highly susceptible to violation by non-state actors. Under the *Kaushal Kishor* paradigm, the State had a non-negotiable positive obligation to intervene, to regulate the private conduct in question and to protect these women from horizontal rights violations. Instead, on the available record, the Delhi Police and the IFSO unit did not act against the horizontal violations of Article 21 by the digital mobs, in effect granting them impunity. This produces a paradoxical and highly gendered legal reality. The state committed a vertical violation of the teenager’s Article 19(1)(a) rights by proceeding against her under the BNS for political speech directed at the Prime Minister, while at the same time abandoning its horizontal duty to protect her from the mob. The law was thus

³⁰ David Bilchitz & Surya Deva, *The Horizontal Application of Fundamental Rights in India: “Kishor” (Baby) Steps in the Right Direction?*, IACL-AIDC BLOG (Apr. 25, 2023), <https://blog-iacl-aidc.org/2023-posts/2023/4/25/the-horizontal-application-of-fundamental-rights-in-india-kishor-baby-steps-in-the-right-direction> (quoting *Nilabati Behera v. State of Orissa*, (1993) 2 SCC 746 (India)).

used to protect the political elite from speech, while the State's constitutional responsibility to protect vulnerable female citizens from private violence went unfulfilled. This, in the paper's analysis, is the essence of state-tolerated online hatred. The state need not commit violence itself; it need only look the other way, creating a permissive environment in which patriarchal surrogates mete out discipline.

The legal structure surrounding the state's handling of the CJP demonstrations exposes a sharp contrast between the formal constitutional requirements and the reality of law enforcement practice. A comparative reading of the judicial precedents against the state's actions reveals crucial divergences on several dimensions of constitutional law. The traditional doctrine of the vertical application of rights means that the State shall not arbitrarily infringe the fundamental liberties guaranteed under Articles 19 and 21 of the Constitution. The state's response to the democratic agitation was, it is argued, a serious departure from this principle. Most alarmingly, a juvenile was booked under the BNS, on a private complaint that the police registered and transferred to Delhi, for abusive political speech directed at the Prime Minister. This aggressive application of the criminal law runs counter to the freedom of speech and expression guaranteed under Article 19(1)(a) and effectively bypasses the constitutional discipline of 'reasonable restrictions' under Article 19(2). Moreover, the state's reaction to the digital backlash shows a disregard for the developing jurisprudence on the horizontal application of fundamental rights. The Supreme Court's landmark decision in *Kaushal Kishor* laid down that the rights guaranteed in Articles 19 and 21 are enforceable against private actors, thereby creating a positive obligation on the State to take active measures to protect citizens from private violence. The state machinery did nothing that has been reported to stop the mass doxxing and serious threats of rape made by private digital mobs against female protesters, in sharp contrast to this positive obligation. The failure of law enforcement agencies to take suo motu action against the perpetrators of such technology-facilitated violence points to a systemic failure to recognize the horizontal violation of women's rights by non-state actors. Ultimately, such inaction amounts, in this paper's assessment, to an abdication by the State of its constitutional duty to protect the right to life and dignity under Article 21.

Finally, the approach taken to protest speech represents a serious jurisprudential regression, particularly regarding the legal standard for obscenity. The Supreme Court in *Aveek Sarkar* laid down the 'community standards' test for judging allegedly obscene content. This precedent was bypassed entirely. Instead, the complaint invoked the public-order provisions of Sections 352 and 353(1) of the BNS to criminalize the use of expletives by dissidents. This misuse of legal

standards is, the paper argues, characteristic of a broader strategy of weaponizing the penal code to silence political dissent, wholly divorced from constitutional principle.

VII. INTERNATIONAL HUMAN RIGHTS LAW AND THE ‘CHILLING EFFECT’

The systematic targeting of female protesters in India must also be analyzed through the lens of international human rights law, which unequivocally recognizes that the human rights protected offline must be equally protected online. This parity has been expressly affirmed by the United Nations Human Rights Council and the UN General Assembly, with particular emphasis on freedom of expression in the digital sphere.³¹ The United Nations Special Rapporteur on Violence against Women has underscored that technology-facilitated violence against women is not a new phenomenon but an extension of systemic, structural discrimination into the digital ecosystem. The Special Rapporteur has stated that an internet free from gender-based violence is essential for women’s empowerment and for their full participation across all spheres of life, and that the lack of protection of women’s rights on the internet actively fuels sex- and gender-based discrimination.^{32,33} The Council of Europe’s Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) has stated that the obligation to eliminate violence against women covers all its expressions, including violence perpetrated through technology.^{34,35} Article 7 of the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) further obliges states parties to ensure the participation of women, on equal terms with men, in the political and public life of the country.^{36,37} The digital harassment witnessed in the wake of the CJP protests, and the absence of an effective state response to it, sit uneasily with India’s international obligations under CEDAW.

³¹ Human Rights Council Res. 20/8, *The Promotion, Protection and Enjoyment of Human Rights on the Internet*, U.N. Doc. A/HRC/RES/20/8 (July 16, 2012); Human Rights Council Res. 32/13, U.N. Doc. A/HRC/RES/32/13 (July 18, 2016); G.A. Res. 68/167, *The Right to Privacy in the Digital Age* (Dec. 18, 2013).

³² Dubravka Šimonović (Special Rapporteur on Violence Against Women, Its Causes and Consequences), *Report on Online Violence Against Women and Girls from a Human Rights Perspective*, U.N. Doc. A/HRC/38/47 (June 18, 2018).

³³ Elizabeth Coombs, *Human Rights, Privacy Rights, and Technology-Facilitated Violence*, in THE EMERALD INTERNATIONAL HANDBOOK OF TECHNOLOGY-FACILITATED VIOLENCE AND ABUSE (Jane Bailey, Asher Flynn & Nicola Henry eds., 2021), <https://doi.org/10.1108/978-1-83982-848-520211036>.

³⁴ GROUP OF EXPERTS ON ACTION AGAINST VIOLENCE AGAINST WOMEN AND DOMESTIC VIOLENCE (GREVIO), *General Recommendation No. 1 on the Digital Dimension of Violence Against Women* (Oct. 20, 2021), <https://rm.coe.int/grevio-rec-no-on-digital-violence-against-women/1680a49147>.

³⁵ U.K. COALITION ON VIOLENCE AGAINST WOMEN & GIRLS, *Global Digital Compact Submission* (Apr. 2023), https://www.un.org/digital-emerging-technologies/sites/www.un.org.techenvoy/files/GDC-submission_UK_Coalition_on_Violence_Against_Women_and_Girls_Code_of_Practice.pdf.

³⁶ Convention on the Elimination of All Forms of Discrimination Against Women art. 7, Dec. 18, 1979, 1249 U.N.T.S. 13.

³⁷ Kim Barker & Olga Jurasz, *Evidence on Democracy, Free Speech and Freedom of Association* (DFF0014), Written Evidence to the Joint Committee on Human Rights, U.K. Parliament (Mar. 23, 2019), <https://committees.parliament.uk/writtenevidence/100682/html/>.

The ultimate effect, and, this paper argues, the purpose, of the dual-layered repression of CJP protesters is to create a ‘chilling effect’ on female political participation. A chilling effect occurs when people censor themselves or refrain from exercising their fundamental rights because they fear punishment or abuse. Data from Amnesty International strongly support the existence of a chilling effect online.³⁸ Research indicates that the absence of intervention against violence against women on social media platforms compels women to self-censor, restrict their interactions or leave digital platforms entirely. An eight-country survey by Amnesty International on women’s experiences of online abuse found that between 63% and 83% of women who had experienced online harassment had made changes to the way they used social media. The scale of abuse is so broad that it creates a toxic digital environment and turns platforms into sites of trauma rather than democratic engagement. Psychologically, victims begin to treat social media as a ‘transmit function’ rather than a reciprocal space for engagement, alienating them from public discourse. A 2015 report of the UN Broadband Commission’s Working Group on Gender, later withdrawn for revision, estimated that women are 27 times more likely than men to experience online harassment,³⁹ and intersectional factors (for example, being a woman of colour or, in the Indian context, a member of a marginalized caste community) further increase the likelihood of targeted abuse. The European Institute for Gender Equality (EIGE) has observed how digital technologies facilitate the ‘scalability and sustainability’ of online harassment, doxxing and defamation campaigns, allowing violence to spread on digital platforms at unprecedented speed.⁴⁰ When the state proceeds against the political dissent of women while rape threats against them go unpunished, it performs, in effect, an extremely effective regulatory function of its own. It sends a signal to young women that the digital public square is a space of patriarchal dominance and that any attempt by women to exert political agency will be met with overwhelming, unpunished violence. The burden of ‘safety work’, the labour of navigating, filtering and avoiding abuse, is placed disproportionately on women, draining their capacity for political organizing.

³⁸ *Toxic Twitter: The Silencing Effect*, AMNESTY INT’L (Mar. 20, 2018), <https://www.amnesty.org/en/latest/news/2018/03/online-violence-against-women-chapter-5-5/>.

³⁹ UN WOMEN, *Urgent Action Needed to Combat Online Violence Against Women and Girls, Says New UN Report* (Sept. 24, 2015), <https://www.unwomen.org/en/news/stories/2015/9/cyber-violence-report-press-release>.

⁴⁰ EUROPEAN INSTITUTE FOR GENDER EQUALITY, *Combating Cyber Violence Against Women and Girls: Developing an EU Measurement Framework* (2025), <https://eige.europa.eu/sites/default/files/documents/combating-cyber-violence-against-women-and-girls-developing-an-eu-measurement-framework.pdf>.

VIII. POLICY IMPLICATIONS AND INTERSECTIONAL LEGAL REFORMS

The fallout from the CJP protests is a stark reminder of how sophisticated modern political repression has become. The intersectional approach to legal and institutional reform that is urgently required must dismantle what this paper has described as the architecture of state complicity and digital misogyny. The current criminal framework, even after the introduction of the BNS, is still severely lacking in addressing the specific features of technology-facilitated violence. The serious psychological toll of doxxing, coordinated online harassment and cyberstalking, and their use as instruments of political intimidation, make it urgent to define them as distinct, non-bailable offences. The law must go beyond the generic provisions of the Information Technology Act to address the highly gendered nature of these crimes. The judiciary should take suo motu cognizance of instances in which state police forces fail to act against digital mobs. If *Kaushal Kishor* imposes a positive duty on the State to protect Article 21 rights from private actors, then the failure of specialized units such as the IFSO to prosecute rape threats against female protesters must be read as a constitutional dereliction of duty. Institutional accountability mechanisms need to be put in place so that police forces do not operate with partisan asymmetry. Consistently with the principles elucidated in *Kaushal Kishor*, there should be more stringent legal consequences for public functionaries, including ministers and the Prime Minister, who misuse their platforms to vilify victims of violence or to delegitimize female political participation. Patriarchal rhetoric from the executive branch should not be able to send a message of impunity to ideological mobs.

Statutory subversion must be guarded against in the progressive trajectory of Indian free-speech jurisprudence. The constitutional courts must invalidate the arbitrary application of BNS Sections 352, 353(1) and 356(1) to criminalize political satire and dissent under the guise of public order or the reputation of constitutional offices. Strict judicial guidelines should be laid down to prevent 'Zero FIRs' from being used as a tool of harassment across jurisdictions. While state complicity is a primary driver, social media intermediaries cannot be absolved of their role in enabling technology-facilitated violence against women. Strict algorithmic auditing standards are needed on platforms to ensure that coordinated doxxing campaigns are not artificially amplified. The law on intermediary liability needs to be rooted in human rights frameworks, making the reporting mechanisms for gender-based violence swift, transparent and intersectionally informed.

IX. CONCLUSION

The 2026 CJP protests and the resultant backlash against female citizens by the state and its proxies reveal a disconcerting shift in Indian political repression. The state does not rely solely on the overt, physical violence of lathi charges and detentions. Instead, this paper has argued, the worst and most psychologically damaging forms of political intimidation have in effect been outsourced to a decentralized web of ideological supporters who weaponize gendered disinformation, doxxing, and explicit sexual threats against female dissenters. And, on this analysis, the tone of this repression is set by the executive. The state signals its endorsement of patriarchal dominance when ministers dismiss violence against women as a ‘political conspiracy’ and when the Prime Minister infantilizes politically active women as ‘naughty children’ who need his ‘forgiveness’. Executive signalling and digital vigilantism are the twin engines of repression, working in seamless tandem. The digital mob locates the targets, strips them of their anonymity and terrorizes them with violence, while the state apparatus, so far, has looked away, providing de facto impunity. At the same time the state, through units such as the IFSO and through the registration of complaints such as the one against the teenager, intervenes aggressively against those who dare to criticize the political leadership, a perverse use of the BNS to protect the powerful while abandoning the vulnerable. This dynamic is wholly offensive to the constitutional conscience. It is a failure of the positive obligations of the State as mandated by the Supreme Court in *Kaushal Kishor v. State of Uttar Pradesh*. By failing to protect women from the horizontal violation of their fundamental rights by private digital actors, the state has, in effect, fostered an environment in which the political public square is hostile, misogynistic and fundamentally exclusionary for women. The cases of Shraddha Singh and the teenager booked in the Zero FIR are not anomalies; on this paper’s reading, they are the predictable products of a patriarchal system that discourages female political participation. This moment demands not only that the law be modernized, but also that the constitutional commitment to dignity, equality and the unfettered right to dissent, in physical and digital spaces alike, be reclaimed.
