CASTE-BASED ONLINE ABUSE: LESSONS FROM TARGETING CHIEF JUSTICE OF INDIA B. R. GAVAI

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Abstract

Caste-based online abuse presents distinctive challenges to law and governance in India. The attempted physical attack on Chief Justice of India (CJI) B. R. Gavai in October 2025 and the rapid Proliferation of casteist speech, images, and social media that followed constitute a salient case study of how deep-rooted social hierarchies are reproduced and amplified in contemporary digital platforms. Drawing on statutory materials (IPC, SC/ST [Prevention of Atrocities] Act, IT Rules), contemporaneous reporting, and policy documents on intermediary liability and moderation, this article examines legal and practical obstacles to redressing caste-targeting online harms. It argues that the phenomenon requires an integrated socio-legal response, comparing clearer doctrinal treatment of "public view" in the digital context, forensic readiness for synthetic media, culturally informed moderation practices by intermediaries, and investment in counter-speech and legal aid for affected communities. The article concludes with recommendations that balance free-expression concerns with the need to protect dignity and public order.

Keywords: *Artificial Intelligence, Digital Platforms, Social Media, Casteist Speech, CJI*

Introduction

The digitisation of social interaction has not simply transformed communication; it has transposed long-standing social hierarchies into new technological terrains. And among these hierarchies, caste is one of the most durable … and insidious. Eventually, the manner in which it operated by way of spatial separation, ritual exclusion and professional legacy bequesting has been adapted to digital settings as language, image and algorithmic media sharing. In the networked 21st century, discrimination can travel without any bloodlines to physically mark its boundaries: It zips down memes and videos and also comment threads that are designed around circulating and amplifying ancient bigotries.

Given the events of October 2025, this continuity was remarkable in and of itself. When some advocate spontaneously chucked a shoe at Chief Justice of India B. R. Gavai, an incident that took a few minutes at most to filter from the physical courtroom to the endlessness of social media, clad in several garments of commentary and readymade opinion paraded right here on our news screens. Targeted first as a symbol, the Dalit chief justice became a trigger for an online surge of vitriol posts and sketches and AI-generated images that came filled with casteist tropes to replay history's humiliation in the name of humour and dissent. The digital aftershock illustrated just how quickly technological platforms can transmute an isolated act of contempt into a group ritual of degradation.

The legal and institutional responses were swift but uneven. Police complaints were filed in Punjab and in other jurisdictions, takedown requests were sent to major platforms, and public statements decried

the bigotry. But these moves exposed deeper structural problems: a paucity of technical capabilities for real-time moderation, doctrinal ambiguities about digital hate and no coordinated approach to securing evidence while protecting freedom of expression. As police investigations unfolded, it was increasingly evident that current laws were failing to keep up with the speed and adaptability of abuse online (Times of India, 2025; NDTV, 2025).

I. Objective of the Research

This study seeks to explore the intersection of caste discrimination, digital technology, and legal accountability through the lens of the October 2025 incident involving Chief Justice of India B. R. Gavai.

1. To examine how existing Indian legal instruments, particularly the SC/ST (Prevention of Atrocities) Act, 1989, the Information Technology Act, 2000, and related intermediary rules respond to caste-based abuse disseminated through online platforms.

2. To identify the doctrinal and evidentiary limitations that hinder effective redress in cases of casteist online speech, with special attention to the interpretive challenges of the term "pubic view" in digital contexts.

3. To formulate reforms-oriented recommendations i.e. legal, procedural, and socio-technical that can enhance India's institutional capacity to protect dignity and equality in the age of synthetic media.

The research also contributes to the broader discourse on digital constitutionalism in India, exploring how equality, dignity and free expression must adapt to algorithmic and networked environments.

II. Research Methodology

This research employs a doctrinal and analytical methodology rooted in qualitative legal reasoning. It draws primarily upon statutory interpretation, judicial pronouncements, and official policy documents, complemented by contemporaneous reporting from verified Indian news sources. Primary source includes the SC/ST (Prevention of Atrocities) Act, 1989, the Information Technology Act, 2000, and the Intermediary Guidelines and Digital Media Ethics Code Rules, 2021. Secondary Sources include reports from the Ministry of Electronics and Information Technology (MeitY), and documentation from the Centre for Law and Policy Research (CLPR).

For factual reconstruction, the study uses contemporaneous reporting from The Indian Express, Times of India, and NDTV during October 2025. While no fieldwork or interviews were conducted, official police statements and FIR summaries were examined to contextualize enforcement patterns. The method analogizes more than it measures. It embeds legal texts within social and technological vectors, understanding that caste functions as much outside of the law as within; it is not just a legal category but also a living social structure. Therefore, it is through the socio-legal lens that this study has attempted to link formal statutory protection to the online experience of caste-based humiliation. With the scope and method of the article established, it proceeds with outlining the legal and regulatory environment that influences how little India does to respond to online caste-based abuse.

This research adopts the **Indian Law Institute (ILI)** citation style for all in-text citations All footnotes have been prepared and formatted consistently in accordance with the ILI citation guidelines.

IV. Casteism in India: Historical Continuities and the Constitutional Vision

A. The Historical Roots of Hierarchy

One would understand the caste-based abuse of Chief Justice of India B. R. Gavai only if he takes a sojourn into India's social bedrock. Caste is not an ephemeral social creation; it is an ideology, one that has moulded Indian civilization for two millennia or more. Its doggedness is grounded in texts, traditions and social institutions that have processed inequality as divinely ordained. One of the more influential of these works was the Manu smriti (compiled 2nd–1st century BCE), which categorised all society into a hierarchical, ability-based structure based on birth between four groups. It set up four varnas/ranks

Brahmins (priests), Kshatriyas (warriors), Vaishyas (traders) and Shudras (servants) and assigned people not in these groups the name "untouchables." The text mandated different duties, restrictions and penalties for each category of persons, with stratification written into the udded.[1]

The Manu smriti turned social hierarchy into a matter of moral standing. It sacralised privilege and exclusion, it made mobility immoral. For centuries, this was the text that justified a graded system of inequality based not on conduct or ability but birth. The ripples of this moral order have outlasted as ossified fossils those social structures that first supported it.[2]

B. Dr B. R. Ambedkar and the Rejection of Caste Ideology

Dr B. R. Ambedkar's critique of caste was both intellectual and revolutionary. He thus, in 1927, burnt the Manu smriti in public at Mahad, repudiating the judicial authority of its scriptures over him. Ambedkar did not perceive caste as an innocent social institution; he perceived it as a calculated strategy of Brahmanical hegemony. He famously said that "Cast was not a division of labour: it was a division of labourers". In other words, it did not divide society along functional lines: it divided society along status.[3]

As the chief architect of the Indian Constitution, Ambedkar wanted to turn the moral logic of caste on its head by embedding principles of liberty, equality, and fraternity in one of India's founding documents. It was directly in contravention of Manu smriti that Article 17: Abolition of untouchability has been made a part of the Indian Constitution.

But Ambedkar cautioned that mere constitutional rights did not ensure equality. He contended that political democracy cannot be sustained unless it was founded on social democracy. His warning has proved prophetic. Although the Constitution provides for equality on paper, social structures still replicate the morality that sustains discrimination.[4]

C. The Incomplete Realization of Social Democracy

Seventy-five years after independence, Ambedkar's venture of social democracy is still incomplete. The law's abolition has not as yet led the way in this wider struggle. Caste still governs landholding patterns, marriage alliances and education in villages. In cities, it looks like low-key discrimination in jobs and housing and social networks. The persistence of caste bias exposes the limitations of law as a tool for moral renovation. It also demonstrates how deeply the idea of hierarchy is woven into the cultural imagination of Indian society.[5]

The rise of digital communication was expected to erode these hierarchies by enabling open participation and free exchange. Yet the opposite has occurred. Online platforms have become fertile ground for the reproduction of caste prejudice. Anonymity allows individuals to express bigotry without accountability, and algorithmic amplification ensures that hate speech often receives more attention than reasoned discourse. The illusion of equality that the internet offers conceals the reality that digital spaces, like physical ones, reflect existing social hierarchies.[6]

D. From Manu smriti to the Digital Age

The online targeting of Chief Justice Gavai after the October 2025 incident demonstrates how caste ideology has adapted to the digital age. The vitriol he faced was not merely directed at an individual but at the symbolic challenge his position represented to traditional hierarchies. For many, his elevation as a Dalit to the highest judicial office embodied the partial realization of Ambedkar's dream, a democratic inversion of the caste order. The subsequent abuse and mockery aimed at him on social media reveal that the moral logic of the **Manu smriti** continues to operate beneath the surface of Indian modernity.[7]

The philosopher Louis Dumont, in his classic work **Homo Hierarchicus**,[8] described caste as a system that places hierarchy at the centre of social life. Modern India, despite its democratic institutions, has yet to fully transcend this worldview.

The memes, images, and comments that circulated online following the Gavai incident are not spontaneous acts of cruelty but deliberate performances of inherited prejudice. In these acts of digital humiliation, one can discern the echo of the ritualized exclusion once legitimized by religious authority.[9]

E. Constitutional Morality and the Digital Public Sphere

Dr. Ambedkar's concept of constitutional morality offers a framework for interpreting this persistence of caste thinking. The moral foundation, the validity and longevity of which sustains democracy are norms which belong to constitutional morality. It calls for the citizenry to embrace the meaning of the Constitution, rather than simply obeying its superficial dictates. It calls for a moral commitment to equality and fraternity, not an imposed requirement.[10]

The cyber war against the Chief Justice Gavai, shows how constitutional morality has not yet replaced social morality. The bias codified by the Manu smriti has persisted and even transited into digital landscapes. The legal status of caste may have changed, thanks to the Constitution; the collective moral consciousness that sustains it is yet to change. It is this disjunction between constitutional ideals and social realities that constitutes the great paradox of Indian democracy.[11]

If the **Manu smriti** represented the moral order of inequality, the Constitution represents the moral order of equality. Yet the endurance of caste-based abuse, both offline and online, shows that the constitutional promise remains only partially fulfilled. Legal prohibitions can punish acts of discrimination, but they cannot reform the emotions, loyalties, and fears that perpetuate it. The struggle against caste is therefore not only legal but also ethical and cultural.[12]

F. Towards an Ambedkarite Digital Republic

To realize Ambedkar's vision in the digital era, India must extend the principles of constitutional morality into the virtual public sphere. Technology has the potential to democratize speech, but it must be governed by ethics that reflect the values of fraternity and human dignity. Education in digital ethics, representation of marginalized voices in media, and active promotion of counter-speech can begin to shift online discourse toward equality.[13]

The targeting of Chief Justice Gavai stands as a stark reminder that the **Manu smriti** continues to live, not in law, but in social consciousness. The Constitution sought to replace it, yet its spirit endures in new forms. The true measure of India's democracy will lie not in the number of laws it enacts but in the capacity of its citizens to embody constitutional morality in every sphere of life, including the digital. Only when equality becomes a moral habit, and not merely a legal command, will Ambedkar's dream of social democracy find its complete expression.[14]

V. Statutory and Regulatory Framework

A. Criminal law and the SC/ST (Prevention of Atrocities) Act, 1989

The Bhartiya Nyaya Sanhita, 2023 contains provisions addressing hate speech, criminal intimidation, and enmity between groups.[15] Yet, the SC/ST (Prevention of Atrocities) Act, 1989 provides a more targeted instrument for preventing humiliation or intimidation of members of Scheduled Castes and Scheduled Tribes. The Act criminalizes intentional insult or intimidation with intent to humiliate "in any public place within public view".[16]

Judicial and academic debates continue over the scope of "public view." While the provision was originally conceived for physical spaces, courts are increasingly called upon to interpret whether online dissemination constitutes "public view." Scholars have argued for a purposive interpretation, suggesting that viral posts on public platforms should fall within its ambit (CLPR, 2021)

B. The Information Technology Act and Intermediary Rules

The Information Technology Act, 2000, and the Intermediary Guidelines and Digital Media Ethics Code Rules, 2021, impose due diligence obligations in online platforms. These include complaint acknowledgment within 24 hours and grievance resolution within 15 days. However, these frameworks were not drafted with AI-Generated or rapidly replicating synthetic media in mind.[17]

As a result, while takedown mechanisms exist, the evidentiary chain for proving authorship, intent, and authenticity remains weak. The law is thus equipped for linear content dissemination, but not for the viral and mutable forms of modern digital expression.

C. Constitutional Balancing

Article 19(1)(a) of the Constitution guarantees free speech, while Article 19(2) allows reasonable restrictions in the interests of public order, morality, and decency. The judicial task lies in balancing free expression with equality and dignity does not become subordinate to unbounded free speech, nor does that regulation become a pretext for censorship.

VI. Case Context and Digital Aftermath

A. The Physical Incident

On 7 October 2025, proceedings in the Supreme Court of India were briefly disrupted when an advocate, later identified by security personnel, approached the Chief Justice's bench and attempted to hurl a shoe at Chief Justice of India B. R. Gavai. The object missed its target, and court marshals quickly restrained the individual. Yet the symbolism of the act reverberated far beyond the courtroom. As reported by The Indian Express (2025), the attack was unprecedented in its directness and in the fact that never before had a Chief Justice of India been physically targeted inside the apex judicial institution.[18]

The immediate incident was less about physical harm and more about the spectacle of defiance. For many observers, the attempt represented an assault on judicial dignity and institutional authority, values that are constitutionally safeguarded under the principle of the rule of law. The courtroom, ordinarily a space governed by solemn procedure, became the stage for a public gesture of contempt. Chief Justice Gavai's measured response, declining to pursue personal charges and referring to the matter as "a forgotten chapter," reflected judicial restraint. Nevertheless, the episode triggered a wave of debate across social and political circles about the vulnerability of the judiciary to public anger and caste-based hostility.[19]

What gave this incident added complexity was the social identity of the Chief Justice himself. Justice Gavai, belonging to a Scheduled Caste background, had often spoken about equality and the transformative promise of the Constitution. His rise to the position of Chief Justice had been symbolically significant in a country still marked by social stratification. For many observers, the attempted attack could not be separated from the undercurrents of caste resentment that continue to shape India's institutional imagination.[20]

The court's decorum was restored within minutes, but the event had already migrated beyond the walls of the Supreme Court. Within hours, snippets of video footage, eyewitness accounts, and fabricated narrations began circulating online. What had begun as a physical act of disruption swiftly metamorphosed into a digital spectacle, feeding a new form of collective participation that involved the online re-enactment of humiliation.[21]

B. Online Spread and Casteist Content

The digital aftermath of the incident illustrated the velocity with which social media platforms can transform individual acts into instruments of collective prejudice. Platforms such as X (formerly Twitter), Facebook, Instagram, and YouTube were inundated with content that recast the event through a caste lens. Posts and memes invoked historically charged language, imagery, and symbolism designed to belittle the Chief Justice's Dalit identity. Some posts used direct slurs, while others relied on insinuations by juxtaposing photographs with captions that mocked his background or questioned his legitimacy to occupy India's highest judicial office.[22]

According to reports by The Times of India (2025) and NDTV (2025), multiple First Information Reports (FIRs) were filed in Punjab and other state against over a hundred social media handles accused of disseminating inflammatory content. The police invoked provisions under Sections 153A and 295A of the Indian Penal Code, along with relevant sections of the SC/ST (Prevention of Atrocities) Act, 1989, alleging that the posts promoted enmity between groups and intentionally insulted a member of a Scheduled

Caste. The Punjab Police Cyber Cell also issued advisories warning users against forwarding or resharing the offensive material.

The state's swift response underscored an emerging recognition that online hate has tangible social consequences. Yet the effectiveness of such action remained questionable. While dozens of accounts were flagged and suspended, new accounts quickly re-emerged, replicating and modifying the same material. The ease of content replication exposed the limitations of India's current digital-governance regime, which relies heavily on user complaints and post-facto takedowns.[23]

This episode also revealed the dual nature of digital platforms: they act both as amplifiers of hate and as archives of public sentiment. The caste-coded language embedded in memes and videos cannot be understood merely as casual abuse. It draws from centuries of symbolic degradation and from the historical representation of Dalit bodies as impure or unworthy of authority. The online abuse directed at Chief Justice Gavai thus served as a form of digital untouchability, transforming the anonymity of the internet into a weapon for re-enacting social exclusion.[24]

Beyond individual animus, the coordinated nature of some content hinted at organised disinformation networks. Several accounts simultaneously posted near-identical captions and graphics, suggesting algorithmic coordination or bot involvement. This coordination raises important questions about intent, funding, and political manipulation of caste narratives in the digital public sphere.[25]

From a constitutional perspective, the episode forces reconsideration of what constitutes "speech" and "harm" in the digital age. When caste-based ridicule circulates widely, its injury is not confined to the targeted individual; it corrodes the dignity of an entire community. As Justice D. Y. Chandrachud observed in **Navtej Singh Joharv. Union of India**,[26] dignity is an intrinsic part of equality and represents a collective constitutional value rather than a merely individual entitlement. The online humiliation of a Dalit Chief Justice therefore acquires constitutional significance, implicating both equality under Article 14 and fraternity as enshrined in the Preamble.

C. Synthetic Media and Evidentiary Complexity

Compounding the harm was the emergence of synthetic media in the form of AI-generated or digitally manipulated images and videos that distorted the incident for entertainment or malice. Some circulated clips falsely depicted the shoe striking the Chief Justice, while others superimposed offensive text or altered his facial expressions to create caricatures. The use of such manipulated content introduced unprecedented evidentiary challenges for investigators.[27]

Determining authorship and authenticity in the era of deepfakes is inherently complex. Each re-upload erases traces of original metadata, making it difficult to identify the first point of origin. Many intermediaries' store user data on servers located outside India, requiring international cooperation under the Mutual Legal Assistance Treaty (MLAT) framework, a process notorious for its delay. By the time authorities obtain the relevant data, much of the digital evidence has already been deleted or altered.

Civil-society organisations and advocacy groups petitioned major platforms to remove or flag synthetic content targeting the Chief Justice. While some content was taken down following public pressure, much of it reappeared in altered forms within hours. The procedural gap between complaint, verification, and action revealed the structural asymmetry between the viral speed of hate and the bureaucratic pace of law.[28]

From a legal-theoretical standpoint, synthetic media challenges traditional notions of mens rea (Guilty mind) and actus reus (Guilty act). If an AI model generates defamatory or casteist content without direct human input, the question arises as to who bears liability: the creator of the model, the user, or the platform. Indian law, still rooted in human-centric concepts of culpability, has yet to answer this. Comparative jurisdictions, such as the European Union's proposed AI Liability Directive (2022), are experimenting with frameworks of shared responsibility, which could inform Indian law reform in this area.

The incident also underscores the importance of forensic readiness, equipping law-enforcement agencies with the tools and training to trace synthetic media. India's current capacity in digital forensics remains fragmented, as specialised units exist in major cities but lack coordination and uniform standards. Without timely evidence preservation, cases risk collapse under judicial scrutiny.

Finally, the episode exposes a larger philosophical question about whether justice can operate at the same speed as digital harm. The internet's architecture privileges immediacy and repetition, while the law functions through deliberation and procedure. Bridging this temporal gap between the instantaneous and the institutional is perhaps the defining challenge of modern jurisprudence. The targeting of Chief Justice B. R. Gavai therefore serves not merely as a case study in digital abuse but as a mirror reflecting the limits of legal imagination in an age of algorithmic violence.[29]

VII. Recommendations and Reform Proposals

A. Doctrinal Clarification

A judicial pronouncement or legislative clarification should affirm that mass-digital dissemination of caste-based abuse qualifies as "public view" under the SC/ST Act. Such interpretation would harmonise digital realities with statutory intent.

B. Forensic Readiness and Rapid Evidence Preservation

Cybercrime units must develop standard operating procedures for issuing emergency preservation orders to platforms. Training in synthetic media detection, metadata retention, and forensic authenticity verification should become mandatory.

C. Contextual Moderation and Regional Expertise

Platforms must expand regional moderation hubs staffed by culturally fluent reviewers. Provenance labels on synthetic media and transparency in takedown appeals can improve accountability. MeitY and platforms could collaborate on "trusted flagger" networks for caste-sensitive content.

D. Socio-Legal Responses

The fight against caste abuse cannot rely solely on criminal law. Counter-speech campaigns, community-led reporting networks, and psychological support for victims should form part of the state's response. Public education about digital ethics and synthetic media literacy can reduce harm at the source.

E. Safeguards for Free Expression

Any expansion in takedown or prosecution power must retain judicial oversight. The legal focus should remain on intent to humiliate or incite, protecting legitimate criticism and satire. Overreach could chill necessary discourse and undermine democratic deliberation.

Conclusion

The incident involving the targeting of Chief Justice of India B. R. Gavai, both within the Supreme Court and across digital spaces, reveals an unsettling truth about contemporary Indian society. Despite constitutional guarantees of equality, fraternity, and dignity, the deep structures of caste remain resilient, finding new expression through the architecture of modern technology. What unfolded in October 2025 was not merely an act of individual defiance or disrespect toward judicial authority. It was a manifestation of a persistent social order that continues to resist the egalitarian promise of the Indian Constitution.

This study has sought to examine the multifaceted nature of caste-based online abuse through legal, technological, and moral lenses. For the statutory tools of accountability, the formal laws – Indian Penal Code (IPC),Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989 and Information Technology (IT) Act are in place. But these laws, which emerged in a pre-digital age, are straining to keep up with the intricacies of algorithmic distribution, synthetic media and the velocity of online hate. The issue, then, is not one of no legal instruments available – instead the gaps relate to a lack of fit between these and an incredibly dynamic digital environment.

The case also highlights the problems with a purely legal response to deeply ingrained social hierarchies. The insults hurled at a Dalit Chief Justice cannot be seen as the result of some transfer from the world of online invective. It is in the line of a continuity stretched with moral authority The persistence of casteist thinking in digital discourse underscores the gap between the spirit of constitutional morality envisioned by Dr. B. R. Ambedkar and the lived realities of social morality that continue to define Indian society.

Addressing caste-based online abuse thus requires a multidimensional approach. Doctrinal clarification is needed to interpret "public view" in the digital context, ensuring that online acts of humiliation receive the same legal recognition as those committed in physical spaces. Forensic readiness must become a national priority, enabling timely preservation and authentication of evidence in cases involving synthetic media. Intermediary platforms must develop culturally competent moderation systems that can detect caste-coded expressions beyond literal slurs and translate their policies into regional languages.

Beyond law and technology, however, the response must also be moral and social. Counter-speech initiatives, digital ethics education, and the inclusion of marginalized voices in media governance can collectively foster an environment where equality is not just a constitutional ideal but a social reality. The digital sphere must not become a sanctuary for inherited prejudices; it must evolve into a space where fraternity can be practiced as a living constitutional value. The attack on Chief Justice Gavai, therefore must be recognised as a moral moment for Indian democracy. It forces us to re-examine the extent to which the republic has made good on that constitutional promise of liberty, equality and fraternity. That casteist prejudice exists online undiminished suggests that, legal reform is necessary but insufficient ground to change the moral conscience of society. The way to an Ambedkarite digital republic is by aligning the moral imperatives of the Constitution with practical exigencies of digital governance.

Ultimately, this episode demonstrates the way in which the fight against caste discrimination has only shifted from temples and villages to servers and screens. The platforms are different, but the bias persists. The law will have to rise to the occasion of this new frontier, not simply by recycling punitive logic, but by inscribing constitutional morality into the digital design of the country. Only then can India aim to create a digital society where technology multiplies dignity, rather than discrimination; and the ideals of justice that were imagined in the Constitution are not mere words on paper but lived through the daily practices of its people.

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