



CYBER ILLITERACY AND RESPONSIBILITY VIA SOCIAL MEDIA

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INTRODUCTION

In today's techno-savvy environment, the world is becoming digitally sophisticated and so are the crimes. Cybercrime cases such as online banking frauds, online share trading fraud, source code theft, credit card fraud, tax evasion, virus attacks, cyber sabotage, phishing attacks, email hijacking, denial of service, hacking, pornography etc. takes place. To combat these crimes IT ACT came into existence in the year 2000. But what were the reasons for existence of these crimes? People not familiar with the use of internet also termed as "cyber illiteracy" is the primary reason for cybercrimes. When a person chats with a stranger online, gives bank details online, posts a thing only for fun which might defame other party leads to cybercrimes. Posting about you private life constantly on social media, inclusion of common man via comments on social media leading to political war can also be charged for felonies. The burning issue (mob lynching) which caused so many killings was the result of cyber illiteracy and irresponsibility through social media. Initiative has been taken by government to enact laws for cybercrimes but the concern is not the law it is the implementation of law. Though technology cannot be banned and it is next to impossible but digital literacy can be promoted. A digitally literate person should possess both digital skills and

knowledge to use computer networks, engage in an online community, and understand the societal issues which are raised by digital technologies. Every individual should also know the consequences of his every action and act accordingly.

- Political war on social media

Revolution in social media has placed politics on a whole new level. Through Social media a political party not only attracts public at large but also knows what public wants because of the two way communication. But nowadays social media has become sole purpose of creating controversies and defaming others on a public platform. Young party workers who have built election war rooms keep up constant barrage of tweets, comments, posts on Facebook to promote their political party and to defame the opposition parties. Lately animated videos, memes, cartoon pictorial presentation of a political figure, trolls is trending on social media for attraction towards election campaigns. In some way or the other this is leading to political war on social media because not only the citizens observe such things but also have some say in it. Recently illogical hash tags have left no sanity on the platform. Indeed it is getting trended and getting more voice, but do such hash tags add any value? Social media is a double edged sword, it depends how a political party uses it and a perfect move can be really a game changer.

- Cyber Defamation

In cyber defamation, internet or other electronic device is used as a method to defame the other person or lowering the reputation of a person on a public platform.



Cyber defamation can be categorized into libel form(written form) and slander form (oral form). Liability of cyber defamation in India is of two folds:

Primary writers-Person who has written the defamatory content and published it on the cyberspace

Service providers- The ISP or bulletin board service providers which authorizes publication of defamatory statement. In cyber defamation a person's name is only damaged when the defamatory statement is disclosed to the third person.

Relevant statutes for cyber defamation are:

- Section 499, Indian Penal Code states that whoever, by words either spoken or intended to be read, or by signs or by visible representations, makes or publishes any imputation concerning any person intending to harm, or knowing or having reason to believe that such imputation will harm, the reputation of such person, is said, except in the cases hereinafter excepted, to defame that person.
- Section 500, Indian Penal Code states that any person held liable under section 499 will be punishable with imprisonment of two years or fine or both.
- Section 469, Indian Penal Code, This section deals with the forgery, in this if anyone creates false document or fake account by which it harms the reputation of a person. The punishment of this offence can extend up to 3 years and fine.
- Section 66A, Information Technology Act, 2000, this law has been struck down by the Supreme Court in the year 2015. This section defined punishment for sending 'offensive' messages through a computer, mobile Thus the criminal liability

of the wrongdoer can be fixed provided following two essentials are satisfied:

- Actus Reus i.e. Act
- Mens rea i.e. guilty mind tablet. Stand on the word 'offensive'.

Therefore, a techno-savvy person who works in IT department or is well versed with technology cannot commit cybercrime. In cases where IT act is silent, provisions of IPC come into existence (i.e. actus reus and mens rea).

- Human trafficking

It is the third largest organized crime after drugs and arms trade across the globe. Basically human trafficking is illegal commercial sexual exploitation or forced/bonded labor of the individuals in cyber space. Laws for anti-human trafficking in India are

1. Through the Immoral Trafficking Prevention Act (ITPA), the Indian Government penalizes trafficking for commercial sexual exploitation, with prescribed penalty of 7 years' to life imprisonment.
2. India also prohibits bonded and forced labor through:
 - Bonded Labor Abolition Act,
 - Child Labor Act, and
 - Juvenile Justice Act.
3. Sections 366(A) and 372 of the Indian Penal Code, prohibits kidnapping and selling minors into prostitution respectively. Penalties under these provisions are a maximum of 10 years' imprisonment and a fine.
4. Trafficking in Human Beings or Persons is prohibited under the Constitution of India under Article 23



5. Protection of Children from Sexual offences (POCSO) Act, 2012, which has come into effect from 14th November, 2012 is a special law to protect children from sexual abuse and exploitation.

6. The Immoral Traffic (Prevention) Act, 1956 (ITPA) is the premier legislation for prevention of trafficking for commercial sexual exploitation.

7. Criminal Law (amendment) Act 2013 has come into force wherein Section 370 of the Indian Penal Code has been substituted with Section 370 and 370A IPC which provide for comprehensive measures to counter the menace of human.

8. There are other specific legislations enacted relating to trafficking in women and children:

- Prohibition of Child Marriage Act, 2006,
- Bonded Labor System (Abolition) Act, 1976,
- Child Labor (Prohibition and Regulation) Act, 1986,
- Transplantation of Human Organs Act, 1994,

Apart from specific Sections in the IPC

9. State Governments have also enacted specific legislations to deal with the issue. (E.g. the Punjab Prevention of Human Smuggling Act, 2012)

In online sex trafficking, the traffickers will send friend requests/follow teenagers on social media and strike a conversation and start impressing the targeted victims, once the relationship between the two of them becomes stronger the process of trafficking takes place. However, in Forced Labor Trafficking the smugglers uses social media platforms for their advertisements, promising high paid jobs and security measures for employment. They usually

target the persons who are thinking of migration and youths from rural areas through their advertisement techniques. They use false photos in advertisements to hide the underage exploitation.

Lok Sabha has passed a comprehensive law to contain human trafficking; the bill covers "aggravated" forms of trafficking for forced labor, child bearing, begging and marriage and lays down stringent punishment for those who found guilty. In India the rate of human trafficking through social media platform is increasing due to cyber illiteracy.

Media trials

In India media is considered as the fourth pillar of democracy. No democracy can work without an effective media in place. But media trial hinders the judicial system. It takes away the right of privacy and the right of free trial of accused and hampers his reputation. Recently in numerous cases the media has passed its verdict even before the court has passed the judgment. The best example is the murder case of Arushi Talwar, wherein it preempted the court and reported that her own father Dr. Rajesh Talwar, and possibly her mother Nupur Talwar were involved in her murder, the CBI later declared that Rajesh was not the killer.

Article 19(1) of the constitution states the right of freedom of expression but on the contrary Article 19(2) empowers the state to put reasonable restrictions on freedom given by Article 19(1). On the other hand media trial violates the Fundamental Right secured by Article 21 (right to life and liberty) of an individual. Right to Privacy has been recognized as a right "implicit in



the right to life and liberty guaranteed to the citizens of this country by Article 21.

- Online texting resulting cyber crimes Nowadays, texting is the essential part of everyday life. It can be convenient sometimes and at times has serious consequences. A prudent man doesn't know online texting can create a trouble in the eyes of law in unexpected ways. Online texting with strangers can lead to crimes like:

1. Cyber bullying- Wherein threats or harassment is done through send offensive messages or pictures.
2. Sexting- In this type of a crime obscene photos or vulgar texts is send to an innocent person.
3. Prank calls- This charge involves texts sent to another person with the intent to annoy or harass.
4. Extortion- Sending texts of threats of violence or other criminal means to obtain money or property is extortion.

In the above mentioned crimes the foremost step used by strangers is to gain the trust of the victims. Then they will make you fall for them through flirty messages and once you are caught in the trap they will eventually ask your for bank details, your residence number or ask for your private photos (in case of teenagers) or even send you obscene photos. They might even blackmail you by hacking your social media accounts like Facebook, Twitter, Snapchat and Instagram. Due to this crime many individuals have either committed suicide due to depression or have been killed by the stranger. Crimes like child pornography, trafficking, money laundering has also taken place. These crimes are seen more in teenagers because if they don't get attention and acceptance in real life they seek for it online.

The traditional law dealing with obscenity (including pornography) in India is contained in sections 292-294 of the IPC. Section 292, IPC prohibits sale, letting on hire, distribution, public exhibition and circulation etc., of obscene material. Section 293 provides enhanced punishment for sale etc. of obscene material to any person under the age of twenty years. Even an offer or attempt to do so is punishable. Publishing as well as circulating of obscene photographs of women is also punishable under sections 3 and 4 of the Indecent Representation of Women (Prohibition) Act, 1986. These provisions can also be used for punishing people who circulate obscene material in electronic form. In view of the above, though ~~sec~~ 66A of the IT Act has been held unconstitutional by the apex court but still a victim of cyber offence would not be rendered remediless and could invoke the appropriate section and law to get desired relief.

• Mob lynching due to false news Fake news travels faster than the real news and its impact is deeper. The real cause behind mob lynching is the misinformation forwarded on Whatsapp. Rumors were spread through Whatsapp that a group of people in India are suspected for child trafficking and since any suspicious activities by any person has led to killing of the suspected target even if he is innocent. These rumors have led to mob lynching and killings of innocent people. There's also simmering tensions over Hindu vigilante groups who've targeted and killed Muslims. It takes the right of life under the article 21 guaranteed by the constitution of India. Explicitly, the Supreme Court directed the police to register an FIR under Section 153A of IPC and other such provisions of law



against those who indulge in these kinds of activities. In an attempt to make the trial process quicker, the Supreme Court has proposed day-to-day trial in fast track courts and additionally, maximum punishment to the accused in mob lynching cases. Explicitly, the Supreme Court directed the police to register an FIR under Section 153A of IPC and other such provisions of law against those who indulge in these kinds of activities. In an attempt to make the trial process quicker, the Supreme Court has proposed day-to-day trial in fast track courts and additionally, maximum punishment to the accused in mob lynching cases.

Basically, the problem is the bad prosecution and unfair investigation. In one of the cases in Uttar Pradesh that the police ignored the cause of justice by claiming that the attack was caused on account of a dispute arising out of a road accident. Therefore, there is a need free and fair investigation and prosecution. Recently Government has introduced the feature of Whatsapp, wherein the admins of the groups can control what the group members circulate. There are sections under IPC and CRPC for murder, unlawful assembly and rioting but nothing that takes cognizance of a group of people coming together to kill (a lynch mob). But merely enacting law is not sufficient implementation is the real task.

CONCLUSION

With the revolution in the cyber world a prudent man has to be alert and think twice before any step to be taken. As abovementioned crimes i.e. political war on social media is often due to inclusion of comments on political posts which leads to war, a man doesn't know just a comment will make such a big difference. This where

cyber illiteracy and social media responsibility comes into picture. Another issue is media trials it not only hinders the judicial system but also puts a wrong impression on the viewers and since everyone has faith in media they blindly follow and accept the opinions and suggestions given in media trails. To combat such cyber illiteracy or social media crimes Government should ban such trials or find alternatives like including cyber literacy subject, the laws and training for the same from schooling itself. And the adults or teenagers should know how to distinguish what is real and fake, be more alert while sharing details on social media or for that matter online, teenager should be more cautious while texting some stranger. Social media is a double edged sword because every like, shares, post, comments might be taken friendly by some and offensive by many. There are laws for cyber-crime but implement by an individual is quite a task.

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