

Jurisprudence of Technology Laws

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ABSTRACT

In today's rapidly evolving world of science and technology, our interactions with devices like Alexa and Siri have become as commonplace as conversations with family members. Initially, technology served to create products, generate services, or achieve desired results. However, the advent of affordable and accessible new technologies has ensnared everyone in its web, even influencing mundane activities such as drinking water, with smartwatches reminding us to hydrate. Services like Swiggy and Zomato deliver food within minutes, fostering a culture of convenience that can make us lethargic. Technology's impact spans across booking travel tickets, movie reservations, online shopping, and virtual classes, making us increasingly reliant on it. Traditionally, the essentials for human life were "Roti, Kapda, aur Makan" (food, clothing, and shelter), but now smartphones and internet access have joined this list. While technology's success hinges on data availability, it also raises significant concerns about privacy and security. The Supreme Court of India has highlighted the misuse of social media for spreading falsehoods and violating privacy rights. Social media's pervasive influence affects all age groups, particularly children, exposing them to inappropriate content and leading to premature mental maturity. This exposure results in risks like cyberbullying, sextortion, cyber trafficking, child pornography, and online fraud. Consequently, children and parents face mental health issues, academic distractions, and potential criminal involvement. The rise in cybercrime has placed India among the top ten countries affected, with Russia leading the list. The growing dependence on technology necessitates a balanced approach to leverage its benefits while safeguarding against its threats.

Keywords- Technology Dependence, Virtual Assistants, Convenience vs. Laziness, Cyber Threats, Social Media Impact, Cybercrime Statistics.

I. INTRODUCTION

In the new dynamic world of science and technology, we all are becoming so affable towards technology that we are having day to day conversation with "ALEXA and SIRI" as we are having conversation with a family member. At the elementary level, the use of technology is limited to create a product, to generate service or to produce a desired result. As, now with the materialisation of new technologies and easy availability of such technology at very economical price, every person is in a trap of technology even to drink water (as nowadays smart watches are telling us by alarm to drink water). Nowadays we can have our cooked food available within minutes available at home through "Swiggy and Zomato" which makes us so lackadaisical and restless which is not good, everything is available in

minutes sometime its's a boon and sometimes it's a bane for us, we can right away book our flight tickets, railway tickets, movie ticket, hotel reservations etc from ordering a toothpaste to taking online classes for study everything is available to us in no time, we all are becoming the captives of technology. In older times we have heard a saying that, there are three essential nitty gritty for the sake of human life, they are Roti, Kapda aur Makan" but now we can add two more things to these nitty gritty those are smartphone and internet access (Wi-fi). Here, it is important to note that the grand success of technology is inter — alia dependent on the availability of data and information, with the advent of technology there are emerging threats regarding our confidentiality and safety. Recently in the landmark cases the Hon'ble Supreme Court of India has raised concerns about the growing misuse of social media to spread falsity,

infringement of right to privacy and different technological rights. The social media has very dire impact on every section of the society and on every age group like the children of are being exposed to so many things about which they are not supposed to be exposed at this early stage of life and they are becoming adult mentally before time because of which both the children and the parents are in danger like they can be a victim of cyberbullying, sextortion, cyber trafficking, child pornography / child sexual abuse material (CSAM), publishing / transmitting of explicit material in electronic form, impersonating Email, online matrimonial fraud etc., and due to all this they can commit crimes, they are being distanced from studies, mental health issues etc. Today the cybercrime rate has increased rapidly and with this our country is in top ten list of countries most effected by cyber crime (India is on no. 10) and Russia topped the list followed by Ukraine.

To make our country safe from these different types of cyber crimes our government has launched a " Indian Cybercrime Coordination Centre" on this we can report the cyber crime committed on it's portal named " National Cybercrime Reporting Portal (NCRP)" or we can report it on the no "1930" also our government has pen down certain stringent legislations on technology laws to regulate cyber crimes and to protect our rights / privacy .Some of the current and upcoming legislations are as follows:

II. INFORMATION TECHNOLOGY ACT, 2000

It came into effect on 17th of October 2000 imposing restrictions on all individuals regardless of their nationality and geographic location. It isa primary and parent legislation dealing with cybercrime and E-commerce. This act provides legal recognition to E-records, established E- signature as equivalent to physical signature. Under this act the "Cyber Appellate Tribunal" has been formed to impose penalties upon cyber crimes like " data theft, cyber stalking, identity theft, cyber fraud" etc. This act is amended twice, one in the year 2008 and another in 2015. In 2008 the modifications under "section 66A" of the information technology act, 2000 (hereinafter provided as IT act, 2000) (Punishment for sending offensive messages through communication service etc.), under the ambit of section 66A of IT act, 2000 the person is penalised for "three years" imprisonment for sharing offensive messages electronically, however the paucity of defining the word offensive" led to avoidable punishment of several individuals, ultimately resulting in striking down of section 66A of the IT act, 2000".

In the case of -

Shreya Singhal

vs.

Union of India

Verdict on - 24th March 2015

(2 Judges Bench By- Hon'ble Mr. J., F. Natiman and Mr. J., Chelmeshwar)

The Hon'ble Supreme Court of India has said in It's landmark verdict that, section 66A of the IT act, 2000 was held unconstitutional as it is violative of article 19 (Freedom of Sbeech and Expression) of the Constitution of India .

III. DIGITAL PERSONAL DATA PROTECTION ACT 2023

This act came into effect on 11th of August, 2023, it applies to the personal data which is in online form and offline form and digitized within / outside the territory of India, if it is akin to the activities within the Indian territory. This act grants certain rights to individuals including the right to retrieve information, seek correction, erasure and grievance redressal. On breach of law this act can impose penalty of upto Rs. 250 /- crore including penalties for failure to conduct a data impact assessment or follow breacm notification procedures.

In the case of -

Jorawar Singh Mundy

vs.

Union of India

Verdict on — 12th of April 2021

(Verdict By —J. Pratibha M. Patil)

It has been said that there should be a " Right to be Forgotten" which means that the information about petitioner should be removed from the domain of google, Indian kanoon and other search engines if the petitioner wants and presently, this right is a statutory right in this bill through the recommendation of B.N. Srikrishna" committee.

IV. TELECOMMUNICATION BILL, 2023

This bill repeals the "Indian Telegraph Act, 1885, The Indian Wireless Telegraphy Act , 1933 and the Telegraph Wires (Unlawful Possession) Act, 1950". This bill introduces provisions for allocating spectrum to satellite internet providers like one web and U.S. bases companies such as "Space X, Starline". Among it's many momentous provisions one is on national security, which allows the government to temporarily take control of telecom services in case of an emergency. It is very precisely written in the bill that on the occurrence of any public safety the central or state government", "in the interest of the sovereignty and integrity of India, defence and security of the state, friendly relations with foreign states, public order, or for preventing incitement to the commission of any offence". Direct that messages "transmitted or received by any telecommunication

service or telecommunication network shall not be transmitted, or shall be intercepted or detained, or shall be disclosed in intelligible format to the officer mentioned in such order".

This bill highlights the provisions regarding freedom of press, it says that the "press messages shall not be intercepted or detained unless their transmission has been prohibited under some relevant rules". Apart from this, the bill aims to bring OTT (Over the Top) or the internet based calling or messaging apps like WhatsApp, Facebook etc. under the ambit of the telecommunication bill. The bill has strict provisions to check fraudulent issuance of SIM cards any violation or impersonation will entail three years of imprisonment with fine of upto Rs. 50 /- lakhs. The government has proposed a penalty of Rs. 5 /- crore on telecom operators which was Rs. 50 /- crore earlier per circle implying a maximum penalty of approximately Rs. 1100 /- crore on a telecom company.

V. THE IT (INTERMEDIARY GUIDELINES AND DIGITAL MEDIA ETHICS CODE) RULES, 2021

The intermediary are person who receives, stores or transmits any electronic record and provides any service relating to such records on the behalf of another person. Intermediaries are classified into following heads - OTT, Publishers of news and social media intermediaries. It is a fact - check unit to identify fake or false or misleading online content related to the government. If the same is found then the social media companies or internet service providers, will have to take action on them or loose their "safe harbour" protections in section 79 of the Information Technology Act, 2000 (Exemption from liability of intermediary in certain cases).

VI. BROADCASTING SERVICES (REGULATION) BILL, 2023

This is a proposed bill right now it's only a draft, in this bill the government will standardize the OTT platforms like "Netflix, Amazon Prime, Sony LIV" etc. This also seeks to standardize broadcast of news and current affairs programmes (excluding print news). It also provides for a self regulatory structure to ensure conformity with the programme and advertisement codes. This includes self regulation, constituting self regulatory institutions and inaugurating a "Broadcast Advisory Council". The bill specifies various offences and penalties Ex- operating a broadcasting network

without a valid registration is punishable with a fine of upto Rs. 10 /- lakhs or two years imprisonment or both. subsequent offences will attract a fine of upto R. 50/- lakhs or upto five years imprisonment or both.

VII. DRAFT DIGITAL COMPETITION BILL

The committee on digital competition law released it's report recommending a new "Digital Competition Law". The PSC (Parliamentary Standing Committee) report perceived the exclusive dynamics of digital markets, which are pictured by strong network effects and consolidation. It stated that due to the swift evolution of digital markets, the current competition law framework may not timely address the anti - competitive conduct by large digital enterprises. This bill could prevent the tech giants like "Google, Facebook and Amazon" etc. from self- preferencing their own services or using data gathered from one company to perk another company. If the law were to come into effect as is it, would mean that a company like Apple will have to allow it's users to be able to download apps from a 3rd party app store, over their own store. Here, government believes that the big tech companies have shown a history of engaging in anti - competitive practices due to which the CCI (Competition Commission of India) has imposed a fine of Rs. 1,337 crore. The proposal is similar to the EU's Digital Markets act which went into complete effect earlier this year, and requires large tech firms like Amazon, Apple etc. to open their services and not favour their own at the expense of rivals..

These are some of the new emerging laws of India in digital era on which the digital future of our country is evolving around. By implementation of these some tech laws we are able to fight properly with the ongoing and emerging cyber crimes and can make ourselves safe from all types of digital crimes. This is our duty to understand and coordinate with these laws to make our country safer from digital crimes (Cybercrimes) and make our contribution to execute these strict laws, by make everyone aware of these laws, by make ourselves safe from becoming a victim of these crimes etc. We are eagerly waiting to welcome these new legislations to have a too and frow in our country and to explore new avenues through these laws.

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