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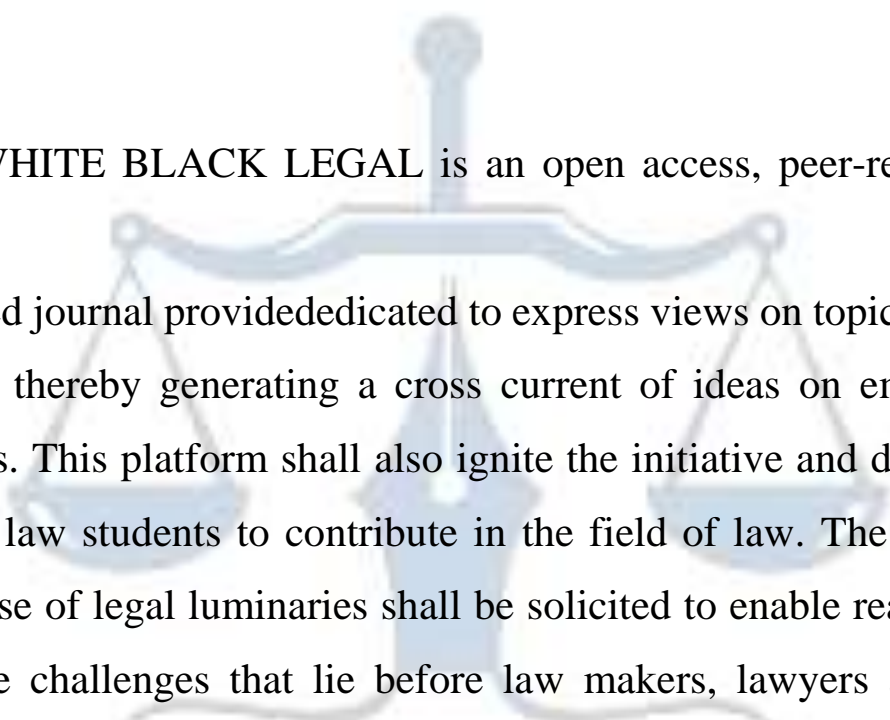


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## ***ABOUT US***



WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal providededicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

# **SOCIAL MEDIA, CRIME AND RELATED LAWS IN INDIA**

AUTHORED BY - ADVOCATE SONAM

## **Abstract**

This research paper is focused on the study of social media, and how it impacts person's minds which triggers cyber crimes. Recently, which modes of social media are being used by the public, and what impacts have been raised on it? It is essential to know the good and bad of every media source and even the prevailing law regarding it. Therefore, this research paper will try to help to know these facts (the social media sources, related crimes, and their related laws). Further, this research paper talk, how social media perform a big role to frame our perception about crime. The article introduces the concept of "Hate Crime" as "any criminal offence which is perceived, by the victim or any other person, to be motivated by a hostility or prejudice." This article emphasizes that while social media can be used to share knowledge and ideas, it can also be misused to spread hate speech and trigger negative mindsets. This article highlights the complex and potentially harmful role social media can play in exacerbating social tensions and promoting hate crimes in India, emphasizing the need for careful consideration of its impact on society.

## **Introduction**

The utilization of social media is on the rise with each passing day. Each individual is developing a tendency to habitually engage with social media. We can even assert that social media has become an integral aspect of our daily existence. It was purported that the recent social media platforms were utilized by individuals as a mode of promptly transmitting information regarding the occurrence of events, and as a means of social organization to instigate acts of civil unrest. The swift interconnectivity has unveiled possibilities for malefactors to manipulate security loopholes on the internet. Not only conventional crimes but cybercrimes have also been observed on the internet. Social media platforms have become essential tools for reporting crimes, offering a quick and accessible way for individuals to share information with a large audience. People can use platforms like Twitter, Facebook and community-based forums to report incidents in real-time, often complementing or even



surpassing traditional reporting methods. As per the report of National Crime Report Bureau, in the year 2020, 578 incidents of fake news on social media have been reported.<sup>1</sup> Recently, the Supreme Court of India

### **How social media play a dynamic role in spreading hate crime in India**

Presently, there are various ways to socialize through social media such as WhatsApp, YouTube, Snap Chat, Twitter, Instagram etc. The main feature of Social Media to connect people each other by sharing their personal information with the privacy policy. In the current era, every age group of person uses social media and become habitual of it. They blindly faith on the information, news disseminated on social media and make their mind accordingly. As social media reduces the capability of youth to research or to find out the true facts, they do not check the credibility of videos, or information shared on social media<sup>2</sup>. Social Media, while having positive aspects, also has significant negative impacts. It can be used to spread fake news, rumors, and misinformation. There is a growing concern about social media's role in caste clashes, communal violence, mob lynchings, and murders. Social media is seen as a threat to national unity and integrity by potentially dividing the nation along religious and caste lines. Recent incidents of communal violence and caste clashes have been linked to social media's influence. Social media has been used to spread fake news, create wrong perceptions about victims, and mislead masses, leading to violent incidents. It is being utilized for organized crime, promoting political agendas, damaging reputations, and spreading fake news against majority and minority groups<sup>3</sup>.

### **Laws prevailing in India concerning fake information or news**

As there are various laws prevailing in India, however, there are no specific laws in India concerning the dissemination of fake news or fake information on Social Media. At some level, some provisions of Information Technology Act, 2000 (hereinafter referred as IT Act 2000) and Indian Penal Code 1860 (hereinafter referred as IPC 1860) are useful in controlling these unpleasure activities on Social Media. Now, IPC 1860 has been replaced by Bharatiya Nyaya Sanhita, 2023 (hereinafter referred as BNS, 2023). As per the section 353 of BNS, 2023 if any person makes, publishes, circulates false information, rumours, or reports with intent or likelihood of causing harmful outcomes including through electronic means then he will be

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<sup>1</sup> <https://timesofindia.indiatimes.com/india/india-reported-11-8-rise-in-cyber-crime-in-2020>

<sup>2</sup> <https://thinkindiaquarterly.org/index.php/think-india/article/view/13939/9184>

<sup>3</sup> <https://thinkindiaquarterly.org/index.php/think-india/article/view/13939/9184>

prosecuted for it and will be punished up to 3 years imprisonment or fine or both. Section 197 (1)d of BNS, 2023, criminalize those persons who are alleged for making, publishing false and misleading information in visible representation, words, written words, spoken words or through electronic means which results danger to the sovereignty, integrity, unity, or security of India which punishable up to 3 years imprisonment or fine or both and if the same offence occurred during religious ceremony in worship place then this offence will be punishable up to 5 years imprisonment and may includes fine too.<sup>4</sup>

## **Methods by which crime through social media be prevented**

### **1. Word of Mouth:-**

Share our views through word of mouth for awareness regarding facts disbursed on social media. Encourage the people to find out the credibility of the facts disbursed on social media so that they will be made sure yourself about the credibility of these facts. Do not trust immediately on any news or information shared on social media first recheck it thoroughly, although these facts are shared with some trustworthy sources. It will help them to be more attentive.

### **2. Enforcement of prevailing laws strictly**

No one take serious with regard to fake news or information uploaded on social media even they prepare their own perceptions with regard to that information. If justice system take prompt action on such kind of information and aware the people about it then it will help to resist the melafide intention of the wrongdoer. As above mentioned that there is no specific laws for such kind of crimes, however, some provisions of other act/ code are in enforcement, therefore, these provisions should be strictly applied to abide the unpleasure activities on social media.

### **3. Fix the responsibility of the administrators of social media**

It is most important that the credibility of every fact disbursed on social media must be checked it out by the administrators of the social media. Therefore, it become must to fix the responsibility of the administrators to check the credibility of the facts uploaded in social media because they the owner of their platform and it is their responsibility to check the credibility of the facts uploaded on their platform.

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<sup>4</sup> <https://www.cyberpeace.org/resources/blogs/countering-misinformation>

**4. Responsibilities of an Individual-** It is responsibility of every individual if he visit any platform of social media and he watches any video or reads any information, he should check the credibility of this fact through other sources too. It become a weakness of our youth that they don't want to research the facts and blindly faith on the materials uploaded on social media. Therefore, it become more important for the youth to be aware for credibility of facts uploaded on social media. It is duty of everyone take their responsibility and should not create a message which threats the communal harmony even he should promote and develop the messages that uplift the integration of people.

**3. Responsibilities of Government** –Government should play a role as unbiased and transparent structure. Government should direct their Information Technicians that they trace out the persons who are spreading fake news and hatred so that they can be punished and immediately stop those messages which are spreading hatred, fake news & rumors. As we know, there are no specific laws to control/prevent the crime held due to non reliable information spread on social media platform therefore, Government should make the laws to prevent communal harmony and to stop communal hatred and make ensure these laws should be properly implemented not only for the papers.<sup>5</sup>

### **Conclusion:-**

In day to day life, every person become habitual to use social media platform such as whats app, snap chat, Instagram, twitter, face book and so on and they spent hours on that. On the other hand, some person upload unreliable information to threat communal harmony of the nation and users blindly faith on such kind of information without checking its credibility which is dangerous for integrity of our nation. There is no specific law to prevent such kind of activities, however, some provisions Information and Technology Act, 2000 and Criminal laws are prevailing there but it is not sufficient. Some specific laws are required to prevent hate toward communal harmony and some active initiatives of the Government.

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<sup>5</sup> THINK INDIA JOURNAL, Role of Social Media in the Promotion of Hate Crimes in India , Kunal Chaudhary