

“Quest for Reality in the Clutters of the Virtual World”

**Stuti Shreya*

*Amity Law School, Amity University,
Noida*

***Prachi Gupta*

*Amity Law School, Amity University,
Noida*

ABSTRACT

Advancement of technology has paved way for the exchange of opinion, ideas and thoughts over the internet. It has certainly increased our connectivity and circle. It has been more than a decade since social networking came into limelight, meeting its objective successfully. Unfortunately creation of vicious circle over the social networking has resulted in the misuse of such a platform. The websites have created an atmosphere where influential netizens are not just sharing their professional but also personal sphere thus leading to activation of cyber cells in cyber body.

Countless inventions or discoveries has expanded the horizon of science but has also set upcoming challenges for the legal horizon. Law, no doubt is dynamic and but the need of firm laws is an urge before the abuse reaches its last straw. This paper discusses the ways in which social networking has been misused, puts a light over these viscous circle and the emergence of new laws to act as a regulatory body over them .

KEYWORDS:

Cyber cell, Cyber body, Netizens, Horizons , social networking,

INTRODUCTION

Human race has covered a very long journey of evolution and this evolution is a continuous process. From crawling apes to walking humans , from stone age to coin age to digital age not just biological but also technical the evolution is never ending . The quest for more has led to countless discoveries.

Talking about Indian context, digitalisation has proven to be a boon for the growth of the country. Better connectivity with just a click of a button has reduced hindrance towards internet access. It didn't even take a decade to have internet service in our cellphones which earlier was majorly available in the cyber cafes or broadband services. Now the reduced cost of internet data has created a great demand and usage. Frankly speaking today even people of lower income group have an access to the internet. A survey showed that India is the second largest internet user in the world with 391 million users followed by United States and the primary link in between population and internet is the smartphone¹. The service of internet have no parameter for its users. Cheaper and easier internet service has added many faces on the social networking sites. One of the best aspect is distance these days really don't matter as that long lost friend is away from just a click of a button. Prime most objective of social networking is actually networking i.e. connectivity.

HOAXES CLOUTING REAL LIVE

Tired of coming across Rowan Atkinson (Mr. Bean) death hoaxes or Montauk Monster hoax? The hoaxes are now not just limited to April fool's day rather has turned into a disturbing weapon by anti social elements. The world over the internet commonly known as the virtual world is a world created by us and for us, running parallel with the real world. Off course these two parallel worlds meet each other, this world over the internet is unfortunately and majorly unchecked. It is a platform where the opinions (popularly referred as posts) are expressed and shared without a check over them. The question of 'check' arises because this expression is not absolute constitutionally, there are over 1000 movies released in India every year, all these movies go through this 'check' namely Censor board of Film Certification. The certification specifies the audience for the content, universal or adult. Cinema is a medium of expression and putting a regulatory body is necessary to implement this check.

Unlike cinema the web world is accessed per second but numerous users, the content over these websites are the posts of its users which are introduced to a larger group of people without a regulatory body acting upon the content. Off course the audience for such posts are limited to the number of people linked with that user account. The word viral is very commonly used over the web space, this means circulation of a data rapidly over larger number of internet users. The viral data is not scrutinized before being introduced to a

¹ Worldatlas.com list of country by internet users visited on 10th of august

larger audience . The net result is the validity, reliability of these data remains unchecked . There are very few people who cross check such data before sharing and the net result is **hoaxes** . Very popular medium of circulation of such hoaxes is whatsapp , proper anatomization is needed. Mob violence in our country is repetitive in nature and this will result in atrocious real world impact . As it is said that prevention is better than cure .

As mentioned earlier the users of the internet have no parameters, thus an educated person will respond to such hoaxes differently than an uneducated person. Given below are some types of hoaxes prevalent in India:

- 1) academic hoax
- 2) criminal hoaxes which diverts the time of investigation
- 3) computer virus hoaxes
- 4) art world hoaxes

Social media hoaxes is also pumping up the murder of innocent people. Recently in the month of July, two men namely Nitopal Das and Abhijeet Nath were beaten to death by the villagers as a viral news of ‘child lifters’ was circulated through whatsapp . Without cross checking mere suspicion led to the death of these two innocent. The duo was travelling through Karbi Anglong district.

Another instance can be taken from the year 2012 when the casualties in an earthquake were morphed into Muslim casualties of mobs in Assam and Burma. The internet world was flooded with the posts against the Hindu vagrants living in South India. This led to mass migration of people from North eastern states who were compelled to return back to North east. The net result was stimulating mass mania in apothegmatic span.

SOCIAL MEDIA IGNITING THE FIRE OF HATE

Ours is a country which beautifully holds unity in diversity, but one can’t ignore the feeling of seclusion which is persisting in some communities for ages. This brings us to some answered question, haven’t these communal riots existed before the advent of social media? Are racial riots a completely new marvel? The answer is no. The fear of existential crisis amongst the oppressed community has generated hate. This fear can however be cured with

education but where there is no education fear generates hate. The debates posted online is the result of the talks we have/had offline. The worst riots of 1947 (Hindu Muslim riots) or 1984's anti Sikh program existed before the social media came into being. The difference is earlier the incidents were only limited to the people present over there but now with 136 million active social media users even a minor incident gets exaggerated. The communal concentration which earlier was limited to only verbal medium is now dilated upon posts and shares. The surprising part is whatever is taught to us in Moral Science lessons in the schools are totally watered down upon these platforms.

THE HATE SPEECH WITH A TINGE OF COMMUNALISM

Any person who uses the internet is called a netizen. Internet's web world is a medium as well as the platform to exchange our opinions. The active users of the internet often act ignorantly and at times end up hurting the feelings of an entire community. The ignorance is not just related to hurting a belief or faith but also ignorance of law. At a grassroots level one can't find communal intolerance except for few cases. There is a constant use of communal play cards while describing an incident over the web world. What disturbs the most that such incidents are widely discussed only when the political agenda fits.

Let's take an instance of Kathua Case which shook the entire country was later turned into battle in between two communities. Rape and murder is a heinous crime and punishment must be given for the same. But the ignorant netizen in social media gave the judgment even before the investigation was completed. The words like 'devistan' "Hindu temple" were associated with the crime. Even celebrities came up with their posts describing the incident giving it a communal tinge. Later in the post mortem report no rape was mentioned. Here news was highlighted in such a way that it was bound to cause disturbance.

A year back a very renowned movie director disturbed from violence on the sets of the movie 'padmavat' tweeted about "hindu terrorism". This is a very insensitive remark at least not expected from a personage who has earned his audience. There is a group of people who consider themselves intellect and go on making derogatory communal remarks. The question to them is how the world seems to you from the sky scrapers ? How do personages suffer the problem of common people ? There is no hate , there is no battle. Talking about crimes and riots they existed long before and that's why the ones who do it are called antisocial element.

Labelling it as communal intolerance is not at all justified. There is an urgent need to tell them to get out of their air conditioned cabins and to realize the world is much peaceful and tolerant. These people are just like the fishes of a pond who have no clue about the depth and darkness of the sea.

The ‘tweets’ of the personages are nothing but the proof of their ignorance. This democracy is secular and even disguised communalism is unacceptable.

FREEDOM TO SPEECH AND EXPRESSION A CONSTITUTIONAL OVERVIEW

Our Constitution itself safe guards our rights to freedom, there are many ways to express ourselves and cyber space is one such medium. “Everyone has the right to freedom of opinion and expression, this right includes freedom to hold opinions without interference and to seek and receive and impart information and ideas through any media regardless of frontiers”² It is very necessary to know that this freedom is not absolute i.e. this right has certain restrictions as imposed by Article 19 (2) in the interest of the dignity and sovereignty of India. Quoting article 19 (2)

“Nothing in sub clause (a) of clause (1) shall affect the operation of any existing law ,or prevent the State from making such law, in so far as such law imposes such reasonable restrictions on the exercise of the right conferred by the said sub clause in the interests of the *sovereignty and integrity of India , the security of the State , friendly relations with foreign states,public order , decency or morality or in relation to contempt of court , defamation or incitement to an offence.* “

These heads are discussed as under

- ***Sovereignty and integrity of India*** – Restricts and refrains a person from making such expressions that challenges these two .
- ***Security of the state*** – Any expression which leads to hamper the security of the State by crimes or violence that is intentionally done to bring down the government , waging of war and rebellion against the government , external aggression or war etc . Can be prohibited or the security of the State .

² Article 19 (1)a Indian Constitution en.m.wikipedia.org/freedom-of-exp-ression-in-india

- ***Friendly Relations with foreign states*** – If any expression causes imperil the relation of India with other State .
- ***Public order*** – to maintain the peace amongst the public
- ***Decency and morality*** – it has a wide meaning and it differs from situation to situation.
- ***Contempt of the court***
- ***Defamation***- It is also criminalised . Defamation means an activity which affects the reputation if other.
- ***Incitement to offence*** – It restricts any person to make a remark which incites the other person to commit an offence

Over the years social media has not only been a medium of communication but also it has been a media where our views are expressed , it is often noticed that these opinions are the result of someone's biased opinion . India is a nation with numerous cultures and beliefs and it is the duty of every citizen and Government that such opinion don't hinder our unity . At times these expression often violates the above stated exceptions and are not **scanned** when expressed.

ANTIDOTE TO SUCH CONTENT

It can be done in by the duo of enforcement and awareness. Enforcement is needed from legal aspects duly functioning with much awareness of public. There is a norm by the companies like facebook, twitter whatsapp to take an respond to the complaint within 36 hours. The guidelines of the government will bind these companies to take an action within few hours. The new guidelines under the section 79 of the information technology act will necessitate the company to respond to complains of the general public and not just government and court. **Cyber law expert and Supreme Court advocate Pavan Duggal said a majority of the companies are not aware of the guidelines and even if they are aware, they chose not to follow those. "There is no enforcement mechanism; there is no deterrence in case you don't comply."**

Recent Judgment of the Supreme Court in the case of Shreya Singhal v.s Union of India³ (year 2015) where a bench on two judge Justices Chelameswar and Nariman. sat on the issue of online speech and intermediary liability in India. It watered down the section 66A of the information technology act on unconstitutional grounds as it was violating the article 19 (1) (a) of the constitution. Under article 19 (2) there is reasonable restrictions on such speeches but even that virtue couldn't save section 66A of the act. According to prescribed section:

The act punishes send by computer or communication device

(a) any information that is grossly offensive or has menacing character; or

(b) any information which he knows to be false, but for the purpose of causing annoyance, inconvenience, danger, obstruction, insult, injury, criminal intimidation, enmity, hatred or ill will, persistently by making use of such computer resource or a communication device,

(c) any electronic mail or electronic mail message for the purpose of causing annoyance or inconvenience or to deceive or to mislead the addressee or recipient about the origin of such messages,"⁴

Arbitrariness could be sensed from the section and it was ambiguous in nature this led to the misuse of the section and caused harassment to the intermediaries. Secondly, Section 79 of the IT Act, which led to grim liability regimen over the intermediary were also brought forward in form of writ petitions before the Supreme Court, which were introduced together to the two judges. Section 79(3) (b) is valid. If we break down the meaning of the section it says- "after receiving knowledge through notification of the government or any of its agency that any data or information and links associated with the computer controlled by any other person and the same is being utilised to commit an unlawful act related to Article 19(2) , and the third party neglects to remove or evacuate access to that material without tainting the proof in any way".

Currently the Government of West Bengal is preparing a data bank for fake news keeping in the records of the past offenders and offences. This will help to bring clarity in the nature of offence and the punishment for the aforesaid offence. The laws will be formed by keeping such records in view and the data bank will keep the record of hoaxes of the state and same for the other parts of the country.

³ AIR 2015 SC 1523, Supreme Court of India.

⁴ Section 66A information technology act

On 4th of July ,2018 Government expressed its disapproval upon the disturbance caused due to fake news and asked the whatsapp to “take accountability and responsibility” through its platform. In response whatsapp said that they don’t need their administration to be used in a way to spread destructive misleading information and they think profoundly about well being and safety of individuals for that it uses signal protocol, designed open whisper system based on encryption that prevents third party and whatsapp itself from accessing messages. To counter this experts focused by saying government should strengthen its IT act to ensure compliance of law and expelling of hostile substance and this will ultimately lead to turmoil over internet system that private information are being imparted to government. From legal aspect whatsapp does not have any data server in India so whatsapp chose not to comply with Indian law .The government on its behalf can only come up with rule under section 87 of the IT Act,2008 without reaching the parliament for regulation of these intermediaries. Pavan Duggal advocate of Supreme Court concluded by saying “that whatsapp need to remove the offensive content . Besides authorizing section 79 and 85 for the this offensive content Country like India needs a “Fake news law” too and determine punishment for the same”.

Grim conclusion of the content

“Falsehood flies, and the Truth comes limping after it,” Jonathan Swift

One of the exemplary question that has grasped the reality is whether internet based life transformed people into venomous, disdainful, resentful individuals who are driven by religious and ideological fusion and and are ready to shred one another at the scarcest trace of distinction in thoughts and opinions.

Another question is did political or religious ideology did not matter earlier? Were all public and intolerant individuals in India conceived after the approach of web based social networking? These questions cannot be answered without referring and reviewing the past.

From the above paper, it is very clear that none of this is new. There is always difference in opinions since beginning of the time perhaps i.e before emergence of social networking.

Some of India's worst riots happened when no social networking were in existence as discussed in paper above.

Thus hatred always existed and showed up but in form of minor clashes or riots which affected those living in nearby vicinity. But seeing the current scenario individuals i.e pseudo intellects on social media are waging on web uproars that are causing harms so profound that scars may never mend. This polarisation is created by intellects which before spread through word of mouth now shifted online with probable shares in one click of button. On going debate over rape case which was later got communal tinge and hoaxes spreading through social networking are affecting people specially in virtual world.

At this last point in our research, we have discovered a considerable measure about the effect of online networking upon society. We found that numerous individuals take being on interpersonal interaction to an entire distinctive level and go to various limits with it. The adolescent, pseudo intellects, anti social elements of today are growing up with this new innovation and subsequently think associating through this new media is an essential correspondence for the present life. We should redesign our information ecosystem in world of social networking to reduce the spread of fake news and jaw to underlying abnormalities and malfunction it has come up with. Fake news has become hot political topics in 21st Century as political activities influences people. Connecting politics with every issue and little bunch of fake news through web affects the individuals demographic and social character. What happens online gradually moves offline and affect these netizens face to face causing communal and social differences. whatsapp, facebook twitter have become major platform for all hatred. There should be a statutory warning for creating awareness amongst the users that posting any hostile substance might drag them to face legal consequences.

It is unclear whether intervention of government or law imposed could help in reversing the tendency of spreading of hoaxes among individuals as social networking amplifies false information and neither of the experts have any explicit remedy to reverse the trend to large extent. It is a risky minute for any arrangement of government to take strict action for reversing the trend completely till there will be public awareness at large i.e.government and netizen need to be on same page. Till then quest for reality in clutters of virtual reality perjures.