

Experts split on laws to tackle e-messages that fuel panic

But They Are Firm Offenders Must Be Booked

V Narayan & Mohua Das | TNN

Mumbai: A Facebook user by the name of Zain Shaikh sent the wired world into a tizzy when he posted a fake message on Sunday about a minor boy's kidnap and murder, along with a photo claiming the victim was his nephew. Shaikh—whether the name is genuine is itself a question—had claimed his four-year-old nephew had been kidnapped by the family driver in Mumbai, who had been employed with them for the last four years. In the constant flow of updates he talked about lodging a police complaint and the missing car being found parked at Dadar TT Circle before

TIMES VIEW: Police must get to the bottom of this case in order to send a message to all that any online mischief that sparks alarm, creates disharmony in society or triggers a law and order situation will not be overlooked. At the same time they must deal with such matters on a case-to-case basis, sensitively examining the merits of every case, so freedom of expression is not hindered or circumscribed.

re-announcing that the boy was no more and that his funeral would be held at Nariyalwadi Kabrastan in Mazgaon.

Hundreds of condolence messages poured over social media and garnered media and police attention. Late Sunday night, Shaikh posted a picture of a huge crowd at the "funeral" (suspected to be from Yakub Memon's burial). Soon after, Shaikh deleted his posts and by night his Facebook profile had disappeared. A profile with the same picture and the same name was reactivated late Monday night and though it could not be independently confirmed if it was of the same person and though it had none of Sunday's posts, it had old posts about the man's desire to be very famous.

"The social web is being used to spread terror and take revenge. Police have to think before taking action in such matters. Who has gained at whose cost? I wonder what action police would take unless someone files a case and pushes hard," said ex-state DGP D Sivanandhan. While IPS-officer-turned lawyer YP Singh stressed false messages which cause panic constitute an offence under Section 505 of IPC, cyber lawyer Prashant Mali said such messages should attract Section 66F of the IT Act, 2008 which mandates punishment up to life.

Clearly, social media misuse

ANTI-SOCIAL ON SOCIAL MEDIA?

THE POSTS ON FACEBOOK BY 'ZAIN SHAIKH' ON SUNDAY

First post
1.48pm

The little guy in the above pic is my nephew and the black innova belongs to us which is driven by our driver from past 4 years. ON Friday evening that is (03/02/17) our driver named Jafar went to drop my nephew at my sisters home which was 20 mins drive from our place. As time passed by my sister called at my number informing that the kid was not home yet. I immediately called at the drivers number but he refused to pick and after an hour his cell was off. After few hours of searching around we did a police complain. Today morning the police just found our car parked near Dadar T.T circle. Its almost 18 hours since he is missing and there is no information of him. Request you all to please share this.

Second post
2.52pm

My nephew (Musa Arfat Shaikh) is no more. Janaza is after Asar Namaz at Nariyalwadi kabrastan.

Third post
7.27pm

Never imagined that just by sharing my sadness and issues on a social networking site will end to lots of helping hands and love. Thousands of shoulders for my little nephew. Thank you for joining the janaza.

SECTIONS THAT CAN BE INVOKED

Indian Penal Code | 505 Whoever makes, publishes or circulates any statement, rumour or report, with intent to cause, or which is likely to cause, fear or alarm to the public, or to any section of the public whereby any person may be induced to commit an offence against the State or against public tranquility

Punishment | Imprisonment up to three years, or fine, or both

IT Act

66 | Computer-related offences which are illegal or prohibited by law, or which furnish ground for civil action

Punishment | Imprisonment up to three years or fine which may extend to five lakh rupees or both

66 (F) | Cyber terrorism

Punishment | Life imprisonment

PAST CASES

- In Nov 2016, a 26-year-old youth from UP was arrested for posting from a fake Facebook account he had created of Patna senior superintendent of police Manu Maharaaj and demanding undue favours and liquor in a state where prohibition is in place. On being probed, the boy admitted he was enamoured of the power and position of SSP
- In Oct 2016, Barun Kashyap, creative director with a film agency in Mumbai generated a furore on social media and he was later arrested and sent to police custody for cooking up a story on Facebook about being harassed by 'gau rakshaks' for his leather bag and filing a false police complaint in the hope of gaining publicity
- In 2012, India's only toll-free helpline for street kids received a deluge of calls offering after-party leftover food. The NGO managed to trace the person who had started a chain post on this. The NGO had to put up a disclaimer on its website denying the post
- In 2011, actor Mandira Bedi's husband Raj Kaushal was booked for starting a rumour on Twitter about "broken cables" on the sea link. The tweet urging people to avoid the sea link was heavily circulated

'Film exec cooked up story of harassment by gau rakshaks'



TOI report on Oct 2, '16



CAN A DELETED POST BE TRACED?

“The cyber investigator will need the screenshot of the post. The cops can then approach Facebook with it. But there is no guarantee Facebook will provide details

Ritesh Bhatia | CYBER EXPERT

There is a big debate on this on social media. When you delete a Facebook post or a tweet, it does not get deleted. So Facebook knows all about the post, who created it, at what time, from where, the IP address etc. It keeps all this information on its servers though you have deleted it. Facebook if it wants can track every post ever made or deleted

Vijay Mukhi | CYBER EXPERT

is on the rise as a consequence of the liberty and anonymity it offers users to upload images, videos, post fake messages and dupe the gullible in diverse ways. Among the recent examples of what people's online behaviours have spawned is Barun Kashyap, a creative director who generated a furore on social media last year when he cooked up a story about 'gau rakshaks' on his Facebook page and filed a false police complaint about being harassed for

his leather bag in the hope that this would bring him publicity.

Actor Mandira Bedi's husband Raj Kaushal was booked in 2011 for starting a rumour on Twitter about "broken cables" on the Bandra-Worli sea link.

Most hoaxes seeking donations involve photos of a sick or injured child and are circulated without permission of the child's family. In 2012 India's toll-free helpline for street kids calls offering after-party leftover food. The NGO managed to

trace the person who had started a chain post on this. Later the NGO had to put up a disclaimer denying the post.

More such cases are coming to light "post-demonetization", said cyber security expert Ritesh Bhatia. "There has been a 20% rise in fake posts after notebandi pushed more people into buying smart phones and signing into apps. It offers a parallel reality where vents one's suppressed desires of attention or revenge."