

A Study of Womens Right in Techno –Digital Era of Scientific Transformation

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ABSTRACT:

Technologies have been evolving day by day. With the passage of time human are coming with the fever of new technology to make their life easier and beneficial. The rapid advancement of technology has created significant challenges for legal framework as well. This intersection between law and technology brings a more pace of crimes such as cyber security, data privacy and protection, intellectual property rights and so gave rises to more scope of crimes.

In these discussions, law is typically represented as trailing technology as they both move simultaneously through time. Even though these representations oversimplify the interaction between technology and law, they do provide some understanding of the difficulties in maintaining the integrity, applicability, comprehensiveness, clarity, and relevance of the law in the face of a constantly changing technological environment.

These intersection between law and technology lead to implication on women's rights, influencing the women's privacy, justice, violence and economic empowerment discrimination or exploitation like in areas of workplace, right of reproduction. Not technology only advances but also lead increase the challenges in the field of data privacy, gender inequalities, biasness that affect women. But there also some measures offers for the empowering justice to women and digital safety. As things stand, the law needs to be both proactive and flexible.

This essay examines the main concerns at the nexus of law and technology, with particular attention on data privacy, cyber security, and the impact on women's rights. Additionally, the legal system finds it difficult to keep up with technological advancements, which leads to gaps in enforcement requirements, difficulties with rules, and moral quandaries. It also covers the foundation for defending women's rights. Upholding fundamental rights and ensuring justice and fairness in the increasingly digital environment has become challenging due to new technologies. This

study draws attention to these issues and underlines the necessity of a flexible, progressive legal system that can safeguard our individual liberties while promoting new technological advancements.

Keywords- Law, Technology, Effect of technology on women's rights, data privacy, online harassment and cyber security.

INTRODUCTION

One definition of law is a collection of rules and regulations that are recognized and upheld by the government, and thus have legal power. One important tool for controlling human behavior and conduct is the law. In essence, the law is about morality, justice, equality, and fairness.

According to Salmond, "the body of principles recognized and applied by the state in the administration of Justice" might be characterized as the law.

According to Austin, law is "the totality of regulations established by men who are politically superior or sovereign to men who are politically subordinate." "A law is a command that binds a person or persons to a course of conduct," he states.

The English term LAGU, which means regulation, rules, and instructions, is where the word "law" originates. The purpose and meaning of laws vary depending on where they are in the social hierarchy. It represents the deliberate use of organized political society's authority to control behavior and modify relationships. Second, the term "law" refers to the body of legal rules that control a society with a political framework. Thirdly, "law" in a politically structured society encompasses all types of official power. This led to the actual administration of justice, in contrast to the authorized sources for the Guidance of Judicial action. The most constrained or restricted form of law is known as the civil law or the law of the country..

The word technology means modification application making and knowledge of system to machines and method to address a problem and to give a solution and accomplish the pre existing solutions to get specified goals. It may also relate to the collection of said instruments like adjustments, arrangements and procedures. Significantly it affects the life of human beings. The recent technology advancement leads to the lessen the physical barriers of communication and now humans can now freely communicate on a world wide scale. The sum of techniques, skill, method and progress that enhance human capabilities can be defined as technology.

Here, access to data analysis tools, the internet, and telecommunication services are taken into consideration. The combination of some elements of soft and hard technology is known as information and communication technology, or

ICT. There are many applications for the Integration of gadgets with Telecommunication services, from healthcare to various roles in economics. To better appreciate these components of the thesis, this study, however, concentrates on the political, economic, sociological, technological, ethical, and legal arenas in the growth of technology.

1) TECHNOLOGY AND LAW

Technology has had a significant impact on the legal system, changing how laws are understood, applied, and adjusted to reflect ever-changing social norms. Legal systems have a difficult time keeping up with the rapid advancements in technology. A new paradigm has been established by the interaction of law and technology, one in which legal frameworks must change to meet the unique problems that new technologies present. This is a thorough examination of technology as it relates to law and the ever-changing global landscape.

1) SHAPING THE LAW AND TECHNOLOGY

The nexus between technology and law has emerged as a key issue for legislators, attorneys, and the general public in the rapidly changing 21st century. The swift advancement of technology brings with it both novel prospects and intricate difficulties for legal systems worldwide. Technology's potential to change the availability and delivery of legal services is one of its most important effects on the legal field.

The field at the crossroads of technology and law is dynamic and offers legal systems everywhere both opportunities and challenges. The study examines the main problems at this nexus, such as cyber security risks, intellectual property rights, privacy concerns, and access to justice. The intricate and dynamic link between legal frameworks and technical developments is referred to as the "intersection of law and technology." It covers a wide range of topics, such as how technology is used in the practice of law, how technology affects the legal profession, and how laws and regulations are created to control technology-related matters. The convergence of these two domains has gained prominence in contemporary society due to the swift advancement of technology, which presents novel legal prospects and obstacles. Studies have indicated that the nexus between law and technology is a complex area with wide-ranging consequences. Studies by Smith et al. (2015) and Jones (2017), for instance, have emphasized how technology is changing the legal profession and how legal practitioners must keep up with these developments. Additionally, studies conducted in 2014 by Brown and in 2016 by White have examined the new technological issues like artificial intelligence.

Abhijit Mishra v. Reserve Bank of India¹

In this case, the PIL was filed before the high court of Delhi for insurance of appropriate writ order or giving direction to the respondent in Google pay India service limited to cease operation for violation of privacy norm. Here, it was states that the Google pay asked personal data like Aadhar details which is against the Section 29,38(g) and 38(i) of

¹W.P.(C) 3693/2019 and C.M. No. 34242/2020

Aadhar Act, 2016 ;Payment and Settlement System Act 2007 and Banking Regulation Act, 1949. It was also further stated the operation of taking unauthorized personal information, it accounts to an offence by a company as per given Section 43 of the Aadhar Act. As the development in the technology many apps ask for the personal details and if the data is used in the inappropriate manner or is violated it may leads to harm our data privacy, hence with the development of the technology the law also needed to be updated. Because, in the current society there is huge problem with the unauthoized use of data in the Internet.

Javed Ahmad Hajam v. State of Maharashtra²

The technology had empowered people by giving them the knowledge the need to engage with the legal system. AI platforms had tried to provide legal education and guidance help people to understand rights and know how to solve the legal issue helpful to those who are unfamiliar and with the help technology they can understand law.

As in the current world, the cybercrime is day by day and the same reporting of cases got increased. Here, the term ‘cybercrime’ was not defined under any legislation. Here, the term cyber related to technology, internet, and thus it means that the cybercrime done through the virtual by use of internet access. Here, the cybercrime has most vulnerable affect on women as well. The accused of cybercrime uses personal information or use of social media website of women exploit the women.

2) WOMEN IN DIGITAL ERA

The digital era had transformed every aspects of the human life in different field. Digitalization is the main feature of the society and the important tool for achieving sustainable development through the access of digital tool unlock opportunities for the social interaction. Digital technologies have the ability to accelerate human progress and contribute to sustainable development, as highlighted by various targets in the 2030 Agenda for Sustainable Development.

The growth of technology-facilitated gender-based violence has been made possible by the growing use of social media and digital platforms. This phenomenon has been made worse by the increased usage of online spaces during the COVID-19 epidemic. Over 600 million women and girls around the world resulted in increase of 18 billion US dollar in GDP. In the digital era, the women also got entered in the digital world use of internet, social websites which shows the modernisation of world but on the other hand the women exploitation also got increased through the internet. Here, the women and children are the vulnerable parts of society which get most attacked by the internet.

The 2021 National Commission for women data shows that the crimes of cyber got increased a lot during the pandemic phase. During the covid, when the world was quarantine, in the other hand the use of internet got increased

²[2024] 3 S.C.R. 317 : 2024 INSC 187

even most of works going through online mode. Whereas the explicit increased in cybercrime increased by using the personal information, cyberbullying etc.. likes got increased.

While technology has made inequality worse already, it may also assist advance gender equality by providing greater opportunities for women to express their rights. Cyber bullying, limited access to technology, and exclusion from digital decision-making processes are some of the challenges that women and girls face in the digital realm. In addition, the digital space presents previously unheard-of opportunities for women's empowerment, such as novel strategies for activism, education, and employment. In addition to highlighting the opportunities and issues associated with digitization, this essay will look at the specifics of women's rights in the digital era.

2.1 GENDER GAPS IN TECHNOLOGY

Gender equality in the age of digital era presents both significant opportunities and challenges too. As, the technology evolves the digital space leads to empowerment and inclusion but also in somehow leads to inequalities and introduce some form of discrimination. To guarantee women's equal access to digital identity and e-services, governments can develop enabling technologies, expand digital infrastructure, and enact regulatory frameworks. Modern technologies alter e-governance; biometrics and national electronic IDs, for example, necessitate action to safeguard security and privacy. Governments can provide more inclusive services and set aside funds for e-government designs that take gender equality into account.³ Improving women's digital inclusion requires the active participation of women, gender equality specialists, and women's groups.⁴ The gender inequality is there that there is still some part where the access to digital not there. The woman less access to internet, smartphones and digital education not there in some places. Here, the government play an vital role by increasing digital infrastructures and protocols and e-services and their privacy should be protected and not misused done.⁵ Secondly, there was saying that the access, use of digital tools and ownership not a gender- neutral. Here, the woman has to face more barriers then men in accessing and using tools of technology – in addition to their great responsibilities and lacking of skills.⁶ According to The Mobile Gender Gap Record 2021 that estimated in middle income countries, women are 7% less than man owning a mobile phone and 15% less to have smartphones while there only 50% women using the access of internet.⁷

According to the Gender ICT Statistics the areas of Europe and Central Asia having 52 million women lack access to the services of internet. In the ECA, women are 4% less using the services of mobile internet.⁸ Also the older persons

³ UNESCAP, 2016 E-government for women's empowerment in Asia and Pacific

⁴ Ibid 3

⁵ A. Madgavkar et al, Covid 19 and gender equality: Countering the regressive effects, Mckinsey Global Institute 2020

⁶ OECD, Bridging a gap of gender divide in digital

⁷ GSMA, Connected Women, The mobile report 2021

⁸ International Telecommunication Union (ITU)

or women specifically facing significant obstacles the digital use in the ages 55-74 was likely about 8% in the emerging economics. The main barriers to it the structural inequalities which is embedded in societies are lead to barriers to enjoyment of opportunities by digitally and lead women behind it.

Cultural conventions and gender stereotypes frequently hinder women and girls access to digital technologies, which lowers their chances of education and employment in ICT-related fields. While homes with fewer computing resources may prefer boys and men over girls, parents may be stricter with girls when it comes to utilising mobile phones and internet-related activities. In addition to social norms, gender bias in instructional strategies and materials deters girls and women from pursuing STEM degrees.⁹ The under representation of women in the digital world also leads to gender based products, services and algorithm. For example, due to the AI in the technology world shows harmful or exclude the perspective of women from the important decisions. In general, women are four times less likely than males to possess knowledgeable in ICT abilities and to have digital skills. The inability of operators and agents to trust one another is a major obstacle to women owning and using mobile devices. With 112 million more women utilising mobile internet in 2020, the gender gap in digital usage of the internet is narrowing. But the closing is slowing down, particularly in nations where people are already linked. In developing and emerging economies, the digital gender gap in internet usage among individuals aged 55-74 is approximately 8%, posing substantial challenges for older women. The gender digital divide is primarily centered on women over 18, resulting in a significant knowledge gap. Girls also experience decreased access and use, with regional differences and disparities in advanced technology utilisation. However, data-limited nations like Nepal show boys have twice as high internet usage rate as women. Also, the economic inequalities are the cause if digital divide. The factors of affordability of smart phones and devices and internet creates a challenges that disgrace the women and girls of the society.¹⁰ The another factor was that the access to education and the literary rate of our societies. According to the data, the women with secondary knowledge are six times use the internet than the woman with the lower level education.¹¹ The more advanced done of the technology the more needs of literary increased. There are women less knowledge than man on digital use. Also, the external factors and internal factor are also reason for the woman digital inclusion. The internet use among the boys more than the girls in the areas of Nepal and Pakistan. The weekly access to the media low in adolescent girls in Nepal, India and Afghanistan.¹² There was a study done by the Girls Effect and Vodafone Foundation found that the boys are more 1.5 times owns a phones than those of girls and boys more of 1.8 have their own smart phones. As, for the adult woman the gap of gender in the digital era is echoed overall. Also, the another factor is the workplace inequality done to

⁹ UNICEF Equals Global Partnership and ITU, 2020

¹⁰ GSMA, Mobile Gender Gap Report

¹¹ World Wide Web Foundation

¹² UNICEF EAP, 2019

women leads to gender gap in the tech world. The unequal pay, lack of advanced career opportunities and leadership not there, shows the less importance given to women than the men.

2.2) DATA PRIVACY

The phrase "right to privacy" describes "RIGHT TO BE LET ALONE"¹³ i.e. The right of the person to live without any kind of interference of other. In the 2017 decision of **Justice K.S. Puttaswamy v. the Union of India**¹⁴, the Supreme Court upheld the right to privacy as a basic right under Article 21 of the constitution's guarantee of personal liberty and right to life found in Part III. Our nation's constitution gives Article 21 a fairly wide interpretation. According to the Article 21 of Indian Constitution states that every person shall have personal liberty and right to life.¹⁵ It has found authorization for many rights. The data privacy in the digital era becomes one of most important issue of our current time. In the today's life, the most of our work done by online method. There is also stated that the number of women working from on the digitally or by their smart phones, leads also to increase in number of crimes and the crime against women. The wide range of data generated by the individual person from the Internet use. But also, the widespread of privacy leads to risk too. In the case of **R. Rajagopal v. State of T.N.**¹⁶, the supreme court held that the right to privacy is guaranteed under the Article 21 of the constitution. A citizen has their right to safeguard the privacy of their own, their families, child bearing and their education etc. related things. If any one done contrary he should be punishable for the concerned damages.

The term data privacy refers to the circumstances under which, at what degree and under which manner the customers personal information may be disclosed to the third party it could be name, address, phone number or any other piece of information. With the advancement in the technology it had become very crucial that privacy laws are very necessary. Whereas the data protection is one of the concept safeguards of data of women against any losses and damages to their privacy. As, data is collected and it is something which is serious issue can be misused by anyone, which that should be protected. Here, the personal data often used as a commodity, something the companies uses the user data by sell it to the third persons for targeting campaign, advertisement etc.. here, it also shows that how the personal data is used or manipulated just for the financial benefit. Also, there was a concept of cyberattacks and hacking done for getting sensitive personal information and to exposed to harm the dignity of women.

As, the data privacy is not a new evolving concept here. The attention of privacy evolved by article "The Right to Privacy" which was done by Attorney Mr. Samuel Warren and Justice Louis Brandeis, where they recognised the

¹³ BALCK LAW DICTIONARY

¹⁴ AIR 2018 SC (SUPP)1841

¹⁵ "No person shall be deprived of his life or personal liberty except according to procedure established by law"

¹⁶ (1994) 6 SCC 632

concept of privacy as the foundation of Individual freedom in the modern era. Also, in the Universal Declaration of Human Right Article 12(4) also recognised the concept of privacy in their legal aspect. Privacy¹⁷ is very crucial for the women's right movement. The numerous developments brought forth by the digital age also make women more susceptible. Women are typically overlooked when it comes to privacy issues. Typical examples are a recharge station disclosing women's phone numbers and someone sharing women's private images on the internet without their consent. The Indian Constitution recognizes the right to privacy as a basic right. This implies that everyone has a right to their own data. They are able to decide how and when to object to the processing of personal data, as well as when to withdraw their permission.

In the case of **State of Maharashtra v. Madhulkar Narain**¹⁸, here it was held that the right to privacy is available to woman and no one has right to hinder the right to privacy of women. Here, in this case the inspector visited one of house of women in uniform and asked for the sexual act with her. On by refuse by her and try to do it forcefully. When he was tried by the court and then he said he was lady of easy of virtue and her evidence not liable to rely. The court refused the answer of him and made him liable for the violation of fundamental right of women under the Article 21 of Indian Constitution. As, here we see that how the data privacy is most important concept for the women in the modern age. To ensuring the women privacy rights in this era is essential for their safety, equality and data too. There is dire need of laws in this regard are most important. There was dire need of strong data protection laws in India. In the **Puttaswamy case**¹⁹, the right to privacy is held to be the fundamental right. Here, the nine bench judges held that the right to privacy was integral of our constitution under the Article 21. Here the bench held that "the right to privacy is protected as an intrinsic part of the right to life and personal liberty under Article 21 and as a part of freedom guaranteed by Part III of Indian Constitution." The **Information Technology Act, 2000** came into existence where the Section 43A of the act states that if a corporate body dealing, handling your personal data or the personal information of individual, if such fail to handle the data and the misuse done, then that body liable for such damages. Also, there is **Information Technology (Reasonable Security Practices and Procedures and Sensitive Personal Data or Information) Rules, 2011** here it also deals with the protection of sensitive personal data of yours. The **Digital Personal Data Protection Act, 2023** also passed for the protection of personal data of persons in India. Here, it deals with the privacy and protection of personal data. In the **European Union implemented the new law General Data Protection Regulation, 2018** which was passed as the most strict and comprehensive law globally. Other countries like Brazil and Canada had introduced their own data protection laws. There laws aims for the made companies

¹⁷ Black's Law Dictionary defines privacy as "right to be let alone; the right of a person to be free from unwarranted publicity; and the right to live without unwarranted interference by the public in matters with which the public is not necessarily concerned".

¹⁸ AIR 1991 SC 207

¹⁹ Justice K. S. Puttaswamy & Anr. v. Union of India & Ors. (2017) 10 SCC 1, AIR 2017 SC 4161

accountable for their data miserable use. And also, California Consumer Privacy Act is passed for data protection privacy, that processes the California residents's personal data. In the US, California introduced the CCPA law, it gives resident law to right to know what type of personal information collected, data selling etc. These are the most strengthen data privacy laws in the United States.

2.3) DIGITAL FOOTPRINTS OF CYBER CRIME

All forms of violence against women, including sexual assault, stalking and harassment, and violence against intimate partners, are influenced by technology. In India, the term "cyber harassment" or "cyber bullying" describes a range of online actions meant to threaten, harass, intimidate, or cause harm to specific people or groups via digital channels. The phrase "cybercrime" refers to a wide range of illegal activities, from electronic cracking to denial-of-service attacks, when computers or computer networks are utilised as a tool, a target, or a location. This type of crime committed using computer to steal persons identity, stalk victims etc.

In otherwords we can say that it is the offence against the individual or the group of people who have the motive to harm the image of the victim by cause mental harm or the physical harm to victim through the use of technology. It encompasses any criminal act which is related to the computer or the computer networks.

It is a kind of crime that occurs in the cyber space i.e. occurs in the world of internet and computers. It is basically the virtual world which had been created by the mankind through which the exchange of information using multiple languages has been done.

In India, cybercrime has a negative impact on women's mental and physical health. Cyber bullying and online harassment, which specifically target women, have become pervasive in India due to the growth of social media and online platforms. Cyber threats against women include identity theft, revenge pornography, and stalking, which can cause serious mental anguish and emotional damage. A **National Commission for Women research** found that 26% of women reported having their photographs or videos altered, and 54.8% of women claimed having been the victim of cyber bullying. Additionally, women have been significantly impacted economically by cybercrime, since many of them have lost their employment or suffered financial losses as a result of online fraud.

Cyberbullying has grown to be a significant societal issue in the internet age, especially for women. It encompasses a range of behaviors like trolling, body shaming, online stalking, revenge porn, revealing personal information without authorization, body shaming, and harassment. Women are disproportionately the targets of cyberbullying, sometimes due to their gender, appearance, or beliefs. Women regularly experience hate speech, violent threats, and sexually suggestive content to frighten or blackmail them, similar to online harassment on social media. It involves using internet platforms to deliver unpleasant, threatening, or abusive messages or remarks to women.

A National Commission for Women research found that 54.8% of women reported having been the victim of cyber bullying. Women who experience online harassment may experience severe psychological anguish, worry, and terror as a result of feeling exposed and unsafe. Another form of cybercrime that affects women in India is cyberstalking. It is a pattern of persistent online harassment when an individual's online activities are tracked, monitored, or followed. **Cyberstalkers** harass and follow their victims via a variety of digital channels, including social media, emails, and messaging applications. A study released by the Mumbai Police's Cyber Crime Cell claims that the number of cyberstalking incidents in India has increased by 91%²⁰ over the last 12 months. Taking the **revenge Porn** i.e. by sharing the photos of private parts or the porn pictures without consent with the intention of humiliating or extorting women. In India, the number of revenge porn cases has increased by 148% in the last year, according to a research published which have been given by the Cyber Peace Foundation. **Pornography** that seeks revenge can cause serious psychological and emotional harm as well as harm to a woman's reputation. Even Doxxing is done for harassments for the women by putting women's safety in jeopardy by disclosing personal information such as home addresses, phone numbers, and private chats to the public. **Trolling** is the most common type of the harassments done by persistently derogatory or disrespectful remarks directed at women because of their beliefs, particularly when it comes to social justice, politics, or gender equality they had been trolled everywhere which results in demotivating them. There is also a case related to the **daughter of Pranab Mukherjee** where his daughter was harassed by a man through the social media i.e., Facebook the accused posted some explicit messages on her social media page. Then the complainant lodged a complaint to the cyber crime of Delhi police. In this also police stated that there was a lot of messages sent by that offender to her. So, the daughter of Mukherjee decided to speak against Cyber Stalking and Cyber harassment irrespective of her father image. She also tagged that offender which is now deleted by that person.

Body Shaming is the form of cyber bullying in which through the disparaging remarks or memes, women are regularly ridiculed for their looks, weight, or fashion choices and being judged and several unwanted comments were made.

These are types of cybercrimes, where perpetrators use technology to stalk, blackmail, etc. to the victims. Perpetrators can be intimate partner or known family member or anyone else who knows the victim. In India 93%²¹ of the crime of rape cases were committed by known of victim according to the National crime records bureau. The patriarchal system had always promote male dominating behavior over the women victim- blaming or by discriminating these were also the manifest reasons women were subjected to online harassments and those who raised their voice brings the harm to

²⁰ Sharma, R. (2018). Cyber Crimes Against Women in India: An Analysis. Journal of Information Technology and Economic Development, 9(2), 18-33. Retrieved from <https://www.jited.org/index.php/jited/article/view/128/79>

²¹ United Nations Office on Drugs and Crime. (2013). Global Report on Trafficking in Persons. Retrieved from https://www.unodc.org/documents/data-and-analysis/glotip/GLOTIP_2014_full_report.pdf

the society. Nowadays, Phishing is the most prevalent type of cybercrime, and even the most intelligent people can fall victim to it. Phishing is the fraudulent act of collecting personal information by mail, phone calls, and websites, such as the password for an ATM, an OTP, bank account information, debit card information, and personal account password²².

Lack of awareness among the people is one of the contributing factors for prevalence crime against women as they were unaware of the safe online practices, strong password creation, financial fraud etc. The comprehensive cyber security policy makes it difficult to get the protection and justice in the society. In 2020, a former partner who was upset about their split harassed and intimidated a woman in Delhi with revenge porn. Because her family did not back her and she was afraid of reprisals, the woman chose not to report the occurrence. A National Family Health Survey report states that more than 30% of Indian women have been the victims of physical or sexual abuse at the hands of their intimate partners. According to a survey conducted by the Internet and Mobile Association of India, only 30% of Indian women use secure passwords, and 60% of them share them with other people. The **National Crime Records Bureau** reported that in India in 2019²³, there were more than 4,000 instances of cybercrimes against women.

The **Protection of Sexual Harassment Act, 2013** was enacted to protect women from sexual harassment at work, including physical and electronic harassment. The Act covers various forms of harassment, including phone, email, and messages. The **Nirbhaya Fund has proposed a scheme** for cyber crime prevention against women and children, focusing on crimes such as pornography, online sexual abuse, and harassment. The Indian Judiciary has also enforced the law and punished criminals for crimes against women. The UN working group on discrimination against women and law recommended combating crimes against women by increasing cyber awareness, improving internet access, and ensuring gender responsiveness. The UN Broad Band Commission suggested reforms to promote cooperation with law enforcement, make takedown procedures more efficient, terminate user accounts in cases of misconduct, and produce transparency reports. A multi-stakeholder approach is needed to combat rising cybercrimes against women in India.

3. LAWS FOR CYBER CRIME IN INDIA

A legislative framework to combat cybercrimes against women has been developed in India as a result of the increase in these crimes. India has a number of laws and regulations that make up its legal system, such as the Protection of Women from Domestic Violence Act of 2005 and the Information Technology Act of 2000.

²² Alice Hutchings & Hennessey Hayes, 'Routine Activity Theory and Phishing Victimisation: Who Gets Caught in the Net' [2009] 20 CRIM.Just 433.

²³ Ministry of Home Affairs. (2017). Cyber Crime in India. Retrieved from https://www.mha.gov.in/sites/default/files/CyberCrimes_24102017.pdf

3.1 THE INFORMATION TECHNOLOGY ACT, 2000

Under Section 66C of the IT Act, says that the identity theft is a crime. This provision would cover cyber attack incidents and tries to protect ones identity being stolen and misused by the criminals. The act is not gender specific one and which is also applies to woman as well. However, identity theft in the age of digital, has significantly effected the woman and by giving rise to cybercrime attacking them particularly. It addresses the unauthorised use of identity of other person such as their password, or unique identification feature by intending illegal use of it. There are still women who don't know the about their password importance and easily share their information or there id were hacked and etc. are the ways which the known used their identity without letting them know that their identity have been theft so it also help them to keep their identity safe. Here, some women are also get targeted for online impersonation or there images misused on social media or may some create fake profile of women in order to harass her or damage her identity. This provision imposes up to three years in prison and a fine of up to Rs. 1 lakh on anyone found guilty of using another person's electronic signature, password, or other unique identifying feature unlawfully or dishonestly.

Under section 66E of the IT Act, relates to the infringement of someone's right to privacy and tries to protect the privacy of the women in the cyber field. This type of infringement were most common with women as the people who have issue with them finds this the way by sharing their intimate pictures or creates the videos or uses any other platform to harm them and violate their privacy. If take, publish, or distribute a picture of someone else's intimate space without that person's consent or in a way that violates her privacy, leads to imprisonment of 3 years of confinement. It address the capturing, transmission or publication of private areas of women without her consent, amounts to violation of her privacy. It states that any part of body considered to be private areas of body. These type of crimes usually done in changing rooms, bathroom and any other spaces where women not considered to been seen by anyone.

Section 66E related to Voyeurism, online harassment and revenge porn. Here, it stated that it was legal violation of law of women whoever take private picture or share images or compromising the women position without her knowledge, to is clear violation of this law. It also helps in maintaining the dignity of women by criminalising these actions. These also deals with the revenge porn concept in this space.

Under section 67 of the IT Act, protects the women by prohibiting the publication, transmission, and facilitation of the dissemination of pornographic material to keep them safe by protecting their image and being harassed. This deals with the punishment for “publishing or transmitting of obscene material” in the digital form. This incidents of cybercrimes includes the circulation of images or videos or messages intended to harass the women. This type of cybercrime intended to be lascivious appeal to disrupt the minds of others. Here, the accused face the imprisonment

upto 3 years and fine 5 Lakh upto. (1st conviction). And for the second conviction, it can extend to 5 years of imprisonment and fine extend to 10 lakh.

The **State of Tamil Nadu vs. Dr. L.Prakash**²⁴ case, this was the first time where Information Technology Act of 2000's section 67 was used to penalize someone for disseminating pornographic content using electronic means in India.

Publishing, transmitting, or assisting in the transfer of sexually explicit content is a misdemeanor under Section 67A, which carries a maximum sentence of five years in prison and a fine for the first offense and a maximum sentence of seven years in prison and a fine for subsequent convictions and tries to punish those who disrespect the women's image and tries to dominant them and misuses or ruined their image. This section is crucial provision while dealing with the protection of women from such harmful acts like by online harassment and online case of obscenity. Also, in the case of **State of Bangladesh v. Animesh Boxi**²⁵, here the person has a relationship of 3 years with the victim. He demanded some of intimate photos of victims. After later days, he hacked and stalked her through phone. And, he also blackmails her with those intimate photos of her, after some, later days her brother found those photos of her in the porn site. Here, the accused tried under the IT Act, 2000 and also under the IPC, 1860. (Which was changed in to Bharatiya Nyaya Sanhita, 2023).

3.2 BHARATIYA NYAYA SANHITA, 2023

The 2013 Criminal Amendment Act amends the Indian Penal Code, 1860, to address crimes against women in cyberspace and online harassment. Sections 354A through 354D of the Act punishes men for sexual harassment, voyeurism, stalking, defamation, illegal intimidation, and anonymous communication. Penalties include imprisonment for up to three years, fines, or both. Section 354C defines "voyeurism" as taking pictures of women doing private acts without their consent, with penalties ranging from fines to seven years for successive offences. Section 354D adds a stalking²⁶ clause, allowing individuals to pursue or make contact with a woman even when she doesn't want to, and a maximum sentence of three years in prison and a fine. This section also extends to cyber stalking, as it considering the monitoring of the woman action by using the internet access and other from of e-communication. Section 503 defines illegal intimidation, while Section 507 specifies the severity of penalties for criminal intimidation committed by anonymous communication. Section 509 allows individuals to be charged, imprisoned, and fined for offences against a woman's modesty or privacy, including explicit photos and content. In the 2019, an Amendment Bill was passed to

²⁴ 2002(7) SCC 759

²⁵ Case No. GR:1587/17

²⁶ Criminal Law Amendment Act, 2013 bring stalking under consideration on recommendation of Justice Verma Committee

render gender inequality and to bring gender equality based on the Law Commission Report²⁷ and by considering the decision of apex court.²⁸

The IPC have been amended and new laws have been passed Bharatiya Nyaya Sanhita 2023 aim to modernize and speed up the law giving justice system these changes come into effect on 1 July 2024. It has brings the several replacement in the section.

Cyberbullying has grown to be a significant societal issue in the internet age, especially for women. It encompasses a range of behaviors like trolling, body shaming, online stalking, revenge porn, revealing personal information without authorization, body shaming, and harassment. Women are disproportionately the targets of cyberbullying, sometimes due to their gender, appearance, or beliefs. Women regularly experience hate speech, violent threats, and sexually suggestive content to frighten or blackmail them, similar to online harassment on social media. It involves using internet platforms to deliver unpleasant, threatening, or abusive messages or remarks to women.

A **stalking** clause was added by Section 78 of the BNS act, and it includes cyber stalking as well. According to definitions, stalking is when a guy pursues or makes contact with a woman even when she makes it obvious that she doesn't want to, or when he keeps an eye on a woman's online behavior, by Internet usage, or electronic communications. An individual who commits the crime of stalking faces a maximum sentence of three years in prison, in addition to a fine. If convicted again, the penalty increases to five years in prison and a fine.

The case of **Karan Girotra v. State**²⁹ is the first to reach the Indian judiciary regarding cyber-stalking. Shivani Saxena, who had a failed marriage, found Karan Girotra while chatting online. Girotra invited her to his house, drugged her, and assaulted her sexually. He threatened to circulate obscene pictures if she didn't marry him. An engagement ceremony was held, but he continued to assault her. Saxena filed a complaint under Section 376/ 328 of IPC and Section 66-A of the IT Act. The court rejected the plea of anticipatory bail, citing the circulation of nude and obscene pictures. The court also noted that Saxena failed to disclose her previous marriage to Girotra merely because she agreed to perform the engagement ceremony. The court also noted a delay in filing the FIR by Saxena. This case highlights the Indian judiciary's attitude towards cases involving cyber-stalking and calls for more stringent legislation. The **Ritu Kohli Case**³⁰ was India's first case of cyber stalking. Mrs. Ritu Kohli reported a person using her name and address to visit her website, mainly in Delhi, for four consecutive days. The person also gave her phone number to different gabs, urging them to call her at regular hours. The complainant received 40 calls in three days, destroying her personal life. The accused was arrested under Section 509 of the Indian Penal Code(Section 79 of BNS Act, 2023)

²⁷ The Law Commission of India 172nd report passed on March 2000

²⁸ National Legal Service Authority v. U.O.I (2014) 5 SCC 438 and Criminal Justice Society of India v. U.O.I & Ors. WP(C) No. 1262,2018

²⁹ LAWS(DLH) 2012-5-94 & BAIL APP. 977/2011

³⁰ State of Maharashtra v. Manish Kathuria (2001)

and was discharged on bail. Cyber stalking is not protected by current cyber laws in India, but can be reserved under Section 72 of the IT Act for privacy breaches and Section 441 for criminal trespass.

Section 79 of the BNS act, A person may be charged under this section, imprisoned for a term that may extend to three years, and fined if they utter, make, gesture, or exhibit any object with the intent to offend a woman's modesty or invade her privacy. This area may be used to penalize instances of offensive remarks or comments made online, as well as other explicit photos and content that are forced to be shared.

The BNS's Section 294 addresses the topic of pornographic content that is published and transmitted online. Those found guilty of spreading pornographic content and harm the image of women and ask for sexual favours online face severe penalties under this clause, which include jail time and fines. Repeat offenders will face even more severe penalties. The goal of this action is to protect morality and public decency by limiting the spread of such content online and protecting the image of the women. In London in the 19th century, there was a court recorder.

The exam was created by Benjamin Franklin and named the "Hicklin Test" in his honor. Essentially, it is an obscenity norm derived from the English case Regina v. Hicklin³¹ (1868), which addressed obscenity and women's pornography. Regarding women's pornography, the Hicklin test is a standard of obscenity that was developed in this particular circumstance.

Ranjeet D. Udeshi vs. Maharashtra³² is a landmark case from the Supreme Court of India and the first significant case that explains cyber obscenity in India. Basically, this case around between the hustle of right of freedom of speech and expression and the other one restriction of sale, possession and distribution of obscene thing under the Section 292 of IPC, 1860 (Section 294 of BNS Act, 2023).

Cyber theft is another topic that the BNS emphasizes heavily. Theft of computer hardware and software, data, or mobile phones is particularly covered by Section 303. Women's doesn't get digital knowledge easily as still there are people who wont educate them as they were not very well aware easily fell into the trap and their identity is being theft. It ensures that victims receive justice by offering a precise legal framework for those involved in cyber theft activities. By filling in the legal gaps pertaining to digital property theft, this part enhances the IT Act and provides complete legal protection against these types of crimes.

The establishment of fake websites, password theft, and other types of cyber crime are all included under Section 318 of BNS Act and women becomes the victims easily as they share there password under the influence of other or asking for help and can be fraud easily by others. To make sure that the penalty fits the crime, the punishments are different depending on how serious the offence was. This part serves as a powerful legal deterrent against internet fraud, which is an increasingly common occurrence.

³¹ 11 Cox C.C.19(1868)

³² Criminal Appeal No. 178 of 1962

Section 356(1) of Bharatiya Sanhita Act, 2023 states that any action taken with the intent to harm someone's reputation is considered defamation. Defamation by publishing visual representations of an imputation against a woman is punishable by up to two years in prison, a fine, or both when done with the intent to harm the lady's reputation. According to Section 356(2), defamation is punishable by simple imprisonment for a maximum of two years, a fine, or both. It is not cognizable, and a magistrate of the first class may try it, as well as bail and compound it with the consent of the court.

3.3 The Indecent Representation of Women (Prohibition) bill 2012

The disparaging representation of women in publications, advertisements, and other media is prohibited under the Indecent Representation of Women (Prohibition) Act. The goal of the 2012 Indecent Representation of Women (Prohibition) Amendment Bill is to broaden the scope of the law to cover audiovisual and electronic information. Furthermore, the distribution of materials will include online distribution as well as the online portrayal of women..

In the case of **Aarti Tiwari vs State of Chandigarh**³³ here also the capturing of obscene videos and photographs are taken by one of accused of their patients at the clinic. In this case, the IPC's Section 509 is being used to try the defendants. The accused was tried in this case in accordance with Sections 4 and 6 of the 2012 Indecent Representation of Woman (Prohibition) Act. The transmission of pornographic content via books, pamphlets, and other items is covered in Section 4. Additionally, Section 6 of the aforementioned statute discusses the consequences of the act.

In the case of **State of Tamil Nadu v. Suhas Katti**³⁴ is an instance in which a guy used Yahoo to make derogatory remarks about a lady who had separated and listed her as open to sex requests. Under the Information Technology Act of 2000, this case is regarded as one of the primary ones that has to be reserved. Katti was refused incarceration and a fine despite being charged under sections 469, 509, and 67 of the IPC.

In the case of **In Superintendent v. Dr. L. Prakash**³⁵, In one instance, an orthopedic expert was held accountable for forcing women to engage in sexual acts, which were then transferred and sold as adult stimulation materials around the globe. Sections 506 (part II of the section that authorises punishment for criminal terrorising to cause death or unfortunate hurt), 367 (which controls grabbing or kidnapping for causing death or appalling hurt), 120-B (criminal intrigue) of the IPC, and Section 67 of the Information Technology Act, 2000 (which controlled indecent distribution on the internet) were the charges brought against him. According to the Immoral Trafficking (Prevention) Act, 1956, he was sentenced to life in prison and a fine of Rupees 1,25,000.

³³ MANU/ CG/0285/2014

³⁴ C No. 4680 of 2004

³⁵ 2008. 3 MLJ (CrI) 578.

3.4 INTERNATIONAL LAW RELATING TO CYBER LAW

United Nation Declaration on Human Right, it is an international agreement between all member states of UN. Here, the Article 12 and 19 of the same deal with the harassment. Here, the Article 12 states that no one has right to interference in the identity of family, home or other and nor attack done to their honour and dignity. Here, it says that “Everyone has the right to protection of law against such interference attack.” Whereas the Article 19 of this code also “deals with the everyone has right to freedom of expression and opinion”. It states that everyone has right to have opinion without any type of hindrances and also to have information and any ideas by media and other platforms. These both articles deal with the right of person and their human rights on these grounds. This concept also covers the cyberstalking and online harassment done to woman. **Article 2 and 3 of Budapest Convention on Cyber Crime 2001** adopted by the Europe Council. This Convention also known as Council of Europe Convention on Cybercrime, this is the first international treaty aimed at to address computer crimes by in harmonising our national laws, by improving our techniques and increase cooperation between the nations. Here, this both section deals with the “illegal access and illegal interception” where it considered it as a cybercrime offences. The article 2 deals with the unauthorised access to computer uses. Any person without the consent and intentionally access the computer should be liable for the act. This aims to protect computer information from unauthorised use by offender. Whereas the Article 3 deals with the intentional interception of data to share, to, and from and within a computer system without the legal consent of authorised person. This leads to prevent unauthorised access, eavesdropping and surveillance of data which leads to breach of our privacy, cyber theft etc. It promotes global efforts done to combat cybercrime to be done.

In the **USA** talks on the data protection and privacy. The Computer Fraud and Abuse Act (CFAA) it bans all unauthorised access to the computer network or system without any consent done and also penalises the unauthorised access and the information alteration. The Children Online Privacy Protection Act, 2012 deals with the safeguarding the children’s privacy who is under the 13 year old age who uses the internet. This act said that to which information is collected from the children i.e. name, residential address, telephone number. Here, it mandates the owner has to take express consent of their parents before information taken of Childs. Video Privacy Protection Act, 2012; it was passed for the protection of privacy of their consumer. It deals with the internet video and this act applicable to “any person engaged in business of rental sale or delivery of pre-recorded video tape or audio materials.” There was also need of expressed consent for the videos. Health Insurance Portability and Accountability Act, 1996 (HIPAA) here it talks about the privacy protection measures should be taken of medical information to be leaked. It states that the steps to be taken for the protection of information, records and disclosure of information by its staff. Apart from this also US include Privacy Act, 1974; Right to Financial Privacy Act, 1978 etc..

In the **Canada**, the privacy laws are governed by federally by the multiple acts of it including the Canadian Charter of Rights and Freedom and their Privacy Act. Here, the first addressed with the Personal Information Protection and

Electronic Documents Act. In the **Australia** also has there own law on privacy i.e., Privacy Act, 1988. In the European Union the Data Protection Directive, 2002 is one of those deals with the protecting the consumer privacy and prescribes guidelines to protect the sensitive personal data of persons in the cyber world. The European Union complied with the set of harmonized privacy regulations that were enacted in March 2012. A set of laws known as the Data Protection Regulation was created to shield internet users from surveillance and unauthorized personal data usage. Articles 77 and 79 of this document address the penalties for using the internet to carry out unauthorized acts. The Data Protection Act was enacted in the UK to safeguard data kept within the country. The UK's data protection laws are overseen by the Information Commissioner's Office. The statute states that unless there is specific approval, data cannot be used without authorization.

Here, the sensitive personal data consisted of ethical origin or racial of data; religious belief; physical or mental condition; sexual life; any proceeding against him/ her etc. Here, the data collected by authorised means only used for authorise purpose and not share done to any other persons.

So, in the digital era, significantly led down the opportunities for the woman and for their rights of empowerment and equality in their aspect of life. Somehow, the technology adoption leads to suffer of woman due to a lot of cyber crime done against them but it also has some positive effect too. It was like it has some pros and cons too. The technology adoption provided a new meaning to new world related to education, jobs, reproductive right and safety rights too. The advancement of technology added new scope to education. It allow women from all background to access education by the online course, tutorials, you tube videos etc.. The internet brings a ne hope to life of women by building skills and help her to achieve higher level of education. Here, the technology advancement also helps in the online health information and check up appointment to be made. The woman nowadays very fitness frick, the internet helps them with online videos like Zumba classes and other yoga helps them to maintain herself. And also, to maintain there diet by taking help of internet. Also, regarding their reproductive health, nutrition, pregnancy time etc.. it also opens the door for safety at their workplace area. It also encourages the woman to have their own business like online selling products and have access to global market by taking help of E- Commerce sites and remote work opportunities was also there.

The advancement of technology also also lead to increased the voice of women against the wrongdoing. It helps women to raise their voice against the harassment and also against the workplace harassment. It also raise the awareness against the gender inequality and how this effect the woman rights. Also, there is awareness increase regarding the right to choose reproduction. Here, it also various other campaigns and seminars done for the awareness of the woman rights done and justice access to woman. Also, nowadays the woman made their own committee and connect with each other where the seen raise the network globally. Also, the technology advancement leads to the online reporting of cases of violence. Digital open access gate for online registration of cases against women. Also,

leads to the access to vital information about the rights of women. There is also online legal- aid services was there. Also, there legal system try to adopt new laws deals with cybercrimes in the new era of digital to ensure that women's are protected in the digital world.

CONCLUSION AND SUGGESTION:-

The digital age presented women with a lot of opportunities for empowerment, growth and participation in various activities such as education, technology and business. The digital world nowadays leads to woman live their life independently. However, there are many challenges also which was faced by the woman in current time such as gender biased, online harassment and also limited access to digital in many areas which was stated in above points. The factors for non availability of digital in many regions was societal thinking, cultural barriers, some inequalities leads to harass women which hinder her from embracing all opportunities and benefit from digital transformation. In the digital era the dark web is starting to include unsettling content due to technological advancements. The Internet has evolved into a weapon for bad activities that clever individuals use for their own malicious ends and can violate the rights of the women privacy, harassments can be done. The legal and technological developments of the digital era have significantly changed the terrain of women's rights. Technologically speaking, women now have unprecedented access to information, education, and employment prospects because to the widespread use of digital platforms.

Cybercrime nowadays rapidly increasing and reporting of such crimes in its infancy and most of many cases yet not registered. The laws which are overlapping but they have work together in harmony. To properly identify offenders, the court, police, and investigative agencies, they have to upto date with the technological development. Here, this was stated that the new technologies brings challenges for women too. It was crucial that woman's are exploited by emerging technologies. But here, there are many illiterate woman who are still unaware of these laws and got assaulted by those cybercrimes.

In conclusion, even if a society is free from crime it is something unreal and only hard efforts made and enact laws to eliminate these cybercrimes against woman. These word are associated with electronic and law and technology intersection which is increasing. In the today's world more reliability on technology done legislator must take action and precautions to prevent impersonators.

So generally, digital or technology is "two edge sword", it may be positive and negativity too. The judiciary enacted many laws to deals with the cybercrime against women. The law makers and technology advancement should done in that manner which guarantee and work in healthy manner and utilised for good and legally done rather than the illicit purposes.

Digital literacy initiatives and e-learning platforms have given women access to previously unattainable information and skills. Women's voices have been magnified by social media and digital campaigning, raising awareness of

important problems and generating unprecedented levels of support. Furthermore, women's economic empowerment has increased due to the growth of remote work and fine tech solutions, allowing for increased involvement in the workforce and entrepreneurship.

Even with these improvements, there are still big problems. A significant obstacle that keeps many women from accessing the technology that may enhance their lives is the digital divide. Real gender equality requires ensuring that women everywhere have equal access to digital resources. Furthermore, strong preventive measures and constant attention are needed for privacy and security concerns, which include the dangers of data breaches and online abuse.

The enactment of new laws which was passed in 2023, this was first step towards the modernising the country legal system by adopting legal challenges such as cybercrime and also accepting complex issue of digital world. By the replacing old laws with the New laws seeks to address transparency in laws, accessibility and to made our law most stringent one. However, this integration of the laws will leads upon the effective enforcement, implementation of these laws and to dynamic acceptance of society norms.

There are some steps to be taken for online privacy like: here to make sure that the site is safe before any sharing of information. The truth of digital world is that no one share anything about ones without getting confirmation of site is whether safe or not. It includes names, phone number, email address etc.. The another step is to turn on cookies in your web browser. Always try to avoid the cookies until it is not important. And also receive notice of cookies why this site want to have cookies information. And the another step is to not reveal your personal information to strangers or just met newly friends. Here, it was realise that the strangers not known and you don't really know who they are and how was his nature in real life. So try to avoid them to meet them personally. Especially, try to not given your personal id to them unless you don't trust them. And the another step is to keep sensitive files safe in your computer and put some security on that files. During the workplace, sometimes it was possible monitor at work done by anyone. Also, while working at the office try to safe materials while also sharing some information to employers. And the another sites is that to beware of sites that often are of awards and prizes in return. Sometime, due to awards and exchange in return we share some sort of information, so beware of this sites. The another step not to reply spam messages. And the another step is to be conscious of web security. No try to submit your bank details and your sensitive information until and unless it is secured sites. Install spyware or web bugs in your system. The another step is to aware of your privacy rights and laws which made you aware of laws applicable when we harass by cyber crime. And to make seal issuing site is not the fake site. If you are also subscribing in any websites, make sure it is safe subscription. And also try to share your personal information easily to anyone, unless you made yourself in safer side. There also other type of privacy hinder like identity theft, government surveillance, crackers etc. so, try to use encryption in your privacy setting. Use Pretty Good Privacy (PGP) which runs in your all computers. The use of best encryption method because it use less secret codes, to protect your data. The digital literacy and skill development should be done. The

government should invest in education institution and technology companies to done an investment in digital literacy programs for woman. This will help woman to have most skills to thrive in digital world. There are also to fill the gap of gender- divide in the world. To make ensure equitable access done to technology and internet especially in the areas of rural areas and underdeveloped areas. And also to create a safe online space for women in the digital era. There was dire need for strong policies and technologies that protect woman from online harassment and other type of cyber violence done against women , and allow them to engage in the digital free environment. Also, to support woman in their business , financing and access done for to help them entrepreneurship in the digital workplace. So, at last by looking into all challenges and opportunities inclusive digital transformation, so here we can try to create more equitable surrounding for women worldwide era.

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