



Gender Injustice in the Digital Age: Legal and Social Challenges in India

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ABSTRACT

The digital revolution has reshaped human interactions, providing immense opportunities for education, business, and social engagement. However, it has also led to an alarming rise in gender-based cybercrimes, particularly against women and marginalized genders. Cyber harassment, online abuse, deepfake pornography, and digital exclusion continue to pose significant challenges in India. While the legal framework under the Information Technology (IT) Act and the Bhartiya Nyay Sanhita, 2023 (BNS) provides remedies, enforcement remains weak due to jurisdictional complexities, lack of digital literacy, and inadequate policy implementation. This research paper explores the various dimensions of gender injustice in cyberspace, focusing on the challenges faced by women, the effectiveness of existing laws, and the role of social media in both perpetuating and combating gender inequality. The paper also proposes legal and policy reforms to bridge the digital gender divide and ensure safer online spaces.

1. Introduction

Gender injustice refers to the systemic and structural discrimination, oppression, and inequality faced by individuals based on their gender. It encompasses a broad spectrum of disparities in social, economic, political, and legal spheres, where women, transgender individuals, and non-binary persons often experience unequal treatment compared to men. Gender injustice manifests in various forms, including discrimination in employment, education, healthcare, property rights, and personal freedoms, as well as gender-based violence, cyber harassment, and socio-cultural biases that reinforce patriarchal norms.

The concept of gender injustice is rooted in historical power imbalances that privilege men over other genders. It is closely linked to gender inequality, which denotes the unequal distribution of opportunities and resources, and gender-based discrimination, which refers to unfair treatment based on gender identity

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or expression. While gender injustice has existed for centuries, globalization, digital advancements, and evolving legal frameworks have introduced new challenges and dimensions to this issue.

The dimensions of gender injustice are multifaceted. The social dimension includes societal norms and stereotypes that dictate gender roles, restrict personal freedoms, and normalize gender-based violence. The economic dimension covers wage disparities, occupational segregation, and barriers to financial independence for women and marginalized genders. The political dimension highlights the underrepresentation of women and non-binary individuals in governance and decision-making bodies. The legal dimension encompasses gaps in legal frameworks that fail to provide adequate protection against gender-based discrimination and violence. The digital dimension, emerging in the modern era, refers to online abuse, cyberstalking, digital gender divides, and the use of technology to perpetuate harassment and misinformation against marginalized genders.

Gender injustice remains a persistent global challenge, requiring continuous legal, social, and policy reforms to ensure equality, dignity, and justice for all individuals, regardless of their gender identity.

The rise of digital technologies has significantly transformed society, but it has also created new avenues for gender-based discrimination and violence. Women and marginalized genders are disproportionately affected by cyber harassment, online abuse, and privacy violations, making digital spaces unsafe. The emergence of deepfake technology, revenge porn, and targeted trolling further exacerbates this problem. According to the National Crime Records Bureau (NCRB), cybercrimes against women in India have increased by over 60% in the last five years. This includes offenses such as cyberstalking, voyeurism, identity theft, and online defamation. Despite legal provisions under the Information Technology Act, 2000, and the Indian Penal Code, 1860, gaps in enforcement and lack of awareness continue to hinder justice.

This paper aims to analyze the legal and social challenges associated with gender injustice in the digital era, examining real-world cases and judicial interventions. The discussion also extends to the digital gender divide, lack of internet access for women, and the role of social media in gender justice movements like #MeToo.

2. Cyber Harassment and Online Abuse

2.1 Forms of Cyber Harassment

Cyber harassment is a broad term that includes various forms of digital abuse, including:

1. **Cyberstalking** – Repeated and unwanted online monitoring, threats, or intimidating messages.



2. **Doxxing** – Public disclosure of personal information, such as home addresses, phone numbers, or financial details, leading to offline threats.
3. **Trolling and Hate Speech** – Gendered abuse, derogatory comments, and threats targeting women on social media platforms.
4. **Revenge Porn** – Non-consensual sharing of intimate images or videos, often by former partners, to shame or blackmail the victim.
5. **Deepfake Technology** – AI-generated videos or images that manipulate a person's likeness, often used for explicit content.

Cyber harassment affects women across different platforms, including Facebook, Instagram, Twitter, WhatsApp, and Telegram, with perpetrators using technology to evade accountability.

2.2 Legal Provisions Against Cyber Harassment

India has various legal provisions aimed at addressing online abuse:

- **Section 354D of the IPC** – Criminalizes cyberstalking and prescribes imprisonment of up to three years.
- **Section 66E of the IT Act** – Punishes the transmission of private images without consent.
- **Sections 67 and 67A of the IT Act** – Criminalize obscene and sexually explicit content distribution.
- **The Indecent Representation of Women (Prohibition) Act, 1986** – Prevents derogatory representations of women in media and digital spaces.

Despite these laws, implementation remains weak due to lack of digital forensic expertise, delayed investigations, and low conviction rates.

3. Deepfake Technology and Privacy Violations

Deepfake technology uses artificial intelligence to manipulate videos and images, creating false yet highly realistic content. Women have increasingly become victims of deepfake pornography, where their faces are superimposed onto explicit content without consent. Deepfake technology refers to the use of artificial intelligence (AI) and machine learning algorithms to create highly realistic but digitally manipulated images, videos, or audio recordings. By using deep learning techniques, particularly generative adversarial networks (GANs), deepfake technology can superimpose a person's face onto another's body, alter speech patterns, or fabricate entirely new content, making it difficult to distinguish between real and fake media. Originally developed for entertainment and creative purposes, deepfake technology has increasingly been misused for misinformation, identity theft, and gender-based cybercrimes.



The dimensions of deepfake technology extend across multiple domains. The social dimension involves the manipulation of public perception by spreading false narratives through deepfake videos and audio, impacting individual reputations and trust in digital media. The political dimension relates to the use of deepfakes in misinformation campaigns, election interference, and the spread of fake news to manipulate public opinion. The legal dimension encompasses the challenges in regulating and criminalizing deepfake content, as laws often lag behind technological advancements, leaving victims with limited legal recourse. The ethical dimension raises concerns about consent, privacy violations, and the potential for AI-driven deception to undermine truth in journalism, academia, and the justice system. The gender-based dimension highlights the disproportionate targeting of women through non-consensual deepfake pornography, revenge porn, and online harassment, further exacerbating gender injustice in digital spaces.

As deepfake technology continues to evolve, addressing its ethical, legal, and societal implications remains crucial. Stronger regulations, AI detection tools, and public awareness campaigns are essential to mitigate the harmful effects of deepfake misuse while preserving its legitimate applications in media, education, and research.

3.1 Case Studies and Judicial Interventions

- **Bangalore Deepfake Case (2022)** – Several women found their morphed images being circulated online. The investigation revealed that the perpetrators used AI-powered applications to create false explicit content.
- **Delhi HC Ruling (2023)** – The High Court acknowledged the growing threat of deepfake pornography and emphasized the need for urgent legislative amendments.

3.2 Gaps in the Legal Framework

While deepfake-related crimes can be addressed under Sections 66D (impersonation) and 67A (obscene content) of the IT Act, there is no specific law explicitly criminalizing deepfake production and distribution.

4. Digital Gender Divide and Lack of Access

While internet penetration has increased in India, there remains a stark digital gender divide:

- According to the Telecom Regulatory Authority of India (TRAI), only 30% of internet users in rural India are women.
- Women in conservative households face restrictions on mobile phone usage, limiting their access to digital resources.



- Lack of digital literacy among women hinders their ability to identify cyber threats or report online abuse.

4.1 Government Initiatives

Programs such as Digital India, Beti Bachao Beti Padhao, and the PM Gramin Digital Saksharta Abhiyan aim to bridge this gap by promoting digital literacy among women. However, more targeted policies are needed to ensure affordable internet access and cybersecurity awareness for women in rural and semi-urban areas.

5. Social Media and Gender Justice Movements

Social media platforms have played a dual role in gender justice. While they enable harassment, they have also given rise to movements that challenge patriarchal norms. Social media refers to digital platforms and technologies that enable users to create, share, and interact with content, ideas, and networks in real time. These platforms facilitate communication, information dissemination, and community building, shaping public discourse and influencing social, political, and economic landscapes. Popular social media platforms include Facebook, Twitter, Instagram, YouTube, LinkedIn, and WhatsApp, each serving different purposes such as social networking, professional engagement, content sharing, and activism.

The dimensions of social media are diverse and interconnected. The social dimension highlights its role in shaping online communities, fostering relationships, and influencing cultural trends. It allows individuals to connect across geographical boundaries, share experiences, and engage in discussions on various topics. The political dimension encompasses its impact on governance, elections, activism, and public opinion formation. Social media has been instrumental in mobilizing protests, spreading political awareness, and exposing injustices, but it has also been misused for propaganda, misinformation, and political manipulation. The economic dimension reflects its influence on digital marketing, e-commerce, and business strategies, as companies leverage social media for branding, customer engagement, and market expansion. The psychological dimension explores its effects on mental health, including issues like cyberbullying, social comparison, and digital addiction, which can impact self-esteem and well-being. The legal and ethical dimension addresses privacy concerns, data security, and the challenges of content regulation, including hate speech, misinformation, and digital rights violations.

As social media continues to evolve, its impact on society remains significant, necessitating responsible usage, ethical guidelines, and regulatory frameworks to balance its benefits and challenges.



5.1 Prominent Social Media Movements

- **#MeToo (2018)** – Women across India spoke out against workplace sexual harassment, leading to legal actions against powerful figures.
- **#BoisLockerRoom (2020)** – Exposed a private online group where teenage boys shared misogynistic and violent content, leading to widespread public debate on consent and online safety.
- **#JusticeForManisha (2020)** – Highlighted caste-based gender violence, drawing national attention to systemic injustices.

5.2 Challenges with Social Media Regulation

Despite these movements, social media companies have been slow in addressing gender-based abuse, with inconsistent content moderation policies. Women activists and journalists continue to face targeted trolling and online death threats, often without timely action from platforms.

6. Challenges in Legal Enforcement

1. **Low Reporting Rates** – Due to fear of social stigma and victim-blaming, many women do not report cybercrimes.
2. **Jurisdictional Issues** – Cybercrimes often involve international perpetrators, making legal action difficult.
3. **Slow Judicial Process** – Courts face delays in handling digital crime cases due to technical complexities and lack of trained cybersecurity professionals.

7. Recommendations for Strengthening Legal Protections

1. Amend the IT Act to include specific provisions against deepfake pornography and digital impersonation.
2. Establish dedicated cybercrime cells in every state with trained professionals to handle gender-based online abuse.
3. Improve digital literacy programs for women to help them navigate online spaces safely.
4. Enhance social media regulations by imposing stricter penalties on platforms that fail to remove abusive content.
5. Introduce fast-track courts for cybercrime cases involving gender-based offenses.
6. Increase collaboration between law enforcement agencies, cybersecurity experts, and women's rights organizations to combat online gender injustice effectively.

8. Conclusion

Gender injustice in the digital age is a pressing issue that requires a multi-faceted legal, social, and technological response. While India has laws to combat cyber harassment and online abuse, **their** implementation remains inadequate. The rise of deepfake technology, the digital gender divide, and the lack of proper social media regulations further contribute to the problem.

To create a safe digital environment, legal reforms, cybersecurity awareness, and stronger enforcement mechanisms are necessary. A collaborative effort between government bodies, technology companies, civil society, and legal professionals is crucial to ensuring gender justice in the digital era.

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