

Artificial Intelligence Vis-a-vis Women Empowerment in India

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Abstract:

Artificial Intelligence (AI) has become a transformative force in various sectors, including education, healthcare, employment, and governance. In India, AI has the potential to bridge gender gaps and promote women's empowerment. However, the legal and ethical dimensions of AI need to be analyzed to ensure fair and inclusive development. This paper examines the legal framework governing AI in India, its implications for women's rights, and policy recommendations for a gender-equitable AI ecosystem.

Keywords : Artificial Intelligence, Women Empowerment, Right of Privacy

"The future of AI must be diverse—women's voices are critical in shaping ethical and inclusive technology." – Reshma Saujani*

Gender prejudice and stereotypes are prevalent in the workplace, particularly for women in the Artificial Intelligence (AI) industry, where they can significantly hinder professional development and limit prospects for growth. These challenges contribute to the underrepresentation of executives in AI. However, with the right measures, these barriers can be overcome, leading to a more inclusive and diverse AI industry. Women in this demanding technological domain often face additional difficulties in achieving a work-life balance, further constraining their professional advancement and engagement in the industry.¹

Women empowerment is essential for achieving a fair and prosperous society. It can foster gender equality, drive economic development, improve education and health outcomes, enhance social and political participation, and break the cycle of discrimination. India has made progress in education, politics, and business, but much work still needs to be done to achieve real gender equality and foster an atmosphere in which women can thrive. Society, government, and individuals must work together to create a more inclusive and empowered environment for women in India.²

Currently, there are only 30% women working in AI as per the Global Gender Gap Report of 2023. With a population of over 1.4 billion, India (129th) has closed 64.1% of its gender gap in 2024. This result places the Southern Asian economy -2 ranks lower than the previous edition, with a marginally lower score (0.17 percentage points). This slight regression is mainly the result of small declines in Educational Attainment and Political Empowerment, while Economic Participation and Opportunity slightly improves. While India's economic parity score has trended upwards for the past four editions, it would need a further 6.2 percentage points to match its 2012 score of 46%. Achieving that objective will be possible through bridging gender gaps in estimated earned income (28.6%); legislative, senior officials, and management roles (14.4%); labour-force participation rate (45.9%); and professional and technical workers (49.4%). In the Political Empowerment subindex, India scores within the top-10 on the head-of-state indicator (40.7%). India's scores for women's representation at the federal level, in ministerial positions (6.9%) and in parliament (17.2%), remain relatively low. Parity in Educational Attainment is well underway, but challenges remain. Updated figures in Educational Attainment bring India's parity levels slightly down from prior scores. While the shares of women are high in primary, secondary and tertiary education

enrolments, they have only been modestly increasing, and the gap between men and women's literacy rate is 17.2 percentage points wide, leaving India ranked 124th on this indicator.³

In recent years, Artificial Intelligence (AI) has emerged as a potent force capable of reshaping numerous facets of society. Within India, a nation grappling with entrenched gender disparities and social hurdles, AI stands poised to wield substantial influence in advancing women's empowerment. This article seeks to delve into the background and ramifications of AI on the empowerment of women in India. Despite strides made towards women's empowerment in this diverse and culturally vibrant country, persistent gender inequities endure across key domains such as education, employment, and healthcare. Deep-rooted societal biases, unequal access to resources, and limited opportunities continue to impede the advancement of women throughout the nation. There is no direct intersection of AI and women's empowerment in Supreme Court judgments to date, the evolving legal landscape continues to address these critical areas, reflecting the dynamic interplay between technology and gender rights.⁴

Legal Framework Governing AI in India

Information Technology Act, 2000 – The Information Technology (IT) Act, 2000 plays a crucial role in women's empowerment by addressing cybercrimes, ensuring digital safety, and promoting equal access to technology. 1. Protection Against Cybercrimes

- Section 66E: Punishes violations of privacy, such as capturing, publishing, or transmitting private images without consent.
- Section 67 & 67A: Penalizes the publishing or transmission of obscene or sexually explicit content online, protecting women from cyber harassment and revenge porn.
- Section 72: Prevents unauthorized disclosure of personal information, ensuring women's data privacy.

Safeguarding Women Against Online Harassment

- Cyberstalking & Online Harassment: The IT Act, along with the IPC (Indian Penal Code), helps combat online abuse, including stalking, defamation, and trolling.
- Social Media Accountability: Platforms are required to remove offensive content upon complaints from women.⁵

Empowering Women Through Digital Inclusion

- Digital Literacy Programs: Government initiatives like Digital India promote tech education for women, ensuring economic and social empowerment.
- Online Redressal Mechanisms: The Cyber Crime Portal allows women to report cybercrimes easily.

Legislature Response :

AI Ethics Guidelines by NITI Aayog – NITI Aayog, India's premier public policy think tank, has been at the forefront of formulating guidelines to ensure the ethical and responsible development and deployment of Artificial Intelligence (AI) in the country. Recognizing the transformative potential of AI across various sectors, NITI Aayog emphasizes the importance of aligning AI initiatives with ethical standards and constitutional principles.⁶

Key Initiatives and Guidelines:

- National Strategy for Artificial Intelligence (NSAI) – 2018: This foundational document outlines India's approach to harnessing AI's potential in key sectors such as healthcare, agriculture, education, smart cities, and smart mobility. It introduces the "AI for All"

vision, aiming for inclusive AI adoption that benefits all citizens. The strategy also underscores the significance of ethics, privacy, and security in AI applications.

- Responsible AI for All – 2021: Building upon the NSAI, this two-part approach document delves deeper into the ethical considerations of AI in the Indian context:

Principles for Responsible AI: Released in February 2021, it establishes broad principles to guide the design, development, and deployment of AI. These principles are rooted in India's constitutional morality, emphasizing-

Safety and Reliability: Ensuring AI systems operate securely and as intended.

Equality: Preventing AI-induced biases and promoting fairness.

Inclusivity and Non-Discrimination: Guaranteeing AI benefits are accessible to all societal segments.

Privacy and Security: Safeguarding individual data and upholding privacy rights.

Transparency: Maintaining openness in AI operations and decision-making processes.

Operationalizing Principles for Responsible AI: Published in August 2021, this segment offers actionable recommendations to implement the aforementioned principles. It addresses:

Regulatory and Policy Interventions: Proposing frameworks to oversee AI activities.

Institutional Capacity Building: Enhancing the capabilities of institutions to manage AI's ethical aspects.

Encouraging Ethical AI Research and Development: Promoting innovation while adhering to ethical standards.

Through these comprehensive guidelines, NITI Aayog aims to foster an AI ecosystem in India that is not only innovative but also ethically sound and aligned with the nation's socio-economic objectives.

Constitutional Rights (Articles 14, 15, and 21) – AI's role in upholding women's fundamental rights. AI's Role in Upholding Women's Fundamental Rights Under Articles 14, 15, and 21. The Indian Constitution guarantees equality, non-discrimination, and personal liberty to all citizens. AI can play a transformative role in strengthening these rights for women, ensuring justice, security, and empowerment.

1. Article 14 – Right to Equality AI for Equal Opportunities⁷

AI-powered recruitment tools can remove gender bias and promote merit-based hiring in workplaces. AI-driven legal aid chatbots can provide free legal guidance to women, ensuring equal access to justice.

2. Article 15 – Protection Against Discrimination -AI for Policy Implementation

AI-driven data analysis helps the government identify gender disparities in education, employment, and healthcare. AI-powered monitoring systems can track gender-based discrimination in workplaces and public services.⁸

3. Article 21 – Right to Life and Personal Liberty- AI for Women's Safety and Security

AI-based SOS apps (like MySafetipin) use real-time data analytics and GPS tracking to alert authorities during emergencies. AI-powered cybercrime detection tools help combat online harassment, deepfake abuse, and cyberstalking. AI in healthcare enables early diagnosis of diseases like cervical cancer, improving women's health outcomes.⁹

Judicial Response :

There is no direct intersection of AI and women's empowerment in Supreme Court judgments to date, the evolving legal landscape continues to address these critical areas, reflecting the dynamic interplay between technology and gender rights. Following is some recent judgement that underscore the Supreme Court's dual approach: embracing technological advancements like AI to enhance judicial processes and delivering judgments that fortify women's rights and empowerment. *Shreya Singhal v. Union of India (2015)*: Struck down Section 66A, which was misused to suppress women's freedom of expression online.¹⁰

This landmark judgment by the Supreme Court of India struck down Section 66A of the Information Technology Act, 2000, for being unconstitutional as it violated the right to freedom of speech and expression under Article 19(1)(a) of the Indian Constitution. The IT Act, 2000, combined with evolving legal frameworks, empowers women by making the digital space safer, ensuring privacy, and promoting equal opportunities in the digital economy.

Vineeta Sharma v. Rakesh Sharma (2020): The Court affirmed that daughters have equal coparcenary rights in Hindu Undivided Family property, recognizing their rights by birth.¹¹ In this landmark judgment, the Supreme Court ruled that daughters have equal coparcenary rights in Hindu Undivided Family (HUF) property by birth, irrespective of whether the father was alive on the date of the 2005 amendment to the Hindu Succession Act.

Secretary, Ministry of Defence v. Babita Puniya and Others (2020): The Court ruled that all women army officers are eligible for permanent commissions and commanding roles, breaking gender stereotypes in the Indian Army.¹² This landmark judgment upheld gender equality by granting permanent commission to women officers in the Indian Army, ensuring their right to command positions on par with their male counterparts.

Deepika Singh v. Central Administrative Tribunal (2022): The Court expanded the legal definition of 'family' to include non-traditional structures, ensuring equal protection and benefits under social welfare legislation for women in such families.¹³

In Focus

AI-driven platforms must protect women's personal data from misuse. Strong data protection laws, end-to-end encryption, and strict compliance with privacy regulations are essential to prevent cyber threats and identity theft. Gender bias in AI algorithms arises from biased training data, leading to discrimination in hiring, healthcare, and legal decisions. Legal remedies include enforcing anti-discrimination laws, algorithmic audits, and AI ethics guidelines to ensure fairness. AI automation impacts women's labor rights, widening the gender gap. Policies promoting AI-driven upskilling, equal pay, and non-discriminatory AI hiring are necessary. India needs AI-specific legal provisions ensuring gender inclusivity, fairness, and accountability to prevent algorithmic bias and discrimination.

To ensure AI serves as a tool for gender justice, India must strengthen AI ethics and bias mitigation policies by enforcing algorithmic transparency, bias audits, and fairness checks. Developing AI-specific gender equality laws is crucial to prevent discrimination in employment, finance, and legal decision-making. Robust data privacy laws must safeguard women's personal information from misuse, with strict penalties for violations. Additionally, AI-driven legal aid platforms and safety initiatives, such as predictive policing and real-time distress alerts, should be promoted to enhance women's access to justice and security. A gender-inclusive AI framework will drive equitable technological progress.

End Notes

* Reshma Saujani is an American lawyer, politician, and activist known for her work in women's empowerment and technology. She is the founder of Girls Who Code, an organization dedicated to closing the gender gap in technology by encouraging young girls to pursue careers in coding and STEM fields.

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2. Impact of Artificial Intelligence on Women Empowerment Bhawana Meena, Research Scholar, Department of Business Administration, University of Rajasthan, Jaipur, *International Journal of Novel Research and Development* (www.ijnrd.org), Volume 8, Issue 6 June 2023 | ISSN: 2456-4184 | IJNRD.ORG
3. Global Gender Gap Report 2024 World Economic Forum Geneva Switzerland p.33
4. THE INFLUENCE OF ARTIFICIAL INTELLIGENCE ON WOMEN'S EMPOWERMENT Dr. Pooja Ramchandani, H.R. COLLEGE OF COMMERCE & ECONOMICS, AP BODHI TARU – Volume - VII Issue II April – June 2024, p. 435
5. The Information Technology Act, 2000 (IT Act, 2000) is India's primary law governing cyber activities, including electronic transactions, cybersecurity, and digital communication. It provides legal recognition for electronic documents and signatures and addresses various cybercrimes.
6. The National Institution for Transforming India (NITI Aayog) is a government agency that provides strategic advice to the central and state governments in India. The Aayog was established on January 1, 2015
7. "The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India."
8. The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, or place of birth.
9. "No person shall be deprived of his life or personal liberty except according to the procedure established by law."
10. The citation for *Shreya Singhal v. Union of India* (2015) is: (2015) 5 SCC 1
11. The citation for *Vineeta Sharma v. Rakesh Sharma* (2020) is: (2020) 9 SCC 1
12. The citation for *Secretary, Ministry of Defence v. Babita Puniya & Ors.* (2020) is: (2020) 7 SCC 469
13. The citation for *Deepika Singh v. Central Administrative Tribunal* (2022) is: 2022 SCC OnLine SC 1088