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"ONLINE PUBLIC SHAMING AND THE RIGHT TO DIGNITY UNDER ARTICLE 21"

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ABSTRACT:

Social media has changed how people communicate and share their opinions, but it has also led to more cases of people being publicly criticized online because private details, chats, and pictures are shared without permission. These practices cause big worries about a person's respect, their right to keep their personal information private, and their ability to speak freely.The Indian Constitution's Article 21 ensures that every person has the right to live with dignity. At the same time, Article 19(1)(a) makes sure people can freely express their thoughts and opinions. However, these rights need to be balanced so that free speech isn't used to humiliate, harass, or invade someone's privacy.

This paper looks at how the constitution deals with online public shaming, using court rulings, such as the case of Maneka Gandhi union of India. Union of India, ***Maneka Gandhi v. Union of India, Francis Coralie Mullin v. Administrator, Union Territory of Delhi, R. Rajagopal v. State of Tamil Nadu*** **and** ***Justice K.S. Puttaswamy (Retd.) v. Union of India.*** It says that although people should be able to criticize fairly and speak out for the public good, intentional online embarrassment and breaking someone's privacy should be dealt with through proper legal actions. The paper suggests a balanced method that considersfairness to ensure free speech and respect for human worth in the modern digital world.

KEYWORDS: Online Public Shaming; Article 21; Human Dignity; Privacy; Freedom of Speech

INTRODUCTION:

The internet has changed how people communicate, making it easy for information, pictures, and personal chats to move quickly through social media. This has led to online public shaming, where people are criticized, exposed, or humiliated in front of others on the internet. People often act as if accusations are true without checking if they're real, which makes it hard for

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others to explain their side. Even if the accusations turn out to be untrue, their effect on the internet can still last.[1] Online public shaming can harm a person's reputation, affect their career, hurt their relationships, and damage their self-respect. This brings up a key question about the Constitution: Does Article 21 cover people from being humiliated a lot in the online world?

The freedom to speak and express opinions is protected by Article 19(1)(a), while the right to live with dignity is guaranteed by Article 21.[2] Maintaining fairness on both sides is crucial in a democratic society because people should be free to report news, express their honest opinions, and discuss topics that are important to the general public without fear of retaliation. The Supreme Court's understanding of Article 21 in the case ***Maneka Gandhi v. Union of India and Francis Coralie Mullin v. The Administrator of the Union Territory of Delhi*** recognized dignity as a crucial part of the right to life[3]. These important rules from the constitution need to be used in the online world to deal with being treated badly on the internet, while making sure people can still speak freely. Online public shaming isn't a crime on its own; whether it's allowed or not depends on what actions are taken, like saying untrue things about someone, breaking their privacy, or bothering them in a harmful way. However, it causes major problems with the constitution because of how it affects a person's respect and their good name.

CONSTITUTIONAL FOUNDATIONS: ARTICLE 21, DIGNITY, PRIVACY AND REPUTATION:

The constitutional safeguard against digital degradation can be comprehended through the evolving interpretation of Article 21 by the Supreme Court. The Supreme Court has recognized that dignity is an essential component of Article 21.[4] In ***Francis Coralie Mullin v. Administrator, Union Territory of Delhi*** [5] and ***Maneka Gandhi v Union of India***[6] the Court emphasized the importance of the right to life and personal liberty. Further, in ***Mehmood Nayyar Azam*** v. ***the State of Chhattisgarh***[7] recognized the constitutional problems resulting from public humiliation. Similarly, ***Kush Kalra v. Union of India***[8] expressed concerns regarding how the public recognizes and stigmatizes individuals who have recovered from

[1] See *Justice K.S. Puttaswamy (Retd.) v. Union of India*, (2017) 10 SCC 1 (India); *R. Rajagopal v. State of Tamil Nadu*, (1994) 6 SCC 632 (India).
[2] INDIA CONST. arts. 19(1)(a), 21.
[3] Maneka Gandhi v. Union of India, (1978) 1 SCC 248 (India); Francis Coralie Mullin v. Administrator, Union Territory of Delhi, (1981) 1 SCC 608 (India).
[4] INDIA CONST. art. 21.
[5] Francis Coralie Mullin v. Administrator, Union Territory of Delhi, (1981) 1 SCC 608 (India).
[6] Maneka Gandhi v. Union of India, (1978)
[7] Dr. Mehmood Nayyar Azam v. State of Chhattisgarh, (2012) 8 SCC 1 (India).
[8] Kush Kalra v. Union of India, W.P. © No. 1213 of 2020, 2020 SCC OnLine SC 1017

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COVID-19. These decisions indicate that being respected involves having privacy, maintaining a good reputation, and being considered important by others. In today's digital age, Article 21 should also address the lasting harm caused by online humiliation. ***Maneka Gandhi v. Union of India,*** [9]The Supreme Court ruled that any process that impacts an individual's personal freedom must be fair, just, and reasonable. This ruling changed how Article 21 is understood by rejecting the idea of arbitrary government actions. Its importance in the digital world comes from the idea that personal freedom should be safeguarded from unnecessary interference. In ***Francis Coralie Mullin v. Administrator, Union Territory of Delhi***[10] , the connection between ***personal liberty and dignity*** was further explored. The Court recognized that the right to life includes the right to human dignity. This interpretation shows that the requirements for a meaningful human life are included in constitutional protection, in addition to physical existence. It is necessary to take into account the publication's nature, its goal, and the severity of the harm that will result. In Dr. ***Mehmood Nayyar Azam v. State of Chhattisgarh***[11]**,** the Supreme Court has taken into account the humiliation which is caused when someone in police custody is subjected to cruel treatment and distribution of photographs. The court said that such treatment destroys human dignity and causes mental trauma. This ruling is especially important because it highlights the potential for public humiliation to create serious constitutional problems, particularly when state officials are involved in it.In ***Subramanian Swamy v. Union of India***[12]**,** the Supreme Court affirmed the constitutionality of criminal defamation laws, thereby acknowledging the protection of reputation. The ruling emphasized the need to strike a balance between reputation and freedom of speech while acknowledging reputation as a significant component of Article 21. However, reputation cannot be used as a barrier to legitimate public scrutiny or fair criticism. In the landmark case of Justice ***K.S. Puttaswamy (Retd.) v. Union of India*** [13]**,** a nine-judge panel unanimously acknowledged privacy as a fundamental right. The Court linked privacy to autonomy, dignity, and information control. Secrecy in one's home is only one aspect of privacy; another is the person's capacity to manage personal data.

Online public humiliation is directly related to this idea. Conversations or private photos shared with a small group of people may later be made public without permission. The question is not only whether the information is correct, but also whether disclosing it is justified. The Supreme

[9] Maneka Gandhi v. Union of India, (1978
[10] Francis Coralie Mullin v. Administrator, Union Territory of Delhi, (1981) 1 SCC 608 (India).
[11] Dr. Mehmood Nayyar Azam v. State of Chhattisgarh, (2012) 8 SCC 1 (India).
[12] Subramanian Swamy v. Union of India, (2016) 7 SCC 221 (India).
[13] Justice K.S. Puttaswamy (Retd.) v. Union of India, (2017) 10 SCC 1 (India).

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Court acknowledged the right to privacy and considered its connection to press Differentiating between public interest and public curiosity is particularly important. Publicizing evidence of a public official's corruption could be a justifiable democratic objective. There might not be a similar rationale, though, for disclosing irrelevant family photos or private conversations in order to harm that person's reputation.

FREEDOM OF EXPRESSION AND ITS LIMITATIONS:

In ***Shreya Singhal v Union of India***,[14] the Supreme Court invalidated Section 66A of the Information Technology Act, 2000, emphasizing that unclear limitations on online speech can endanger democratic freedom. The decision ensures that people are not limited in their rights simply because their views are not popular or considered offensive. However, freedom of expression does not offer complete protection for false accusations, illegal sharing of personal information, or deliberate harassment. Article 19(2) allows for reasonable limitations on certain grounds, such as defamation and maintaining public order.[15]

Therefore, constitutional law needs to differentiate between acceptable criticism and intentional online harassment.

LEGAL FRAMEWORK AND EMERGING JUDICIAL DEVELOPMENTS:

India does not have one single complete law that directly deals with the issue of publicly humiliating someone online. Protection is spread out through constitutional law, criminal law, and information technology laws. The Information Technology Act, 2000 deals with different types of wrong behaviour that happen online. Section 66E covers situations where someone breaks privacy by sharing or sending pictures of private body parts, as described in the law. [16]Sections 67 and 67A deal with materials that are obscene or contain explicit sexual content in electronic formats. Section 72A specifically addresses the disclosure of personal information that constitutes a violation of binding contractual duties. [17]The Information Technology Act, 2000 deals with different types of online wrongdoing. Section 66E talks about breaking privacy by sharing or sending pictures of private parts when certain conditions are met. Sections 67 and 67A deal with material that is obscene or contains explicit sexual content in electronic formats. Section 72A is about revealing personal information when someone breaks their legal contract

[14] Shreya Singhal v. Union of India, (2015) 5 SCC 1 (India).
[15] INDIA CONST. art. 19(2).
[16] Information Technology Act, No. 21 of 2000, § 66E (India).
[17] Information Technology Act, No. 21 of 2000, §§ 67, 67A (India).

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promises.[18]

The Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 also require intermediaries to follow due diligence and handle complaints properly. Criminal defamation is now covered under Section 356 of the Bharatiya Nyaya Sanhita, 2023.[19] However, just because there are these rules doesn't mean that every unpleasant or embarrassing publication is considered a crime. The necessary parts of the related law need to be clearly identified.

A major problem happens when public officials help make people feel ashamed. A person who has been arrested still has their constitutional rights, even if someone has accused them of doing something wrong. In ***D.K. Basu v. In the case of State of West Bengal***, [20]The Supreme Court created safeguards to stop mistreatment during questioning while a person is in custody. Similarly, ***Arnesh Kumar v. The case of State of Bihar[21]*** highlighted that being arrested should not automatically happen just because an offence is registered.

Recent High Court rulings have continued to shape and clarify these principles.

In ***Islam Khan v. State of Rajasthan, S.B.*** [22]In Criminal Writ Petition No.224/2026, the Rajasthan High Court looked into claims that people who were arrested were treated badly, including taking their pictures and sharing those images on social media. The court said that a person who is accused is not yet a convicted person and that their right to be treated with respect, as described in Article 21, stays with them even after they are arrested. The court told people to take away the photos and asked for rules to stop such things from happening. The next order from May 5, 2026, dealt with police using social media for trials and public shaming.

Similarly, in ***Sangram Singh Rajoot v. State of Madhya Pradesh,*** [23]case number WP No.29793/2018, decided on 28 April 2026, the Madhya Pradesh High Court looked into claims that police officers had intentionally shown accused people in public. The court explained that walking is not automatically against Article 21; it is necessary to prove that there was intentional humiliation or a bad faith motive. It started by looking into the claims first. This choice matters because it keeps respect for dignity while also looking at the situation in a fair and clear way.

[18] Information Technology Act, No. 21 of 2000, § 72A (India).
[19] Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, G.S.R. 139€, Gazette of India, Extraordinary, pt. II, sec. 3(i) (Feb. 25, 2021)
[20] D.K. Basu v. State of West Bengal, (1997) 1 SCC 416 (India
[21] Arnesh Kumar v. State of Bihar, (2014) 8 SCC 273 (India)
[22] Islam Khan v. State of Rajasthan, S.B. Criminal Writ Petition No. 224 of 2026, 2026:RJ-JD:17927 (Rajasthan High Court May 5, 2026)
[23] Sangram Singh Rajoot v. State of Madhya Pradesh, W.P. No. 29793 of 2018, 2026:MPHC-JBP:35118 (Madhya Pradesh High Court Apr. 28, 2026).

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The right to be forgotten has also become important when it comes to digital humiliation. In ***Laksh Vir Singh Yadav v. Union of India,*** [24]and related matters, decided on May 29, 2026, the Delhi High Court examined the relationship between individual privacy, respect for people, and search engine accessibility of court records. The court took into account the balance between preserving individual privacy and guaranteeing the public's access to justice, even though it acknowledged that removing a website from search results can be crucial in some circumstances. These changes show that harm caused by digital actions can continue even after the first problem is fixed. Having easy access to information can lead to serious damage to someone's reputation, especially when legal actions have finished but no one was found guilty.

CONCLUSION AND SUGGESTIONS

Online public shaming brings up major issues related to the constitution, specifically under Article 21, which deals with dignity, privacy, and reputation. Judicial decisions like ***Maneka Gandhi,[25] Francis Coralie Mullin[26], Puttaswamy[27], and R. Rajagopal[28] and Mehmood Nayyar Azam[29]*** have deepened the shared understanding that the right to life also includes the right to dignity and personal freedom. At the same time, Shreya Singhal emphasizes the importance of safeguarding freedom of expression from unnecessary limitations.

Therefore, there needs to be a balance between Article 19(1)(a) and Article 21. Real criticism and free speech for the public good should be kept safe, but on purpose hurting someone's feelings, breaking their privacy, making false claims, and focusing online harassment should have proper legal actions taken against them.

The following measures are suggested:

- Effective Remedies: Offer victims fast and easy ways to report harmful content.
- Clear legal guidelines help tell the difference between fair criticism and intentional online bullying and embarrassment.
- Judicial protection involves using the principles of proportionality, privacy, and dignity when dealing with new challenges in the digital world.

Platform Accountability entails upholding rigorous standards for content moderation to safeguard responsible discourse, while simultaneously forestalling the undue suppression of

[24] Laksh Vir Singh Yadav v. Union of India, W.P. © No. 1021 of 2016 & Connected Matters, 2026:DHC:4891 (Delhi High Court May 29, 2026).
[25] Maneka Gandhi v. Union of India, (1978)
[26] Francis Coralie Mullin v. Administrator, Union Territory of Delhi, (1981) 1 SCC 608 (India).
[27] See *Justice K.S. Puttaswamy (Retd.) v. Union of India*, (2017) 10 SCC 1 (India)
[28] R. Rajagopal v. State of Tamil Nadu, (1994) 6 SCC 632 (India).
[29] Dr. Mehmood Nayyar Azam v. State of Chhattisgarh, (2012) 8 SCC 1 (India).

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lawful expression.

The main aim of the constitution should be to safeguard people's respect and worth while ensuring that freedom of speech and expression remains a key part of democracy.

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