

## SOCIAL MEDIA AND CYBER LAW IN INDIA

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### INTRODUCTION

Social media is the dream or imagination of people that has come true in recent years. Being able to talk to our loved ones and share our views and thoughts on different social media platforms such as Instagram, Twitter, Pinterest, etc., We have come a long way. But this has made people's mindset that they can share anything on it. At various times people usually share their thoughts without thinking of the consequences they would face if it triggers someone. Here, cyber laws or IT laws come in hand, they regulate these areas of technological information. Cyberlaw looks after the legal side of the internet and social media and also the criminal and illegal things that are usually on them. Anything related to technology and posted online through our phones, laptops, etc. Intellectual property, the privacy of data, bonds, protection of privacy, and data are the main elements of the cyber laws of India. The aspect of a software license is still under development and is controversial. The cyber laws of India give legal recognition to construction that supports e-commerce transfer and transactions. It also helps with electronic documents and accounts for them.

We can see the example of someone who posted a picture having some sensitive issues asked us if we want to see that or not. The police have now started to take actions against those people as well who shared hate speech or negative thoughts on social media and force the creator to remove the particular post or legal action would be taken against him. This not only made people aware of not sharing these kinds of things but also not posting from our profile as well. We should get practical and be realistic that being on social media we have to be attentive and mature about what we are posting and sharing. We should not be in a bubble of imagination that we can hide under someone's name by just sharing something illegal, the legal prosecution would be taken against the person behind that post as well as the person sharing that stuff on his social media platform and supporting it. The jurisprudence on social media misuse in India is only beginning to change. As a nation, we have just very few cases that show the misuse of social media, and cybercrime on social media. However, given the speed of adoption of social

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media, it is natural to expect that more and more cases of misuse of social media need to be registered, investigated, and prosecuted. Further, the focus of the prosecution must be to try to get convictions to give a message to the whole community that social media is not a free-for-all system but a medium that is appropriately regulated by rule of law in society. The entire issue of social media scandals that happened due to these things is a constantly evolving paradigm. people will be curious to see how jurisprudence on social media issues in India evolves with time in the future.

## CHARACTERISTICS OF CYBERLAW

**COPYRIGHT:** Creative work is an asset for a company that wishes to make a profit from it individually. To protect these assets, Copyrights are reserved for the company that has created the work or content. The cyber laws in India protect the works of the content creator or the owner of that particular thing. The Internet has provided a way for a smooth flow of information and so made it easier for the people who do illegal stuff to steal work, but the cyber law in India helps in regulating them and teaches them a good lesson.

**FRAUD:** Online fraud can be devastating, mentally, and economically. It can be done by one. The cyber laws in India are created to restrict these kinds of identity theft and credit card theft. It covers all the financial crimes that are online frauds that people often do. The consumer can file a cyber case against the fraud which has been done to him. The criminal may be subjected to confederate and state criminal laws.

**STALKING AND HARASSMENT:** Cases of online stalking and harassment are easy to find these days as everything is on the internet whether it is the information of the plaintiff or the information of proof. Harassment can range from as mild as sending unwanted pictures to continuous and uninterrupted threats to a person. It can emotionally and psychologically challenge a person's sanity to come back into a normal healthy lifestyle. This is against both criminal and civil laws in India.

**TRADE:** Cyber laws in India help companies to safeguard their trade secrets and maintain their interest to be hidden from the hackers' eyes. They can take legal actions on the grounds of cyber laws against cybercriminals who have infringed on the secrecy and privacy of commerce, trade, and economy of the company or the owner's work.

**FREEDOM OF SPEECH:** The cyber laws in India help in maintaining the dignity of the internet. Regulating the content online and filtering out any obscenity makes the internet safe to use for everyone. It makes sure that whosoever is using the internet is safe and his works or information is not getting leaked if anybody is triggered with anyone's opinion.

**TERMS AND CONDITIONS:** The Contract that we agree on when a website shows the list of its terms and conditions is also a kind of cyber law. It informs you about the agreement to use the website further. The cyber laws in India help to protect the privacy concerns of both parties and make the reader or the visitor sure that they have to face certain terms and conditions to follow up the further information.

### IMPORTANCE OF CYBER LAW IN INDIA

Cyberlaw acts as a vacuum cleaner in the house for the internet. It cleans the web and makes it safe for the viewer to use. It keeps an eye on all the things happening around the world on the internet and makes sure that if there is something that is inappropriate for the internet or has some kind of criminality in it, they remove it and take legal action against it. Some of the factors that cyber law lays on the internet are as under:

- It maintains the security of data and intellectual property. As mentioned above, all the trade secrets and copyrights are safe within the internet and if it is infringed then legal action could be taken against the owner of the company which is the plaintiff.
- It makes the transaction, transfer of money via internet-based mediums. Also makes the transaction safe on the internet and makes sure that it won't get hacked by any illegal activity.
- It helps in stopping online frauds from reaching the consumers as many people have already faced these kinds of frauds, people must be aware and there must be some laws to protect these kinds of thefts.
- Identification and digital signature are given recognition and validity of the person who is the real owner.
- It tackles cases of harassment and stalking which is very common these days but because of all these cyber laws, they have been reduced. The cyber laws in India make the internet a safer place in the mental and sexual context as well. It also helps in creating a robust legal infrastructure for the companies and creators that are concerned

with internet-based activities and make their work safe from being used in illegal activities.

### **CYBERCRIMES INVESTIGATION CELL**

If anyone gets into any kind of problem that comes under cyber law, they may immediately contact the cybercrime investigation cell. Cybercrime investigation police station has been set up in various cities in India. These cells are currently present in New Delhi, Mumbai, Noida, Hyderabad, Rajasthan, and Punjab. We may file a complaint in these cells for the violations of our laws and may take legal actions against the wrongdoer.

### **OFFENCES UNDER CYBER LAW IN INDIA**

- Tampering with computer source Documents Sec.65
- Hacking with computer systems, Data Alteration Sec.66
- Sending offensive messages through communication services Sec.66A
- Dishonestly receiving stolen computer resource or communication device Sec.66B
- Identity Theft Sec.66C
- Cheating by personation by using computer resource Sec.66D
- Violation of privacy Sec.66E
- Cyber terrorism Sec.66F
- Publishing or transmitting obscene material in electronic form Sec.67
- Publishing or transmitting of material containing the sexually explicit act, etc. in electronic form Sec.67A
- Punishment for publishing or transmitting of material depicting children in the sexually explicit act, etc. in electronic form Sec.67B
- Preservation and Retention of information by intermediaries Sec.67
- Powers to issue directions for interception or monitoring or decryption of any information through any computer resource Sec.69
- Power to issue directions for blocking for public access of any information through any computer resource Sec.69A
- Power to authorize to monitor and collect traffic data or information through any computer resource for Cyber Security Sec.69
- Unauthorized access to protected system Sec.70
- Penalty for misrepresentation Sec.71

- Breach of confidentiality and privacy Sec.72
- Publishing False digital signature certificates Sec.73
- Publication for fraudulent purpose Sec.74
- Act to apply for offense or contraventions committed outside India Sec.75
- Compensation, penalties or confiscation not to interfere with other punishment Sec.77
- Compounding of Offences Sec.77A
- Offenses with three years' imprisonment to be cognizable Sec.77B
- Exemption from liability of intermediary in certain cases Sec.79
- Punishment for abetment of offenses Sec.84B
- Punishment for attempt to commit offenses Sec.84C
- Offenses by Companies Sec.85
- Sending threatening messages by email Sec.503IPC
- Word, gesture, or act intended to insult the modesty of a woman Sec.509 IPC
- Sending defamatory messages by email Sec.499IPC
- Bogus websites, Cyber Frauds Sec.420IPC
- Email Spoofing Sec.463IPC
- Making a false document Sec.464 IPC
- Forgery for purpose of cheating Sec.468 IPC
- Forgery for purpose of harming reputation Sec.469 IPC

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## CONCLUSION

In the end, this can be concluded as everyone should behave responsibly on the internet and be careful of whatever they are doing. Cyber laws in India are working to keep us safe and secure on the web and to make our information safe from all hackers, but awareness about such provisions should be propagated to develop a healthy society in an online world. As of now, many cybercrimes must have been reported in the country. Many have been solved, many are going through the process. To ensure safety it is important to know that we should also be very careful while posting or doing any kind of thing online. If anything by mistake also has been said or done illegally then serious legal actions would be taken against us as well.