

## Impact of Digitalization on Human life: In the Prospects of Law

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### Abstract

Today, no one can think to spend a life without technology, and whether we accept it or not, technology has become the basic need of our world and we are so dependent on it. If we want to survive in the long run, we all need to stay connected with modern technology and make new steps of innovation each and every day. Technology has undoubtedly changed the world, and has also complicated our life style. Technology has made communication with friends and family very easy. The biggest boon can be felt nowadays during the time of terrible pandemic, actually people are being treated by doctors over phone and video conferencing. In which -ever corner of the world one is residing one can help friends and family over phone.

**Keyword:** Digitalization, Revolution, Communication, Entertainment, COVID19

### Introduction

Before starting the discussion on life before and after digitalization, the meaning of digitalization should be understood. Digitalization is the conversion of text, pictures or sound into a digital form that can be processed by a computer. The main difference between life before and after digitalization is that after digitalization the invention of computers took over the work which was done manually making things much easier and faster than before.

### Life before the digital revolution

The **digital revolution**, which started around 1980 with the discovery of Internet and mobile devices, social networking, big data, and computing clouds, revolutionized work practices.

During the 1980s the digital format of optical compact discs gradually replaced analog formats, such as vinyl records and cassette tapes, as the popular medium of choice.<sup>1</sup>

We are the last generation which has seen, life before and after internet. We had lesser channels to watch on TV, we had fewer modes of communication, we had lesser ways of entertainment, and with no social media around, we didn't have to undergo public scrutiny.

Before the digital revolution there was a life much simpler than what it is today. We had to write letters to our relatives and friends, and visit the post office to get them posted, communication was not instant, as there were no mobile phones, internet or laptops.

People relied more on print media for news and other information. Then transistors or radios were invented. Radios were invented in the year 1947, After its invention the world -wide information apart from print media shifted to technology. A much easier mode of entertainment and knowledge was found.

Before digitalization, work life was more personal and not dependent on technology. Things had to be communicated by meeting personally, with the advent of technology and social media, focus on work has decreased dramatically. In a survey it was found that people lost focus in their work every three minutes in 2004, where -as it has come down to one minute in recent years.

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<sup>1</sup> "The Digital Revolution Ahead for the Audio Industry," Business Week. New York, 16 March 1981, p. 40D.

With the increase in use of mobile phones people are so addicted to social media. That they lose sleep and prefer scrolling their mobile phones, this has affected their mental and physical health both.

McQuail suggests traditional media have also benefited greatly from new media, allowing effective and efficient resources available.<sup>2</sup>

In pre digitalization era there was only one way by which people could see movies, that was visiting a movie theatre. Now the mobile is a platform where various apps show movies.

### **Life after digital revolution**

Technology has undoubtedly changed the world, and has also complicated our life style.

Technology has made communication with friends and family very easy. The biggest boon can be felt nowadays during the time of terrible pandemic, actually people are being treated by doctors over phone and video conferencing. In which -ever corner of the world one is residing one can help friends and family over phone.

Secondly, it is evident that using advanced technology in the medical field has a positive impact on making people have a healthy and comfortable life. Algorithms can help doctors assess patients and their health risks, while surgery simulators use machine intelligence in training medical professionals

Almost every sphere of our life is influenced by technology. One can get cooked food by ordering online, one can order almost everything required for self, online.

The biggest advantage is banking on phone. Within split of seconds one can transfer money to anyone who is in need of. Almost every work related to banks can be done sitting at home by the help of phone banking.

Almost every information is available on internet, one can find solution to any question within seconds.

### **Technology and education today**

Education of our children is saved only by the invention of computers and internet. Its more than a year now that children have not been able to attend their educational institutions during the covid 19 pandemic, the only ray of hope is the use of computers and internet. Online education has saved them from no education at all.

Technology has made education more accessible while also ensuring that the content is palpable. According to a poll, 60% of internet users admit to utilizing online learning. Furthermore, 50% of students at various educational institutions admitted to using an online learning platform for their doubt solving.<sup>3</sup>

There is enough industry data to testify that video-based learning enhances student happiness by 91% and

accomplishment by 82%. This fairly explains why educators are increasingly employing videos for information sharing and instant feedback.<sup>4</sup>

Use of internet has made travel easier, be it by air, road or railway. One can get their ticket booked without queuing up anywhere and sitting at the comfort of home.

Advertising industry has changed, instead of posters now digital medium such as televisions and internet are being used to promote a product.

Many years ago retrieving data was a very tough process to deal with as people had to scour various physical files and specifically hand-pick the file by narrowing it down. Nowadays, all you need to do is save files on your computer, tablet or mobile phone, and it is accessible from anywhere on the internet. Whenever you need it, you can search for the specific file and within seconds it will be in your hands. Not just it is time-saving, but it also has made information flow significantly easier.

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<sup>2</sup> McQuail, Denis (2000), McQuail's Mass Communication Theory, 4<sup>th</sup> Edn. Thousand Oaks, Calif, Sage, p 28.

<sup>3</sup> Narasimha Jayakumar, Voices, Times of India, July 17, 2022.

<sup>4</sup> Ibid

Today, no one can think to spend a life without technology, and whether we accept it or not, technology has become the basic need of our world and we are so dependent on it if we want to survive in the long run, we all need to stay connected with modern technology and make new steps of innovation each and every day.

The fact is that it moves our society forward even though sometimes we do not feel that way. **However**, technology has been rising at a very rapid pace so we should be careful how we use it and embrace it because sometimes it can have a dangerous impact on our everyday lives. So, the right technology in the right hands makes life easier. Although life without technology is unimaginable now, but the increase in use of technology has its own drawbacks and insecure and dangerous. The misuse of technology has led to many frauds and crime. Which inevitably leads to legal recourse.

### **The Right to Privacy and the use of technology**

The Right to Privacy is a fundamental right guaranteed under part III, Article 21 of the Constitution. The increasing use of digital technology has threatened the Right to Privacy largely.

One of the biggest reasons behind recent challenges to our privacy is the rapid development and wide-reaching use of digital and web-based technologies

With overuse of technology the main focus of legislative bodies is how to protect an individual's right to privacy when voluntarily one is sharing his personal information on websites.

Any online platform whether it is banking, shopping or social media require an individual to give away all his personal information to unknown entities, this obviously is a threat to the right to privacy and sometimes can become life threatening if it goes in the hands of a criminal.

In the famous case of justice KS Puttaswami (retired) vs UOI<sup>5</sup> and another it was challenged that the Government making mandatory the Aadhar scheme which included the biometrics of every person was against the Right to privacy, as the information of any Indian citizen could be easily manipulated, the judgement of the Court was as follows-

1. The violation of privacy with regard to arbitrary state action would be subject to the "reasonableness" test under Art. 14.
2. Privacy invasions that implicate Art. 19 freedoms would have to fall under the restrictions of public order, obscenity etc.
3. Intrusion of one's life and personal liberty under Art. 21 will attract the just, fair and reasonable threshold.
4. Phone tapping not only infringes Art. 21 but also contravenes Art. 19 freedoms, such law would have to be justifiable under one of the permissible restrictions in Article 19(2), in addition to being "fair, just and reasonable" as required by Article 21, and as was held in the PUCL
5. The 'proportionality and legitimacy' test was also established – which is a four-fold test that needs to be fulfilled before state intervention in the right to privacy:
  - i) The state action must be sanctioned by law.
  - ii) In a democratic society there must be a legitimate aim for action.
  - iii) Action must be proportionate to the need for such interference.
  - iv) It must be subject to procedural guarantees against abuse of the power interfere.<sup>6</sup>

### **Judgements on cases of fraud due to use of technology in Banks**

Banking through technology is known as e banking. banking is now being done through internet by mobile phones, increase in use technology in banks has led to increase in frauds. For example, in the case of Nirav Modii, the bank scam is being called the biggest scam (Rs 11,400 crore) in the banking sector of India. The main accused of the scandal is billionaire jeweller Nirav Modi and his uncle Mehul Surakshi (owner of Gitanjali James). Both of them had received "Letter of Undertaking" from the consent of the employees of PNB's Mumbai branch and withdrawn the funds from the foreign banks on the guarantee of Punjab National Bank.

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<sup>5</sup> (2017) 10 SCC 1)

<sup>6</sup> Ibid

## Results

Bankers used fake Letters of Undertakings (LoUs) at PNB's Brady House branch in Fort, Mumbai. The LoUs were opened in favour of branches of Indian banks for import of pearls for a period of one year, for which Reserve Bank of India guidelines lay out a total time period of 90 days from the date of shipment.

This guideline was ignored by overseas branches of Indian banks. They failed to share any document/information with PNB, which were made available to them by the firms at the time of availing credit from them. Nirav Modi got his first fraudulent guarantee from PNB on March 10, 2011 and managed to get 1,212 more such guarantees over the next 74 months. The Enforcement Directorate (ED) recovered bank token devices of the foreign dummy companies used by the fugitive diamond trader to transfer the fraudulent funds.

The probe agency found that Nehal Modi, brother of Nirav Modi had destroyed the devices and had even secured a server located at United Arab Emirates (UAE) soon after the scam broke out. These dummy firms had been receiving the fraudulent PNB LoUs and were based out in British Virgin Island and other tax havens.

The enforcement agency has so far seized movable and immovable properties to the tune of Rs 2362 crore in the PNB fraud case. This case is a big example to show how overuse of technology is dangerous.

PNB employees misused the SWIFT network to transmit messages to Allahabad Bank and Axis Bank on fund requirement. While all this was done using SWIFT passwords, the transactions were never recorded in the bank's core system — thereby keeping the PNB management in the dark for years.

With the introduction of online banking, everything in banks is now regulated by computers, traditional banking is no more working, introduction of online banking has its own loopholes, the advantage of which is taken by fraudsters and terrorist to steal money easily.

Banks in India have to issue guidelines and time and again warn people against gangsters, scamsters, urging customers to never share their banking details, ATM pin details, credit card numbers etc. Despite these warnings, if customers still fail to adhere to the basic precautionary norms and fall prey to fraudulent schemes or activities, they will not be able to hold the banks responsible for it.

A report in the Times of India said that the Consumer Dispute Redressal Commission in Gujarat's Amreli district refused to accept compensation claims of victim on the grounds that he was duped because of his own negligence. It's a case of a retired teacher named Kurji Javia.<sup>7</sup> In April 2018, somebody posing as a State Bank of India (SBI) manager took Javia's ATM card details. Next day when his pension of Rs 39,358 was deposited in his account, Rs 41,500 debited. Fraudulently from his account. Javia called the bank but did not get any response. In his complaint, Javia pleaded that his loss would have been prevented if the banks responded hastily and thus sued SBI for the lost amount and Rs 30,000 for harassment.

The consumer court however ruled that since Javia shared his banking details despite the banks repeated warnings on not sharing the same, hence the bank was not guilty

Due to increase in Bank frauds by misuse of technology, The RBI had in its 2017 circular instructed the banks to ask their customers to mandatorily register for SMS alerts and register for email alerts for online banking.

## Internet Privacy

Internet privacy, which is also commonly referred to as online privacy, is a subset of data privacy and a fundamental human right. Basically, it refers to the personal privacy that you're entitled to when you display, store, or provide information regarding yourself on the Internet.

Internet privacy is primarily concerned with protecting user information. The term privacy expresses space, decision and information.<sup>8</sup>

This can include both personally-identifying information (PII) and non-personally-identifying information, such as your behavior on a website. Without Internet privacy, all your activities are subject to being collected and analyzed by interested parties.

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<sup>7</sup> <https://www.lawinsider.in/news/cdrc-gujarat-declined-compensation-demand-in-online-fraud> visited on 15/05/2023.

<sup>8</sup> Kang, Jerry, "Information Privacy in Cyberspace Transactions". *Stanford Law Review*. **50** (4).

The Centre has notified new, stricter guidelines for social media intermediaries that will make it mandatory for platforms such as WhatsApp to aid in identifying the “originator” of “unlawful” messages.

It will also require the likes of Twitter, Facebook and YouTube to take down such messages within a specific time-frame, set up grievance redressal mechanisms as well as assist government agencies in investigation.

Think-tanks and experts welcomed the new “well-intended” rules, stating that these bring clarity on responsibilities of intermediaries.

Increase in convenience of communication by internet has proportionally increased the inconvenience caused by the abuse of the mediums of communication. Removing barriers to freedom of interaction, has paved the way for people primarily on social networking sites, to post unnecessary and false statements about a person or an entity and thereby harming their goodwill and reputation. Such an act, though colloquially known as “trolls”, actually amounts to cyber defamation.

Although, the medium of committing this act in the physical and digital world are different, the law of defamation applies the same. The liability regarding cyber defamation in India can be on the author of the defamatory material online and on the service provider or an intermediary. However, it can be noted that as per Section 79 of the Information Technology Act, 2000, an intermediary shall not be liable if it does not initiate or modify such defamatory content but merely acts as a facilitator. Further, this protection is also subject to the condition that the intermediary shall comply with the due diligence and Intermediary Guidelines requirements issued by the Central Government and also remove such unlawful content on being notified by the appropriate Government or its agency or upon receiving actual knowledge.

Section 469 of the IPC (forgery for purpose of harming reputation) has been amended by the Information Technology Act, 2000 to include ‘electronic record forged’ and now reads as a whole as – whoever commits forgery, intending that the document or electronic record forged shall harm the reputation of any party, or knowing that it is likely to be used for that purpose, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

### Cases on Cyber Defamation in India

In India the first case of cyber defamation was *SMC Pneumatics (India) Pvt. Ltd. v. Jogesh Kwatra*<sup>9</sup>. In this case, an employee, of the company was sending derogatory, defamatory, obscene and abusive emails to the employers and subsidiaries of the company. The employee was held liable by the Delhi High Court for defamation under section 498 IPC.

The internet is a vast nexus bringing people together and providing them with an opportunity to create, share and receive data online. However, when this platform is used to defame or harm the reputation of a person, stringent actions must be taken. A person can hire a cybercrime lawyer in their city to file a complaint against online defamation in India.

In the case of *Kalandi Charan Lenka v. State of Odisha*<sup>10</sup> the Petitioner was stalked online and a fake account was created in her name, obscene messages were sent to her friends by the accused with an intention to defame the Petitioner. The High Court of Orissa held that the said act of the accused falls under the offence of cyber defamation and the accused is liable for his offences of defamation through the means of fake.

The Delhi High Court recently issued global prohibitions against Facebook, Google, YouTube, Twitter, and other online intermediaries in the case of *Swami Ramdev v. Facebook Inc*<sup>11</sup> the judge mandated them to remove the URLs from their websites that were deemed defamatory to Swami Ramdev, the complainant. In India, he is a well-known yoga teacher and entrepreneur. The Court ruled that the intermediaries had a global obligation to delete and block all illegal material and videos posted from I.P addresses in India.

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<sup>9</sup> Suit No. 1279/2001, District Court of Delhi). Court: District Court of Delhi. Decided On: 12/02/2014.

<sup>10</sup> HIGH COURT OF ORISSA, CUTTACK BLAPL No.7596 of 2016

<sup>11</sup> 263(2019) DLT 689.

### **Conclusion**

For anything we enjoy, we also pay a price for it. Technology is no exception. We cannot think of living without technology in today's world, but it has its own limitation, misuse of technology can be very dangerous the effortless transfer of data and information over the internet has made it a critical hotspot for defamation. Although, there are laws in place which prohibit people from posting such content online, most people are not aware of the same or are too negligent to realize whether such content is defamatory or not. At times, when free speech runs contradictory to a person's reputation it becomes mandatory for the State to establish a boundary free speech becomes a weapon in the hands of certain people. There is a dire need of a system which educates and makes people aware of what to do and what not to do, what is wrong and what is right and what is defamatory and what is not defamatory in the cyber space. Further, the intermediaries which provide such an open platform should monitor the content posted on it and take appropriate actions against such users who post such defamatory content in order to avoid repetition in the future. Although excessive misuse of technology has led to many inconveniences, but regular new invention in every field is modernising the world, and certainly the world cannot live without technology today.