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# **FROM CONSTITUTIONAL DIGNITY TO DIGITAL SAFETY: RE-DEFINING STATE OBLIGATION FOR THE PROTECTION OF WOMEN IN INDIA**

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## **ABSTRACT**

Apart from being a useful means of communication, learning and interaction, the Internet has also become a dangerous place as far as digital violence towards women is concerned. Cyberstalking, online harassment, trolling, use of deep fakes, and the non-consensual sharing of private information have emerged as some of the most prevalent forms of online violence against women, necessitating the need for protecting women under the ambit of Articles 14, 15 and 21 of the Indian Constitution.

The increase in cybercrime cases against women as per the statistics available in the National Crime Record Bureau shows how the existing laws fail to provide protection to women. Though laws, such as the Information Technology Act of 2000 and the IT Rules, 2021 exist, in reality, it fails to serve the purpose because of reasons such as lack of enforcement, unawareness, and lack of institutional mechanisms.

The objective of this study is to conduct an analysis of digital violence through the lens of constitutional law and determine whether digital safety comes under the ambit of dignity rights protected under Article 21. The paper seeks to explore the manner in which the State should protect individuals in the digital environment. It has been recommended that safety in the cyberspace realm be considered an essential component of the constitutionally protected right to dignity, and that the inadequacies of existing laws, their implementation, and awareness levels be improved upon.

**Keywords:** Women's Safety, Constitutional Dignity, Digital Violence, Cyber Law, State Obligation.

## INTRODUCTION

The country of India is a democracy, and its constitution contains fundamental rights such as equality, liberty, and dignity. Perhaps one of the most essential rights in this regard is the right under Article 21. This article is concerned with the rights to life and personal liberty. There have been many instances where the Supreme Court has widened the scope of this right, making it the right to life with dignity, privacy, and self-determination.

Judicial activism has played a crucial role in this respect. Privacy has been considered by the court to be a part of dignity, and an important fundamental right. The Supreme Court has also emphasized on the importance of the positive obligation of the State to protect the lives of all women from harassment and violence. Such developments reflect how rights in a constitution change with changing social times.

Another development which has affected the nature of the threat to women's security is technological. Before this, the problem was only in the physical world, but today it has expanded to the digital world as well. The digital world has brought various opportunities to women in the way of learning and working. However, there have been new forms of violence against women because of this too.

Effects of digital violence constitute a new danger to personal safety in the forms of stalking, cyberstalking, harassment, trolling, impersonation, as well as the unauthorized use of personal information or images. The effects of digital violence have further been complicated through the advancement of artificial intelligence technologies like deepfake, which manipulate digital content without prior consent from the persons appearing in the images and videos. Not only do these actions breach the rights to personal privacy, but they also harm personal dignity and cause reputational damage to victims.

To counter the numerous issues arising from digital technology, the courts have tried to strike a balance between the protection of the victims of criminal behavior facilitated through digital technology and freedom of speech. Technological advancement has posed serious challenges to the legal framework, and the judicial process has just begun to tackle some of these issues. It is important to determine whether or not the constitutional right to dignity as provided for in Article 21 would compel the inclusion of digital safety among other vital components protecting the rights of women.

## STATEMENT OF THE PROBLEM

There have been numerous laws passed by India in order to protect women like the Constitution of India, which ensures equality and respect, and the Information Technology Act, 2000, Bharatiya Nyaya Sanhita, 2023, and the Indecent Representation of Women (Prohibition) Act, 1986 that help protect women from various forms of abuse.

However, even with the legal infrastructure in place, there is another significant gap, that of increasing number of criminal acts against women in recent years including digital offenses. Women have become vulnerable to attacks through various means like harassment on social media, cyber stalking, and threats. Along with the increase in the use of technology and digital spaces for socializing, the different and contradictory instances of digital abuse keep increasing.

One of the key issues in the current legal infrastructure is the inability of the laws to deal effectively with the development of new technologies. An essential gap within the laws lies in the lack of crimes such as those committed by using deepfake technology and AI.

Moreover, there are also existing deficiencies in terms of legal structure. The victims themselves are ignorant, unaware, and stigmatized, making it difficult for them to report cases of cybercrimes. Even when such reports have been filed, the legal system fails to function efficiently due to excessive delays in investigation, coupled with a lack of technology-related skills, thereby failing to deliver effective solutions.

With the deficiency discussed above, one can see that there is a disparity in terms of safety and protection, and therefore, there is an urgent need for the State to intervene in providing safety.

## REVIEW OF LITERATURE

The issues related to women's safety, dignity, and privacy have become significant topics of discussion in the legal and academic circles. More particularly, in light of the rapid emergence of digital technology and internet connectivity in recent years. Domestic violence against women does not only occur physically and psychologically but also in the virtual world. The term 'Digital Space' includes all digital devices and internet services currently accessible, which are being used to communicate, share and distribute information and content.

One such most common digital device currently is a mobile phone; however, there are other devices too such as computers, laptops, tablets and personal digital gadgets. Communication and interaction via text messages on mobile phones through SMS, WhatsApp, Facebook, Twitter, Snapchat and even through emails, etc. are termed as internet services.

Women today are subjected to crime such as cyber-stalking, online harassment, theft of identity, photo/video etc., without their permission. Constitutional right to internet security deserves reconsideration.

Right to safety and dignity forms the foundation of the fundamental rights of citizens as per Article 21 of the Constitution of India. V. D. Mahajan and M. P. According to P. Jain, right to life does not merely refer to leading a normal life.<sup>1</sup> Moreover, they argue that right to life includes the right to live with dignity, privacy, and personal freedom. In addition, they emphasize that the Constitution.<sup>2</sup>

As far as cyber law is concerned, several studies shed light on the rising issue of violence through digital means targeting women. According to Meera Patel (2024), despite the presence of cybersecurity laws, implementation remains a challenge, especially concerning online abuse and identity theft.<sup>3</sup> Similarly, according to Ananya Gupta (2023), online harassment has grown in prevalence, having a substantial impact on the mental health and dignity of women.<sup>4</sup> Moreover, according to Arjun Mehta (2022), poor enforcement, investigation delays, and inadequate technical skills are the primary reasons behind the ineffective measures taken by the legal system<sup>5</sup>. Moreover, according to Neha Verma (2022), ignorance of privacy settings makes individuals vulnerable to misuse of their personal information.<sup>6</sup>

Additional information can be derived from empirical studies and reports of the government. As noted in the National Crime Records Bureau (2023), cybercrimes committed against women have increased in India.<sup>7</sup> In her research, Sneha Iyer (2021) states that women avoid reporting

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<sup>1</sup> V.D. Mahajan, *Constitutional Law of India* (12th edn., Eastern Book Company, 2021).

<sup>2</sup> M.P. Jain, *Indian Constitutional Law* (8th edn., LexisNexis, 2018).

<sup>3</sup> Meera Patel, "Women's Privacy and Cybersecurity Laws in India" (2024) 8 *Journal of Cyber Law Studies* 67.

<sup>4</sup> Ananya Gupta, "Online Harassment and Women's Right to Dignity" (2023) 6 *Journal of Gender Studies* 88.

<sup>5</sup> Arjun Mehta, "Cybercrime against Women and Legal Remedies in India" (2022) 7 *Journal of Criminal Law Studies* 120.

<sup>6</sup> Neha Verma, "Social Media and the Right to Privacy of Women" (2022) 4 *Journal of Media Law* 73.

<sup>7</sup> National Crime Records Bureau, *Crime in India 2023* (Ministry of Home Affairs, Government of India, 2025).

such offenses out of fear and stigmatization.<sup>8</sup>

One of the problems discussed in literature is the discrepancy between the legal framework and its implementation. As stated by Rahul Desai (2020), laws are rendered ineffective due to poor enforcement<sup>9</sup> while, according to Karan Bhatia (2022), technological advancements are overtaking legal changes.<sup>10</sup> Studies comparing legislation and policies of other countries, for example Germany and the UK, show that the focus is on stringent regulation and platform accountability.

While there are various studies on privacy protection, cyber laws and women's rights, they are mostly conducted independently. The connection between these topics and constitutional dignity is rarely analyzed. This study aims at analyzing digital safety as one of the components of dignity enshrined in Article 21

## OBJECTIVES OF THE STUDY

The purpose of the current study is to review the issue of constitutional dignity and its significance in the context of the digital era, specifically in terms of women's safety. It will aim to analyze the issues regarding digital violence against women and the efficiency of applicable laws and policies, such as cyber laws and constitutional provisions. The paper will try to explore the connection between safety, equality, and women's participation in education and social life. Moreover, it will attempt to understand the role of the State in ensuring safety in the digital space and suggest appropriate reforms.

## RESEARCH QUESTIONS

The research questions that guide this study include the following:

- Does constitutional dignity under Article 21 include digital safety for women?
- Are existing laws sufficient to address digital violence and protect women effectively?
- Does the State have a stronger obligation to ensure women's safety in online spaces?
- How does lack of digital safety affect women's education, participation, and freedom?

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<sup>8</sup> Sneha Iyer, "Cyber Harassment and Legal Protection for Women" (2021) 8 Journal of Gender and Law 112.

<sup>9</sup> Rahul Desai, "Cyber Laws and Protection of Women's Privacy in India" (2020) 6 Indian Journal of Cyber Law 91.

<sup>10</sup> Karan Bhatia, "Constitutional Protection of Privacy and Emerging Digital Threats" (2022) 6 Indian Constitutional Law Review 98.

## **HYPOTHESIS**

The hypothesis under which the study takes place is that despite constitutional guarantees for dignity and equality, the increased amount of digital violence against women and insufficient enforcement of laws result in a failure to fulfill constitutional rights. Therefore, digital safety must be acknowledged as an element of constitutional dignity.

## **RESEARCH DESIGN AND METHODOLOGY**

### **Nature of Research**

This research can be described as mainly doctrinal since it involves an analysis of legal principles and provisions of the constitution and judicial decisions. Additionally, this research can be referred to as being analytical in nature as it critically analyzes the efficacy of laws and the gap between law enforcement and actual protection.

### **Sources of Data**

For the purpose of this research, both primary data sources as well as secondary data sources will be used. The sources of primary data include the constitution, statutes, judicial decisions as well as documents that have relevance to the study like the Bharatiya Nyaya Sanhita, 2023 and the Information Technology Act, 2000. Secondary sources include books, research papers, journal articles, government documents and publications like NCRB.

### **Tools of Analysis**

In terms of the tools of analysis, this research will adopt legal analysis which includes the analysis of constitutional provisions and statutes. Comparatives would also be involved where countries would be compared with regards to their efforts to ensure women's safety in digital environments as well as the regulation of social media sites. An empirical approach involving survey observations will also be used.

## **ANALYSIS AND DISCUSSION**

### **Evolution of Dignity under the Indian Constitution**

The right to dignity, privacy, autonomy, and security as embodied in Article 21 of the Indian Constitution has undergone an evolution into a strong protection of dignity. The development of this provision has largely been through judicial interpretations that have gone beyond the literal interpretation of "right to live" to incorporate the right to live with dignity. This is

particularly significant in the case of women whose dignity is at risk both physically and digitally.<sup>11</sup>

This evolution began in *Kharak Singh v State of Uttar Pradesh* where it was established that the concept of liberty includes freedom from unreasonable state action<sup>12</sup>. The scope of this provision was expanded in *Maneka Gandhi v Union of India* where the Court ruled that every act that deprives a person of his or her right to live must be just, fair, and reasonable.<sup>13</sup>

The next step in the evolution was witnessed in *People's Union for Civil Liberties v Union of India* where state surveillance and monitoring of communication were deemed to infringe on individual privacy rights<sup>14</sup>.

The judicial system in India also understood that dignity entails the right to a secure environment. In the case of *Vishaka v State of Rajasthan*, sexual harassment was found to be a violation of fundamental rights and the State was asked to take preventive measures.<sup>15</sup> This decision paved the way for considering security as an integral part of dignity.

As technology grew in importance in contemporary times, courts began dealing with cyber-related harm. The early cases of *Ritu Kohli*<sup>16</sup> and *State of Tamil Nadu v Suhas Katti*<sup>17</sup> emphasized the use of fake identities and online harassment as tools for targeting women. Other judgments have furthered this jurisprudence by identifying the direct infringement of dignity and privacy due to the circulation of obscene material, misuse of online platforms, and the fabrication of fake accounts.<sup>18,19</sup>

*Justice K.S. Puttaswamy v Union of India* was a significant landmark judgment on the right to privacy.<sup>20</sup> This ruling can be relied upon while tackling problems related to cyberstalking, misuse of personal information, and the non-consensual distribution of personal content. Protection of identity and dignity has been reaffirmed in subsequent cases of *Nipun Saxena v Union of India*<sup>21</sup> and *XYZ v State of Madhya Pradesh*.<sup>22</sup>

The ambit of dignity has also been extended to incorporate issues of bodily autonomy and identity. Dignity in the context of reproductive rights was acknowledged in *Suchita*

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<sup>11</sup> *Pragya Prasun & Ors. v. Union of India & Ors.* 2025 SCC OnLine SC 993

<sup>12</sup> *Kharak Singh v. State of Uttar Pradesh*, AIR 1963 SC 129.

<sup>13</sup> *Maneka Gandhi v Union of India*, (1978) 1 SCC 248.

<sup>14</sup> *People's Union for Civil Liberties v. Union of India*, (1997) 1 SCC 301.

<sup>15</sup> *Vishaka v. State of Rajasthan*, (1997) 6 SCC 241.

<sup>16</sup> *State v. Ritu Kohli* (2000) (India's first reported cyberstalking case, Delhi).

<sup>17</sup> *State of Tamil Nadu v. Suhas Katti*, C.C. No. 4680 of 2004.

<sup>18</sup> *Avnish Bajaj v. State (NCT of Delhi)*, (2008) 150 DLT 769

<sup>19</sup> *Kalandi Charan Lenka v. State of Odisha*, 2017 SCC OnLine Ori 384.

<sup>20</sup> *Justice K.S. Puttaswamy (Retd.) v. Union of India*, (2017) 10 SCC 1; AIR 2017 SC 416.

<sup>21</sup> *Nipun Saxena v. Union of India*, (2019) 2 SCC 703.

<sup>22</sup> *XYZ v. State of Madhya Pradesh*, (2022) SCC OnLine MP.

Srivastava<sup>23</sup>, whereas equality, autonomy, and protection from discrimination was recognized in Navtej Singh Johar<sup>24</sup> and Joseph Shine.<sup>25</sup>

Simultaneously, judicial interventions have dealt with the accountability of digital platforms. Restrictions placed on online communication in Shreya Singhal v Union of India<sup>26</sup> were held to be vague, whereas duties placed on intermediaries regarding harmful content regulation were upheld in Sabu Mathew George v Union of India.<sup>27</sup>

Moreover, judicial interventions have recognized issues like revenge porn, cyberbullying, and online threats as grave invasions of dignity. At the same time, there has been acknowledgment of the need for governmental action.<sup>28</sup> Other contemporary interventions have incorporated health and structural equality within dignity.<sup>29</sup>

It is clear from the above interventions that dignity is an evolving right. The nature of the modern-day digital world, with the misuse of one's identity and personal information posing risks to the individual, necessitates incorporating digital security into dignity as provided by Article 21.

### **Digital Violence Against Women**

There have been remarkable developments in terms of digital technology that have resulted in significant changes to the social and economic structure in India. The use of digital technology has been widespread among women for educational, professional, communication, and political purposes. While it has brought many advantages, it has also made women susceptible to violence through digital technologies called digital or cyber violence. While traditional violence is subject to limitations in time and space, digital violence does not have such limitations and hence becomes even more damaging and challenging to regulate.

Digital violence comes in various forms such as cyberstalking, cyberbullying, trolling, and even threatening messages. Digital violence creates fear and discourages women from openly speaking their minds online. The most concerning form of digital violence is non-consensual pornography in which private pictures or videos of women are posted without consent and can be used as blackmail or revenge against them. This leads to traumatic emotional consequences and destroys the reputation of the woman socially. Due to advancements in technology, new

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<sup>23</sup> Suchita Srivastava v. Chandigarh Administration, (2009) 9 SCC 1.

<sup>24</sup> Navtej Singh Johar v. Union of India, (2018) 10 SCC 1.

<sup>25</sup> Joseph Shine v. Union of India, (2019) 3 SCC 39.

<sup>26</sup> Shreya Singhal v. Union of India, AIR 2015 SC 1523.

<sup>27</sup> Sabu Mathew George v. Union of India, (2018) 3 SCC 229.

<sup>28</sup> Rekha Sharma v. State of NCT of Delhi, 2020 SCC OnLine Del 1110.

<sup>29</sup> Dr. Jaya Thakur v. Union of India, 2026 INSC 97.

forms of digital violence have emerged such as deep fakes in which artificial intelligence is utilized to produce false yet realistic pictures or videos based on a woman's identity.<sup>30</sup>

Data from statistics makes it clear how grave this issue is. As per the report from the National Crime Records Bureau (2023), over 19,000 cases of cybercrimes against women have occurred in India within a year.<sup>31</sup> But this figure does not capture the true picture because many cases go unreported out of fear of social shame and lack of awareness.<sup>32</sup> Thus, it becomes evident that this form of abuse is prevalent as well as underreported.

There are various reasons for digital violence. With rapid digitisation comes lack of awareness about proper internet practices. Weak implementation of cyber laws and absence of technical knowledge with law enforcement agencies make the law ineffective.<sup>33</sup> Social inequalities and patriarchal mindsets also play an essential role in this problem because social inequalities find expression in virtual space too. Another reason why this happens is the anonymity of the internet that helps offenders avoid being identified.<sup>34</sup>

The consequences of digital violence on women are quite severe and significant. Firstly, digital violence impacts mental well-being by inducing anxiety and stress and reducing confidence among victims. Additionally, there is social stigma associated with being subjected to digital violence, which prevents victims from reporting crimes. Lastly, it impacts their fundamental rights. The fear of harassment compels many women to reduce their internet presence, leading to curtailment of their right to freedom of expression, equality, and living with dignity.<sup>35</sup>

From a legal standpoint, digital violence amounts to an infringement of the right to dignity and privacy. The acknowledgment of privacy as a basic right provides greater protections against abuse and exploitation through misappropriation of personal information and online stalking.<sup>36</sup>

However, the laws, namely, the Information Technology Act, 2000 and the Indecent Representation of Women (Prohibition) Act, 1986, are inadequate to handle technological advancements such as artificial intelligence and deepfakes.<sup>37</sup> Therefore, there is a legal deficiency that needs to be addressed urgently.

Consequently, digital violence against women is a grave issue in India, requiring more stringent

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<sup>30</sup> Meera Patel, "Women's Privacy and Cybersecurity Laws in India" (2024) 8 *Journal of Cyber Law Studies* 67.

<sup>31</sup> National Crime Records Bureau, *Crime in India 2023* (Ministry of Home Affairs, Government of India, 2025).

<sup>32</sup> Sneha Iyer, "Cyber Harassment and Legal Protection for Women" (2021) 8 *Journal of Gender and Law* 112.

<sup>33</sup> Arjun Mehta, "Cybercrime against Women and Legal Remedies in India" (2022) 7 *Journal of Criminal Law Studies* 120.

<sup>34</sup> Rahul Desai, "Cyber Laws and Protection of Women's Privacy in India" (2020) 6 *Indian Journal of Cyber Law* 91.

<sup>35</sup> Constitution of India, Arts. 14, 19, 21.

<sup>36</sup> Justice K.S. Puttaswamy (Retd.) v. Union of India, (2017) 10 SCC 1; AIR 2017 SC 416.

<sup>37</sup> Information Technology Act, 2000; Indecent Representation of Women (Prohibition) Act, 1986.

laws, proper implementation, and education. Most importantly, it should be considered a crucial part of maintaining dignity under Article 21 of the Constitution.

### **Legal Framework**

In the contemporary age of technology, the concept of security for women is no longer confined to real-life environments but extends to virtual space too. This is because of increasing cases of harassment via the Internet, such as cyberstalking, online sexual harassment, stealing identity, and image-based abuse. All these instances constitute an infringement of a woman's privacy, autonomy, and dignity that come under constitutional law.<sup>38</sup> In order to overcome this challenge, India has formed a suitable legal framework using both cyber and criminal laws as well as constitutional measures, which need to be implemented properly.

The Information Technology Act, 2000 contains all the cyber laws that govern cyber crimes. Sections 66E punish those who violate the victim's privacy rights by capturing and sharing the private image of a woman without her consent, which can be used for image-based abuse.<sup>39</sup> Sections 67 and 67A provide guidelines regarding obscenity and sexually explicit material in electronic form. These sections are applicable in the case of cyber pornography.<sup>40</sup> However, the Information Technology Act lacks provisions regarding modern technologies like AI.

Another law of significance for the protection of women is the Bharatiya Nyaya Sanhita, 2023. Provisions for sexual harassment, voyeurism, stalking, and insult to modesty apply to online acts such as cyber-stalking and publishing private photos or videos.<sup>41</sup> This law recognises that there can be violations of women's rights online. However, enforcing these laws becomes extremely difficult due to anonymity of the perpetrator, issues of jurisdiction, and lack of expertise in handling technicalities.

There are significant constitutional guarantees for women's rights in India. Article 14 ensures equal protection under the law, while Article 15 allows for special privileges for women. Article 21 guarantees the right to life and liberty, including the right to dignity and privacy. This right to privacy has become more crucial following the recent judgment of the Supreme Court.<sup>42</sup>

The Indecent Representation of Women (Prohibition) Act, 1986 also applies to the digital

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<sup>38</sup> Constitution of India, Art. 21.

<sup>39</sup> Information Technology Act, 2000, s. 66E.

<sup>40</sup> Information Technology Act, 2000, ss. 67, 67A.

<sup>41</sup> Bharatiya Nyaya Sanhita, 2023, ss. 75, 76, 77, 79.

<sup>42</sup> Justice K.S. Puttaswamy v Union of India, (2017) 10 SCC 1.

domain through prohibitions on indecent representation of women.<sup>43</sup> This act too is archaic and inadequate for online content.

Institutional tools like the National Cyber Crime Reporting Portal act as a medium where individuals can lodge complaints about crimes committed against them. Furthermore, cyber crime cells and campaigns for awareness contribute to enforcement. However, the problem of underreporting still prevails, mainly owing to a lack of awareness and fear of stigma.<sup>44</sup>

In conclusion, the existing legal framework suffers from issues including obsolete provisions, poor enforcement, and the unaccountability of digital media platforms.<sup>45</sup> Thus, it is essential to revamp cyber laws, improve enforcement measures, and raise awareness. Additionally, the responsibility of digital platforms should be enhanced.

Thus, even though India boasts an elaborate legal structure that safeguards the rights of women online, it fails in its implementation owing to various obstacles. It becomes necessary to adopt a contemporary and technology-driven approach so that women can fully utilize their rights and respect.

### **State Obligation And Implementation Gap In Women's Safety**

Safety of women is a major issue even today in the era of digitization, whereby the dangers of safety have moved from being confined to physical space alone. While there are a number of laws in place protecting women's safety, it is evident that women do not feel safe because of the failure of these laws in implementation. It can be said that while there are laws and regulations to protect the safety of women, there lies a gap in their enforcement. In addition to that, even when the constitution ensures certain rights, they are more often than not limited to theory and never practice.

The constitution itself imposes an obligation on the State to safeguard women. Under Article 21, the right to life is provided, including both personal liberty and dignity, along with equality under Articles 14 and 15, thereby granting special protection to women. Judicial activism has further added to the constitutional obligation to ensure women's safety through the provision of privacy within the ambit of dignity and imposition of positive obligations upon the State to ensure women's safety.<sup>46</sup>

In today's era, where everything happens through digital communication, it becomes the duty

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<sup>43</sup> Indecent Representation of Women (Prohibition) Act, 1986.

<sup>44</sup> Sneha Iyer, "Cyber Harassment and Legal Protection for Women" (2021) 8 Journal of Gender and Law 112.

<sup>45</sup> Rahul Desai, "Cyber Laws and Protection of Women's Privacy in India" (2020) 6 Indian Journal of Cyber Law 91.

<sup>46</sup> Justice K.S. Puttaswamy (Retd.) v. Union of India, (2017) 10 SCC 1; AIR 2017 SC 416.

of the State to ensure protection from cybercrimes and regulation and redressal of online platforms. Unfortunately, there is a huge gap between the law and reality. Several women suffer from cyber-harassment, stalking, misuse of personal information but cannot access justice owing to weak enforcement, delayed investigation and lack of technological knowledge.<sup>5</sup> Social prejudice and fear of damage to reputation become an added hindrance to reporting cybercrimes, thus causing substantial underreporting of cybercrimes.<sup>47</sup>

A key problem that comes to light is lack of awareness about legal remedies. Most women do not know simple things like how to preserve digital evidence and make online complaints. Though there are laws against cybercrimes and to safeguard personal information of women, its reach will only be possible if women were aware of their rights and remedies.

Implementation gap shows why State accountability is needed. The failure of authorities to act makes the fundamental right of dignity enshrined under Article 21 meaningless. Recent judicial pronouncements indicate that the State can be accountable for violating the fundamental rights of individuals, making it imperative for the State to secure lives and dignity.<sup>48</sup>

Article 21's definition of dignity is constantly being refined, expanding from just security to include privacy, autonomy, and protection against online threats.<sup>49</sup> In this scenario, the State is expected to take preemptive action through better cybercrime investigations, improved technological capabilities, prompt delivery of justice, and education of the general populace. The online platforms are also obligated to prevent any misuse.

Consequently, poor implementation enhances the State's responsibility of actively securing women's safety. Therefore, digital safety forms a critical component of dignity as per Article 21.

### **Perspective On Digital Safety Of Women In Comparison To Other Countries**

The increasing use of the internet and social media platforms has led to the problem of cybercrimes including cyberstalking, online harassment, identity theft, and abuse of deepfakes. Such problems can be seen around the world. Different measures have been taken by different nations and comparing such measures will help to make the measures better in the Indian context.

The US has adopted both federal and state laws to tackle the problem. The Violence Against

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<sup>47</sup> Arjun Mehta, "Cybercrime against Women and Legal Remedies in India" (2022) 7 Journal of Criminal Law Studies 120.

<sup>48</sup> Nilabati Behera v State of Orissa, (1993) 2 SCC 746.

<sup>49</sup> Suchita Srivastava v. Chandigarh Administration, (2009) 9 SCC 1

Women Act (VAWA) provides protection against any gender-based violence including cyber harassment.<sup>50</sup> There are different laws at the state level that punish non-consensual distribution of intimate photos and cyberstalking. Privacy and freedom of speech are the focal point of the law system. There is no unified system of rules in the country.

The United Kingdom takes a more regulated approach through imposing duties of care on digital platforms. It ensures that platforms remove harmful content.<sup>51</sup> In other words, it makes digital platforms more accountable and responsible for preventing the violation of women's rights online. Germany takes even tougher steps through the Network Enforcement Act (NetzDG). It requires platforms to remove illegal content quickly and impose fines otherwise.<sup>52</sup> China operates on an extremely centralized system where tight cyber regulations and government control facilitate fast deletion of harmful material.<sup>53</sup> Although this helps enforce the rules effectively, it is frequently attacked for violating privacy and freedom of speech.

India, on the other hand, has established laws under the Information Technology Act, 2000 and criminal laws; however, its implementation poses difficulties.<sup>54</sup> The absence of strict deadlines, poor enforcement mechanisms, and lack of awareness make the laws less effective. As opposed to advanced nations, there are procedural delays and social stigmas hindering complaints.

From the above comparison, it becomes clear that adequate measures require proper enforcement, responsibility from the platforms, and sufficient knowledge. India should adapt to international best practices without compromising personal rights.

Therefore, enhancing enforcement and accountability is crucial in ensuring women's digital safety.

### **Findings And Observations**

The research has pointed out the clear discrepancy that exists between the constitutional promises made and the real-life experiences of women. Women rarely feel entirely secure; rather, most of them feel partly secure despite the legal provisions for their protection.

Violence is becoming more frequent in the digital space, ranging from stalking and harassment to creating fake accounts and spreading unauthorized images. Although digital media provide avenues of opportunity for women, they present grave dangers as well.

Issues of safety have a profound effect on women's behavior, as they tend to avoid posting

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<sup>50</sup> Violence Against Women Act, 1994 (United States of America).

<sup>51</sup> Online Safety Act, 2023 (United Kingdom).

<sup>52</sup> Network Enforcement Act (NetzDG), 2017 (Germany).

<sup>53</sup> Cybersecurity Law, 2017 (People's Republic of China).

<sup>54</sup> The Information Technology Act, 2000 (India).

themselves online, refrain from voicing their opinions, and minimize engagement because of fear of being harassed. Moreover, sometimes women even sacrifice educational and career advancement opportunities because of the associated fear, thereby compromising their fundamental rights, such as equality and freedom of expression.

Another key finding is the underreporting of offenses; women do not report violations because of fear of stigmatization, unawareness of the procedures, and distrust in institutions. It proves that, although legal frameworks exist, they are not being applied in practice.

The research also demonstrates that women value safety more than welfare and have started considering digital safety as an integral aspect of dignity under Article 21.

In light of the above, ineffective enforcement and lack of awareness still undermine the impact of legal protection, which makes digital safety a critical element of constitutional dignity.

### **Conclusion And Recommendations**

In this study, the security of women in India has been explored through the perspective of the constitution, law, and empirically. Although the Constitution ensures respect for dignity, equality, and personal liberty under Article 21, there is a wide gap between constitutional protection and actual safety of women in India.

Advancement of technology has also created different forms of dangers including cyber stalking, cyber harassment, and abuse of personal information of women. The results indicate that women in India enjoy partial safety and fear from harassment restricts their activities and ability to freely express themselves. Also, underreporting of cybercrimes because of fear of stigma, lack of awareness, and distrust of the authority further affects women's safety.

In comparative analysis of other countries, it is evident that nations like the United Kingdom and Germany enforce their policies effectively and ensure platform accountability compared to India. Therefore, there is no lack of legislation; instead, there is ineffective implementation of laws.

However, in order to resolve such concerns, it becomes crucial that cyber laws need to be upgraded in order to address the issue of novel technologies. There is also a need for stringent enforcement measures by way of better training and technology. The process of reporting also needs to become more streamlined and simpler for women.

This is necessary in order to ensure the protection of women in the digital realm as a matter of dignity under Article 21 of the Indian Constitution.

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