

When justice fails, social media fills the gap

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Prachi Dutta explains how justice delays push victims to social media exposure

The Delhi High Court recently made some observations about “digital vigilantism”, and that statements can sometimes “transcend mere free expression and act as a catalyst for public shaming”. The context is a defamation suit brought before the Court by an individual who allegedly misbehaved with a lady on a domestic flight. The lady attempted to amplify his conduct by posting her ordeal on social media, which was shared by media houses and an actress, who apparently did not verify the allegations made in the post.

These observations and statements once again highlight the growing use of social media to amplify claims of harassment and misconduct due to a sense of collective helplessness and people’s lack of faith in systems to swiftly and adequately address sexual harassment claims.

Whether it was the role social media played in the #MeToo movement in attempting to bring justice to victims of sexual harassment or videos recording instances of harassment posted on TikTok, the bottom line is that social media is being used to “crowd source”

retributive action, wherein exposure offers accountability due to institutional inaction, as per Sara Witmer.

Systemic apathy

Justice systems globally, due to their long-drawn-out processes, deliver justice in a belated fashion. Coupled with the apathy and unwarranted intrusion of police authorities and victim blaming, the process of speaking up against sexual harassment is even more challenging. The redress process often becomes a form of punishment for all parties involved.

Due to the lack of processes, systems and institutions in delivering justice, social media is used by victims to bridge the gap between harassment and redress mechanisms. This leads to problems like allegations being amplified without any mechanism to verify them, false allegations circulating because of the anonymity offered by social media, lack of accountability, and the reputational loss of all parties involved. It creates a public spectacle rather than actually addressing the issue.

However, when processes and systems continue to fail victims, the need to strengthen these processes is of the utmost importance so that victims do not have to use social media as a redress vehicle to achieve justice. It is crucial to ensure a balance between helping victims while protecting the reputation of the alleged harassers, so that one does not trample on the other in the quest for justice. It is important to maintain the principles of natural justice and fair trial.

On 'vigilantism'

Another issue is with the terminology of "digital vigilantism". The word vigilantism in itself invokes a negative connotation. As per Les Johnston, "vigilantism", by its definition, involves the premeditation of participants who are private citizens; their engagement with the issue would be voluntary.

It is also a social movement, which uses or threatens the use of force and arises when an established order is under threat from the transgression of institutionalised norms and aims to control crime or other social infractions by offering assurances of security both to the participants and to others. Social media posts in the face of harassment do not fall squarely within the purview of vigilantism as there is no established order that is under threat and there is also absolutely no assurance of security to participants. In fact, both the victims and the perpetrators can be recipients of doxxing.

Simply put, when there is a collective failure of processes, then one turns to social media to amplify harassment — this cannot be defined as "digital vigilantism".

Social media redressal

There have been several instances of unwarranted behaviour during air travel. Case in point is the incident that occurred in November 2022, when a man urinated on a woman. The airlines was slow to act upon the complaint and it was only once details were made public that the airlines took action against the individual. The fundamental issue, therefore, is to have adequate processes at all levels so that a timely redress can be carried out. For instance, if airlines had proper systems in the form of strict no-fly lists, one may not have to resort to social media amplification.

To draw a parallel between consumer services, when a consumer has an unpleasant experience, they have the right to take to social media to express their displeasure. The outcome is two-pronged — either the service provider will respond with their defence or apologise for the bad experience. This helps other consumers make informed choices before availing the same service. Moreover, in consumer services there are adequate systems and processes that exist before a person takes to social media to express displeasure. Customer grievance teams are often prompt to act on complaints because of the fear of reputational and financial loss. However, justice systems and processes that help to achieve real, legal justice are significantly different. They are not prompt and often refuse to act on complaints of harassment, leaving victims with no choice but to take to other channels to amplify their grievances.

The issue therefore, is not of freedom of expression versus public shaming but the fact that in the face of abject failure of processes, people are left with no choice but to use social media as a tool to achieve justice. To avoid “digital vigilantism”, a collective strengthening of processes and faith in these processes is crucial.

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