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**VIOLENCE AGAINST WOMEN MEDIATED BY TECHNOLOGY IN  
INDIA**

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**ABSTRACT**

This research paper aims to raise important questions for additional discussion and action by outlining the main concerns about law, institutions, and ethics surrounding violence against women mediated by technology (VAW). This essay incorporates inputs from secondary literature in the field from feminist academics and practitioners in India that focus on women's rights, digital rights, online violence, and gender-based violence. Girls and women now have greater access to knowledge and communication because of digital technologies. They have made it easier for women to express themselves and participate in public politics by blurring the lines between the private and public spheres. Paradoxically, the very qualities that have made technologies for information and communication (ICTs) a potent tool for empowering Women have additionally made them targets of persecution.

Online invisibility fosters patriarchal views of entitlement towards women, driving away individuals who are perceived as posing a threat to established gender standards. In the internet public realm, there is a toxic dis-inhibition that lowers the bar for sexist and misogynistic speech and behaviour. "Acts of gender-based violence that are committed, abetted or aggravated, in part or fully, by the use of Information and Communication Technologies (ICTs), such as phones, the Internet, social media platforms, and email," is one definition of technology-mediated VAW.

This document provides a landscape scan that highlights the current state of knowledge on technology-facilitated violence against women, the people producing this knowledge, and the methods by which it is being produced. It is based on scoping research. The study also discusses some of the associated methodological, moral, and political difficulties in gathering information about violence against women that is enabled by technology. Proposed are measures to improve knowledge development and data collecting going forward, along with suggestions for new research and methodological changes.

**KEYWORDS: Ethical, Technology, Social Media, Information, Communication, Sexist, Digital**

## **INTRODUCTION**

There are both positive and bad gendered effects from the digital revolution and the adoption of online information and communications technologies. On the one hand, digital tools and online spaces can make it easier for people to obtain necessary information and services, giving women and girls more chances in the workplace and in school. However, for those who do have access to the internet, a growing amount of research highlights the ways in which the digital revolution has intensified already-existing forms of gendered oppression and inequality, as well as spawned brand-new ones, such as technology-enabled violence against women.

There are still a number of important gaps in our knowledge of the scope and specific forms of technology-facilitated violence against women, including how women who encounter intersecting forms of discrimination experience or resist it, despite an increasing body of evidence and increased efforts to develop appropriate methods for gathering data for study, both quantitative and qualitative.

**The following are some typical examples of technology-mediated VAW:**

1. Harassment, whether sexual or not, over the internet and on mobile devices. Trolling and cyberbullying could result from this.
2. Following or keeping tabs on a person by following her online activities.
3. Hacking someone's social media and email accounts to steal personal data. This is frequently associated with "doxing," which is the internet dissemination of such material without the subject's permission.
4. Impersonating someone with the specific goal of getting them to divulge personal information so that it can be used against them or to put them in danger.
5. Making fictitious profiles of women with the goal of harassing them by destroying, discrediting, and slandering their reputations.
6. Malicious dissemination and non-consensual circulation of personal information, such as private images and language that is sexually explicit.
7. Disseminating or publishing content that makes gender-based threats against women, sexist remarks, death threats, threats of sexual assault, etc.

The NCRB's official information on cybercrimes show extremely low rates of technology-mediated VAW. Only roughly 10% of cybercrimes reported for the years 2014–15, according (Website-lexscriptamagazine.com) 4 (lexscriptamagazine@gmail.com)

to NCRB, involved attacks against women pertaining to sexuality. In a same vein, the National Commission of Women (NCW) only received 178 reports of crimes committed online against women during 2014 and 2015. But these figures should only be seen as the tip of the iceberg, given that the majority of violence against women victims mediated by technology would rather not pursue legal action because of pervasive victim-blaming and shaming attitudes.

Contrary to common belief, technology-mediated VAW is not primarily "stranger violence." These behaviours are frequently carried out by intimate partners or ex-lovers. For instance, a 2014 Association for Progressive Communications research examined 500 instances of forty percent of technology-mediated VAW incidents in seven different nations revealed that the victim knew the attacker. Furthermore, a lot of these incidents had women experiencing the continuum of violence that extended switching from offline to online settings. This is becoming a significant concern in India as well, as even a cursory examination of family court processes and rulings on intimate partner abuse reveals.

Therefore, quick action is needed due to the prevalence of technology-mediated VAW and its growing normalisation. VAW facilitated by technology has several negative effects on women's health. In addition to causing excruciating mental and psychological pain and ominously predicting bodily harm, but it stifles the freedom of expression for women. It is important to take seriously the reality that social control of women's expression is mostly facilitated by violence on internet platforms.

#### **HOW IS TECHNOLOGY-MEDIATED VAW VIEWED BY THE LAW? - EVALUATING THE CURRENT LEGAL FRAMEWORK**

In India, the principal Acts pertaining to the Technology Act of 2000 and the IT (Amendment) Act of 2008 are examples of technology-mediated VAW; together with the 2013 Criminal Laws (Amendment) Act (hence known as the "IPC" collectively).

**Table 1** below lists the main legal clauses from these laws that can be used to prosecute people who commit technology-mediated VAW. A rigorous assessment of these clauses that identifies the legal gaps and lacunae follows.

<b>Act</b>	<b>Clause</b>	<b>Information on the offence that this clause targets</b>	<b>Which kind of virtual asset vulnerability may this feature assist in addressing?</b>
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IT Act	Section 66E	The taking of pictures of someone's privates and sending them via electronic means without that person's permission.	- The willful and non-consensual dissemination of pornographic images and videos about a specific person
	Section 67	The dissemination or publication of pornographic content via electronic means.	<ul style="list-style-type: none"> <li>- Trolling and other forms of graphic sexual abuse on blogs and social media sites.</li> <li>- Sending someone, without their consent, emails or messages on social media that contain pictures and other content that is sexually explicit</li> </ul>
	Section 67A	The electronic publication or distribution of sexually explicit content.	<ul style="list-style-type: none"> <li>- Trolling and other forms of graphic sexual abuse on blogs and social media sites.</li> <li>- sending someone, against their consent, emails or social media messages containing pictures and other content that is sexually explicit.</li> </ul>
	Section 67B	The electronic publication or transmission of content that	The spread of child pornography

		inappropriately, indecently, or sexually explicitly portrays youngsters	
IPC	Section 354A	Sexual harassment, such as forcing a lady to see pornography against her will	<ul style="list-style-type: none"> <li>- Trolling and other forms of graphic sexual abuse on blogs and social media sites.</li> <li>- Unwillingly sending a woman videos and images that contain sexually explicit language and imagery.</li> </ul>
	Section 354C	Voyeurism includes both the watching or photographing of a woman performing a private act in situations in which she would reasonably expect not to be observed and the sharing of photos of her performing a private act in situations in which she has consented to the photography of her but not the sharing of them.	<ul style="list-style-type: none"> <li>- The creation, dissemination, and malevolent dissemination of pornographic images and videos featuring women without their consent.</li> </ul>
	Section 354D	Tracking a woman, reaching out to her or making repeated attempts to do so in order to establish personal engagement, even when the woman expresses an obvious lack of interest, or keeping an eye on how she uses the Internet, email, or any other electronic communication tool.	<ul style="list-style-type: none"> <li>- Stalking someone online. The law only acknowledges women as possible victims.</li> </ul>
	Section 499	Criminal defamation resulting in damage to one's reputation.	<ul style="list-style-type: none"> <li>- Despite being a gender-neutral</li> </ul>

			clause, female social media users and bloggers may use it to combat libel and slander.
	Section 507	Anonymous communication used for criminal intimidation.	- Despite being a gender-neutral clause, women defending themselves against anonymous trolls who threaten them may use this clause.
	Section 509	A statement, gesture, action, or display of an object meant to belittle a woman's modesty.	-Even though this clause does not specifically address online sexual abuse and harassment, it may be used in certain situations.

***Table 1. Important legal clauses that can be used to online VAW***

**GAPS IN THE LAW'S CURRENT PROVISIONS**

1. There is insufficient attention paid to spoken communication online abuse and harassment that doesn't entail sexually suggestive information. Anonymous criminal intimidation and criminal defamation are covered under sections 499 and 507 of IPC address personal threats in trolling; they do not address misogynistic abuse that is more widespread. In a similar vein, doxing incidents that do not include the dissemination of graphic images and do not include intimidation or defamation are not covered. Although The IT Act's Section 66 makes hacking illegal, the law does not specifically address hacking for the purpose of doxing.

Verbal abuse, threats, trolling, and theft of personal data via the internet are classified as "isolated and individualised crimes" under Sections 66 of the IT Act, IPC's Section 499 and Section 507. They disregard the fact that these violent acts are "directed" and have a systemic



basis at a woman simply for being a woman, and they disproportionately impact women. Anecdotal data strongly suggests that women's social identities and locations—particularly their caste and sexual orientation—are explicitly targeted by abuse or violation.

2. No provision of the IT Act and IPC defines violence against women as a breach of a woman's personal autonomy or bodily integrity. Sections The Criminal Laws (Amendment) Act of 2013's sections 354C and 354D and Section 66E of the IT Act are the exceptions, although they are limited to disregarding the invasion of informational privacy in favour of physical privacy. Although the word "privacy" is mentioned in Section 509, it is crucial to remember that the section connects invasion of private with a breach of a woman's modesty. The basic perspective on sexual violence is to preserve public decency by preventing obscenity and safeguarding women's modesty. Feminists have also emphasised that, generally speaking, people in different nations see "consent" to be less than multidimensional.

As such, the imperative to tackle sexual violence is inextricably linked to the requirement to govern the performance and portrayal of sexuality. Instead of defending women's physical integrity and/or their right to sexuality, this ultimately serves to reinforce existing sociocultural conventions related to gender and restrictions on women's sexuality. The IT Act views data theft (Section 43 read with Section 66) and privacy and confidentiality breaches (Section 72) as commercial offences rather than social or gendered ones.

3. psychological abuse of women based on their gender that occurs outside of the home is not recognised by law. Psychological aggression stemming from breaches of personal privacy, like unauthorised availability of and dissemination of private Information that isn't inherently sexually explicit recognised by law.

4. Rules that address psychological aggression in personal relationships and the home, such the 2005 Protection of Women Against Domestic Abuse Act, do not specifically address forms of abuse mediated by technology.

#### **WHAT CHANGES CAN WE MAKE TO THE CURRENT LEGAL SYSTEMS?**

Legislation that is tailored to address technology-mediated violence against women can be enacted, or current laws can be modified piecemeal to create new legal frameworks and institutional structures tackling VAW mediated by technology (a holistic approach).

#### **1. Potential reforms to current legislation, particularly the Indian Penal Code (not exhaustive)**

This choice is predicated on the knowledge that the actual issue within the context of India with dealing the problem with regards to violence against women has not been a lack of legal frameworks, but rather one of enforcement.

It has not always been successful in guaranteeing justice for the most oppressed to introduce new laws to address specific forms of systematic prejudice or marginalisation, like the Prevention of Atrocities Act's Scheduled Tribes and Scheduled Castes. However, an abundance of disparate laws may arise from a proliferation of legislation, with little improvement in the way law enforcement authorities carry them out. The following IPC provisions need to be amended in particular:

- a) The current hate speech clause has to be changed in order that it addresses misogynistic abuse in general both offline and online. Speech that incites hatred "on grounds of religion, race, place of birth, residence, language, etc." and "doing acts prejudicial to maintenance of harmony" is prohibited by Section 153A of the IPC. Currently drafted, this clause has two crucial disadvantages.
  - i. It does not recognise that various communities, groups and castes are not treated equally, and as a result, doesn't sufficiently take responsibility for abuse by powerful portions of society.
  - ii. It ignores hateful statements related to gender identity and sexual orientation, two more crucial indicators of an individual's identity. Rewriting Section 153A to include hate speech based on gender in a way that prevents self-described men's rights organisations from invoking or abusing it is one possible way to address this issue.
- b) The IPC's Section 509 needs to be amended to more comprehensively include all offline and online offences that violate someone's privacy. In this endeavour, we can learn from the Criminal Law (Amendment) Act of 2013's Section 354C, which departs from the idea of womanly modesty to a framework of bodily privacy in dealing with voyeurism.
- c) The laws that are now being used in connection with technology-mediated VAW regarding the dissemination of sexually explicit information and the portrayal of women's bodies need to be reviewed. Content that is sexually explicit alone cannot be the sole thing considered offensive to women but also additional sexist material that perpetuates the social subjugation and oppression of women. "The sexism in non-sexually explicit representations remains untouched by any penal liability," as legal commentary on Indian law has pointed out. Therefore, it is important to distinguish between what is insulting to women and the matter of upholding "decency." Certain academics have pointed out that as a gender-based

hate speech law would violate all restrictions on how women's bodies are portrayed, including those relating to the creation and dissemination of pornography, these restrictions should be totally lifted.

- d) The 2005 Protection of Women Against Domestic Abuse Act has to be amended to include situations in which the victim knows the offenders in numerous cases of technology-mediated violence against women.

## **2. Introducing New Laws That Target Technology-Mediated Violence In Particular**

The establishment of new laws that address technology-mediated Violence against women in particular is directed by the University of thinking that holds that social interaction and communication take on new forms in online situations. Law and jurisprudence must therefore comprehend and interpret technology-mediated VAW in light of the unique characteristics of standards patriarchal and restrictions that emerge within and via digital environments. It's interesting to note that some academics have also maintained that communication structures change societal norms and regulations. For example, digital environments lower the bar for abusive behaviour. As a result, it is necessary to examine digitally transmitted "speech" and "action" separately, and the law must adopt a sophisticated strategy.

As a practical concern for feminist campaigning, this option also acknowledges The Women and Child Development Ministry's recent intentions to proceed with the creation of a new legal framework on VAW. The Ministry announced to the public a few months ago that it was considering a new code of conduct for online trolling. Similar to this, in 2014 the National Commission for Women recommended, "A woman centric information technology law must be drafted defining types of cybercrimes targeting women," as one of its recommendations from its consultation on "Ways and Means to safeguard women from Cybercrimes in India." The IT Act of 2000, as revised in 2008, is not an Act that is sensitive to women. It must be examined in order to present more creative methods in the legal field.

A new piece of legislation that concentrates solely emphasises the structural element of violence against women mediated by technology and particularly tackles its evolving forms can be presented in place of a fragmented strategy, which may be asserted to be strategically less viable or possibly dragged out. Certain nations, including the Philippines, have taken the approach of passing new laws that target particular types of violence transmitted by technology, like video and picture voyeurism. Others, like New Zealand, have tackled the problem by defining acceptable standards for any digital communication, thereby "detering, preventing and mitigating harm caused to individuals by digital communications." This approach been

criticised for stifling the right to free expression. Furthermore, it ought to be mentioned that they don't care about gender.

### **IMPROVING LAW ENFORCEMENT AGENCIES' RESPONSIVENESS**

The fact that internet VAW is just as horrible as offline VAW is not acknowledged by law enforcement officials. Women's rights organisations point out that in spite of gender sensitization trainings, in their reaction to police respond to allegations about technology-mediated VAW by victimising the victim or downplaying the seriousness of the crime. This situation does not appear to have improved with the creation of Cyber Cells. Consent is a slippery concept, as feminists have noted, and modern technologies have made it much more complicated.

When consent is obtained in the past and then withheld, law enforcement officers disregard the validity of women's subjective experiences of violation. In the previously mentioned 2016 study, Violence Online In India, 500 respondents were questioned regarding 1/3 of respondents said they had contacted the police as a result of their experiences with online VAW. Of those who reported abuse online, 38% thought "they were not at all helpful," and 52% thought that authorities do not take complaints about harassment over the internet seriously.

In response to this lack of reaction, women officers should be assigned to Cyber Cells, according to a 2014 National Commission for Women survey on "Ways and Means to safeguard women from Cyber Crimes in India." The Department of Women and Children are while carrying out establishing a portal called "Cyber Crime Prevention against Women and Children" wherein ladies who experience cyberbullying may submit complaints, which will be investigated by the Home Ministry's Cyber Cell. However, this might not be sufficient because the real issue is to confront the "culture of impunity" that the police organisations are enmeshed in. Below are two possible actions that could be made in this regard:

- (1) In order to handle complaints about police inaction, the Police Complaints Authority needs to operate more efficiently. Despite a ten-year-old Supreme Court ruling requiring its establishment, the creation of a Police Complaints Authority in every state remains a long-standing agenda item.
- (2) There must be consequences for police and cyber cell personnel who ignore reports of technology-mediated violence against women instances.

The SC's ruling in *Shreya Singhal v UOI 2015* case, which requires governmental or judicial directives for the removal of any content, along with the prevalence of technology-mediated

VAW, make it potentially beneficial for the Department of Development of Women and Children to think of creating a distinct judging panel comprising all the authority of a judge to deal with VAW mediated via technology alone (think of it like the National Green Tribunal, which handles environmental protection and conservation cases solely). Additionally, this organisation ought to have the authority to automatically consider situations of VAW mediated by technology.

## **CONCLUSION**

The goal of this study is to summarise the underlying information and bring the legal and technologically mediated VAW disputes together. Fighting against hegemonic masculinity societies that support men's entitlement to women as well as the deliberate maintenance of misogynistic behaviour is an undertaking that surely falls outside the purview of legal action. It is impossible to overstate the necessity of implementing institutional reforms and new laws that are adequate for the difficulties that digitally mediated social life is posing. Developing a legal-institutional response that successfully tackles the systemic character of technology-mediated violence, in its sexually explicit and other sexist forms, is the crucial issue here.

To stay up to date with the legal sector, this attempt forces us to reevaluate several basic concepts that are utilised in our dynamic, digitalized world. For instance, jurisdictional borders may need to be reevaluated in light of the prevalence of remote violence in the seamless operation of communication networks. Accountability needs to be reevaluated in relation to new forms of violence, such as the unintentional posting of sexually explicit images and films online. It is important to ensure that the laws that currently penalise "lasciviousness," which are based on a rigid interpretation of public morality, do not in the end make it more difficult for people to express their sexuality. For example, those who record sex tapes for their personal entertainment purposes may be accused of violating obscenity laws, which could lead to legal action.

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