

# INTERNATIONAL JOURNAL OF LAW MANAGEMENT & HUMANITIES

[ISSN 2581-5369]

---

Volume 7 | Issue 3

---

2024

© 2024 *International Journal of Law Management & Humanities*

Follow this and additional works at: <https://www.ijlmh.com/>

Under the aegis of VidhiAagaz – Inking Your Brain (<https://www.vidhiaagaz.com/>)

---

This article is brought to you for “free” and “open access” by the International Journal of Law Management & Humanities at VidhiAagaz. It has been accepted for inclusion in the International Journal of Law Management & Humanities after due review.

In case of **any suggestions or complaints**, kindly contact [Gyan@vidhiaagaz.com](mailto:Gyan@vidhiaagaz.com).

---

**To submit your Manuscript** for Publication in the **International Journal of Law Management & Humanities**, kindly email your Manuscript to [submission@ijlmh.com](mailto:submission@ijlmh.com).

---

# Laws Governing Social Media Platforms in India: An Analytical Study

---

HIMANSHU DANODIA<sup>1</sup> AND PRIYADARSHINI TIWARI<sup>2</sup>

## ABSTRACT

*The evolution of the internet differed significantly from the introduction of any other revolutionary communication technologies. Undoubtedly, the internet greatly facilitated the process of conveying and exchanging information and ideas with others.*

*India, a country with a growing number of internet users and active social media platforms, is confronted with a crucial task: finding a balance between national security interests and the right to freely express oneself on these digital platforms. This analytical study explores the legislative framework that governs social media platforms in India. The text analyses the fundamental legislation, the Information Technology Act (2000), and its revisions, with a specific focus on the contentious intermediary standards and digital media ethics code of 2021. The examination examines concerns pertaining to potential violations of freedom of speech and privacy rights. In addition, the paper explores the intricate function that social media platforms have in promoting public discussion while also reducing the dissemination of false information and offensive language. This study seeks to offer a thorough comprehension of the changing legal framework that governs social media in India by analyzing significant court cases and ongoing discussions. The text finishes by emphasizing the necessity of adopting a sophisticated approach that protects both security and fundamental rights in the era of digital technology.*

**Keywords:** *Information technology, Social Media Platform, Legal Framework, Digital Technology.*

## I. INTRODUCTION

Social networking platforms have undeniably served as a platform for various activities, including worldwide promotion and networking, and have become an integral part of our everyday existence. Nevertheless, social media in the Middle East has garnered significant attention, and users in the region have also faced threats from cyber criminals. Computers, smartphones, mobile phones, telephones, gaming consoles, and tablets connect to the internet to carry out a range of offences known as social media crime. Social media platforms facilitate

---

<sup>1</sup> Author is a student at Law College Dehradun, Uttarakhand University, India.

<sup>2</sup> Author is an Assistant Professor at Law College Dehradun, Uttarakhand University, India.

various forms of criminal activity, including extortion, terrorist propaganda, and cyber theft, thereby requiring appropriate intervention. The popularity and utilization of social networking platforms have led to a significant expansion of society. These platforms provide instant access to online news, free spaces for information exchange, and opportunities for users to receive and engage in criticism. The utilisation and dissemination of information by governmental institutions and organisations has undergone a significant transformation, resulting in a revolutionary impact on the use of social media.

Social media refers to the formation of digital networks and communities. It is a computer-based platform that facilitates the sharing of ideas, perspectives, and information. Social networking is inherently internet-based, enabling users to rapidly share content through electronic methods. The collection also encompasses personal details, notes, photographs, and graphics. Users engage with social media platforms via web-based programmes or apps on various devices, such as computers, tablets, or smartphones. What's App is the second most popular programme, followed by YouTube, Instagram, and Twitter.

Therefore, there is little difference between the terms "social media" and "social networking"; one can use them interchangeably. Social media is an interactive platform that facilitates communication between users. It facilitates the exchange of individuals' viewpoints and enables social interaction. However, one could argue that a subtle distinction exists between these two terms. Social networking is a subset of social media, meaning that it encompasses a wider range of platforms and activities.

Although social media may appear to be a recent development in our society, the current form of social media that we use today has really undergone centuries of evolution and growth. While platforms like Facebook, Twitter, Snapchat, and Instagram were not around in the past, social media nevertheless had a distinct form and influence throughout that period. The advent of social media and social networking has revolutionised the way of life on a global scale. Social media provides individuals with a space to express, discuss, and share information. Social media has had a significant impact on all trades, businesses, professions, and occupations. The accessibility of social media to society and its members has made a long-held dream a reality. As the saying goes, technology starts as a dream and becomes a reality when people begin using it.<sup>3</sup>

We have previously explored the beneficial features of social media, but it's equally important

---

<sup>3</sup> Nasir jamal Abdul & khatoon aisha & bharadwaj shubhangi "Social media user in India A futuristic approach" volume 5, issue 4.

to address its negative aspects. The proliferation of social media and networking platforms has raised significant issues over privacy and security. The manner in which "Cambridge Analytica" exploited the data obtained from Facebook has emerged as a fresh controversy in the realm of social media. The drawbacks of social media extend beyond concerns about privacy and safety. Excessive usage of social media also has repercussions for relationships, emotional well-being, behavioural patterns, lifestyle, academic achievement, crime rates, and the physical and mental health of children.

When making use of social media applications and websites, users often reveal personal information such as their name, location, date of birth, job description, and prior history. However, a persistent risk of privacy breaches exists, where hackers can compromise a user's personal credentials, potentially leading to issues such as account compromise, bullying, stalking, and more. Regardless of the specific cybercrime charges, the perpetrator has used the user's online-obtained personal information for harm.

A social networking platform enables anyone to instantaneously send messages, images, photos, and videos from any location worldwide. Individuals have the ability to transmit messages over social media platforms promptly. However, national boundaries cannot hinder the rapid propagation of defamatory content in these messages. Social media's vast reach makes any crime on these platforms potentially severe and long-lasting. On social media platforms, several criminal activities and misconduct occur, such as cyberbullying, cyberstalking, dissemination of false information, pornography, defamation, hate speech, social media account hacking, privacy breaches, image manipulation, and many others.

## **II. OVERVIEW OF LEGAL FRAMEWORKS GOVERNING SOCIAL MEDIA PLATFORMS IN INDIA**

The fundamental pillar of a democratic state is the right to freedom of speech and expression. The government enables its citizens to enjoy freedom of thought, speech, and expression, which improves their quality of life. People widely regard freedom of speech and expression as the fundamental requirement for liberty. The existence of humanity is contingent upon a government's guarantee of freedom of speech and expression. Undoubtedly, the assertion that the right to equality, in conjunction with the freedom of speech and expression, serves as the foundation for all other freedoms and liberties worldwide is accurate. Every individual in society should have the freedom to adhere to their own convictions and openly express their ideas to others. However, the right to freedom of expression is a highly intricate matter. This is because specific obligations, accountabilities, and responsibilities accompany freedom of

expression, making it not universally absolute. As a result, it might be subject to legal restrictions. Similarly, this principle also applies to the freedom of expression on social media platforms.

India has a range of rules and penalties in place to control misconduct on social media platforms. These laws also include provisions for imposing penalties and punishments for crimes committed on social media. This article will focus on the legal rules pertaining to the regulation of social media, as well as the sanctions and penalties for certain offences.

### **(A) Constitution of India**

The constitution of any nation is the primary and essential document that establishes the rules and regulations for governing the country. Given the circumstances in India, it is important to examine the constitutional provisions and various articles pertaining to it. The Indian Constitution contains numerous articles that grant freedom of speech and expression, the right to life and liberty, equality before the law, and equal protection of the law, among others. However, it is crucial to note that these rights and freedoms are not absolute but rather subject to certain restrictions and limitations. Article 19(1)(a) of the Constitution guarantees the fundamental right to freedom of speech and expression, which includes media and press freedom. According to the Indian Constitution, Article 19(1)(a) does not explicitly use the terms "media" or "press." However, the Supreme Court of India has interpreted it in several cases. Furthermore, it is important to note that the freedom of speech and expression granted to citizens in India is not unlimited but rather subject to reasonable and justifiable restrictions.

According to Article 19(2), the government has imposed restrictions. Recently, the Kerala High Court ruled that the freedom to access the Internet is a fundamental aspect of the universal rights to education and privacy, as guaranteed by Article 21 of the Constitution.

No country grants the right to freedom of speech and expression without legitimate restrictions imposed by the state and government. The United States of America's constitution grants unrestricted freedom of speech and press. However, the judiciary has interpreted this freedom with restrictions and limitations imposed by the government at various times.

### **(B) New Intermediaries and Digital Media Ethics Rules, 2021**

Intermediaries play a crucial function in the context of the Internet and the online world. It provides access to all the services available on the Internet and social media platforms. The internet functions as a wheel, with intermediaries, sometimes referred to as spokes, as its components. Without these critical components, the internet will inevitably disintegrate as a medium. Intermediaries embody technological advancements that can be utilised in either a

legal or illegal manner. Simultaneously, the function Intermediaries are also significant for their ability to control the misuse of social media and the internet, as well as facilitate its use for positive purposes such as providing accurate information and supporting education. The intermediaries have the ability to prevent numerous instances of wrongdoing, harm, and criminal activities on social media platforms. However, their absence may lead to the occurrence and creation of such incidents.

Sections 69A(2), 79(2)(c), and 87 of the Information Technology Act, 2000<sup>4</sup> grant the central government the authority to establish the Digital Media (Ethics) Rules, 2021. The Ministry of Electronics and Information Technology has closely collaborated in the development of these rules. The Ministry of Electronics and Information Technology created these rules in response to mounting criticism of social media platform management and smooth functioning, which had been negatively impacting a fundamental aspect of Indian democracy in recent years. These guidelines aim to establish a comprehensive mechanism for social media and OTT platforms to address and resolve previously unresolved concerns.

The regulatory bodies responsible for overseeing social media and online platforms in India include Meity, the Cyber-Appellate Tribunal, the Telecommunication Regulatory Authority of India, and the Telecom Dispute Settlement and Appellate Tribunal. These bodies not only regulate telecom and cable television but also address internet governance issues. Meity, as the central ministry responsible for overseeing and controlling internet administration and management in the country, is the entity that has declared the new regulations and standards to govern it. Meity is responsible for monitoring the regulation of social media intermediaries such as Facebook, WhatsApp, Instagram, Twitter, LinkedIn, YouTube, and other noteworthy applications. The Ministry of Information and Broadcasting oversees the regulation of online news media and video streaming platforms like Disney Hotstar, Amazon Prime, and Netflix. On the other hand, it also regulates traditional media such as print, radio, and television content. However, there is some ambiguity regarding the precise definition of news media and OTT platforms.

### **(C) Indian Data Privacy Law**

Social media applications and platforms gather extensive user data, including personal information such as names, dates of birth, residence addresses, gender, age, workplace details, and educational background. If social media businesses fail to adequately maintain user data, it will undoubtedly result in a violation of the right to privacy. Nowadays, individuals save vast

---

<sup>4</sup> Information Technology Act 2000 (Act No. 21 of 2000)

amounts of data on cloud platforms such as Google Drive or I-Cloud. However, it is imperative to safeguard personal and sensitive information. The majority of individuals in India utilise WhatsApp, Facebook, Signal, and Telegram as platforms for communication and sharing various types of information, including personal and sensitive data.

Sometimes, individuals share or transmit information pertaining to their bank details or passwords using social media applications. The question is whether social media platforms truly retain and effectively manage individuals' data, information, and records, or if these firms are selling the data for profit. In India, social media networking applications and other platforms such as WhatsApp, YouTube, Facebook, and Telegram do not impose any monetary charges. The Information Technology Act serves the objective of establishing a comprehensive legal framework for technology law ideas such as digital signatures and granting legal validity to electronic data. When millions and billions of people use social media to generate, cooperate, and distribute various forms of communication, the messages form an enormous, unprecedented dataset because of the media platform's automatic categorization, storage, and preservation.

The Amendment Act of 2008 added Section 43A to the IT Act.<sup>5</sup> It requires companies that handle sensitive personal data to maintain reasonable security practices and procedures. Failure to protect such data can result in compensation. This section came into effect on October 27, 2009. Additionally, Section 72A provides punishment and penalties for failing to maintain the personal data of individuals. Additionally, it mandates that corporate bodies uphold reasonable security practices and procedures for sensitive personal information, and they may receive compensation if they fail to protect such information. The law requires corporate entities to maintain adequate security standards and procedures when handling sensitive personal information, and it provides compensation for failure to safeguard such data.

Although Section 43A provided a definition for "sensitive personal data or information" as "personal data or information determined by the government in consultation with relevant professional bodies or associations," the amendment did not explicitly address personal data or sensitive information. Section 43A granted the Central Government jurisdiction, which led to the establishment of the 2011 Rules to regulate data privacy in India. Consequently, India now has a legally mandated framework for data privacy, which came into effect on March 28, 2012.

#### **(D) Sec. 144 of the Cr. P. C., 1973**

When it comes to shutting down the internet in India, the legal basis is Section 144 of the Criminal Procedure Code, 1973. Section 144 of the Criminal Procedure Code, 1973 states that

---

<sup>5</sup> Information Technology (Amendment) Act, 2008 (Act No. 8 of 2009)

it generally applies to prevent riots, impose curfews, and preserve peace and order in communally heated climates where there might be a threat to the physical safety of a group of people based on their religious, caste, linguistic, or ethnic identity.

As per the clause, the magistrates of the Court of Law, explicitly authorised by the state government, have the power to prohibit individuals from engaging in certain activities or to assume control over disputed property, including ownership, administration, or management, through a written order.

### **(E) Statutory Provisions under IT Act, 2000 relating to Social Media Crime**

The IT Act of 2000 is a notable legal framework that deals with cyber and social media crimes. The IT Act of 2000 has undergone multiple amendments and revisions to align with the progress in digital technology. In 2008, the Act underwent its most recent amendment.

The 2008 modification to the IT Act significantly reduces social media crime and penalizes offenders. Advancements in technology have led to many criminal acts in the present era, such as hacking, identity theft, defamation, cyber stalking, cyberbullying, and online robbery. It is critical to address and prevent these illegal behaviors by enacting appropriate laws.

The IT Act, 2000, is India's primary legislation that addresses all matters related to the use of computers, computer systems, computer networks, computer resources, communication devices, and electronic data and information in cyber law.

In our increasingly sophisticated and technologically advanced society, it is crucial to assess and evaluate the effectiveness of laws pertaining to cyber and social media crimes in connection to tablets, smart phones, and smart devices.

### **(F) Provisions under Indian Penal Code**

In all civilized nations, the fundamental objective of criminal law is to protect and maintain the rights of their citizens while simultaneously enforcing sanctions on individuals who engage in criminal activities. Criminal law imposes sanctions on those who commit offenses or engage in criminal misconduct. Another crucial aim of criminal law is to ensure and defend the safety and security of individual rights, including the right to life, freedom, and protection of one's body and property. Additionally, it seeks to safeguard and preserve public morality, ethics, and decency, as well as the moral welfare of the state. Hence, it is crucial for the modern government to fulfil its obligatory duty of protecting citizens from potentially detrimental attacks and to penalise individuals who distribute immoral materials that have the capacity to corrupt ethical principles. As previously indicated while analysing the provisions of the Information



Technology Act, social media plays a significant role in the widespread occurrence of criminal acts, facilitating the perpetration of numerous crimes. The offenses include the dissemination and promotion of false information, online harassment, persistent online harassment, and the fabrication of counterfeit identities on social networking platforms. Additionally, it involves the production and circulation of explicit content, including photographs, images, and videos. Many illicit operations, such as drug trafficking and other criminal offences, utilise social media platforms. It is important to understand that although the IT Act of 2000 is mainly relevant, it does not encompass all crimes and penalties, such as theft, deception, forgery, etc. Hence, the conventional criminal law, as delineated in the Indian Penal Code of 1869,<sup>6</sup> is equally applicable to cyber and social media offences.

### **III. THE FUTURE OF SOCIAL MEDIA REGULATION IN INDIA**

- i. The forthcoming Personal Data Protection Bill (PDPB) has the capacity to redefine the manner in which social media sites manage user data, thereby impacting data privacy. An effective Personal Data Protection Bill (PDPB) can provide users with greater authority over their information and encourage platforms to prioritise privacy.
- ii. Artificial intelligence (AI) presents potential solutions for content moderation, but apprehensions over algorithmic bias and the necessity of human supervision persist. It will be essential to strike the appropriate equilibrium between automation and human judgement.
- iii. Addressing Online Threats: To combat the spread of false information and offensive language on the internet, novel approaches are required. Advocating for media literacy, promoting fact-checking collaborations, and cultivating ethical online behaviour are all crucial elements of this endeavour.
- iv. Achieving the Optimal Equilibrium: The challenge lies in effectively safeguarding freedom of expression while also guaranteeing online public safety. It is essential to clarify the definitions of "unlawful" content and establish explicit procedures for handling requests to remove such content in order to effectively address this intricate matter.
- v. Enabling Users: Regulations should grant users the authority to actively engage in a secure online setting. This entails equipping individuals with the necessary resources to report objectionable content and establishing effective systems for addressing

---

<sup>6</sup> The Indian Penal Code 1860(Act No. 45 of 1860)

complaints. In addition, the promotion of digital literacy enables consumers to effectively assess material on the internet and make well-informed decisions.

**(A) Scope and limitations.**

The current study incorporates and adopts the concepts, doctrines, rules, regulations, and laws from other advanced legal systems, specifically the practices in the United Kingdom and the United States of America. The study was unable to cover other legal systems due to limited resources and time constraints. Therefore, this study focuses exclusively on India, with some comparative analysis from the United Kingdom and the United States of America. The study explores the viability of incorporating and enforcing the fundamental regulations and supervision of social media prevalent in these nations. The selection of these two legal systems is based on the following justifications:

- The Indian legal system has indeed adopted its framework from the British and American legal systems.
- These two legal systems, which are more advanced, have demonstrated their potential as a model for the Indian regulatory structure.
- The governance models of these two systems are significantly more reliable and efficient than those of other systems.

This article examines the relationship between constitutional liberties and freedoms in relation to social media control and monitoring. The regulation of constitutional freedoms and liberties should be responsive to evolving social values and norms, particularly in connection with controversies surrounding social media content.

The primary objective of this study is to examine the current disputes in India and the new difficulties that are arising in the Indian setting. The study's comparative aspect would enhance comprehension of the current emergent governance challenges of social media within the Indian societal context. This study examines the potential issues posed by social media in light of the current generation of web technology, which expands the interactive capabilities of these platforms.

Social media in India has been in existence for approximately ten years, and it has experienced significant expansion during this time. As a result, matters relating to the governance and regulation of social media have predominantly been the subject of controversy over the past decade or so.

#### **IV. REGULATORY CHALLENGES BEFORE SOCIAL MEDIA**

The scientific community's most significant contribution to humanity was the development of information technology and its related communication technologies during the final decade of the 20th century. We appropriately refer to this technology as the InfoTech revolution because of its significant impact. These technologies have accelerated human civilization by providing unparalleled speed to information and communication via social media. Social media has significantly influenced political dynamics worldwide by providing people with unprecedented opportunities to express themselves openly. The shift in communicative power has led to increased attempts to limit and regulate internet usage for political, moral, cultural, security, and other reasons. The attempts to regulate the internet have resulted in legal and regulatory measures aimed at reducing the risks associated with this emerging platform. These risks include user privacy, intellectual property infringement, national security threats, fraudulent activities, pornography, and hacking. We can categorize the regulatory issues associated with social media into two main areas:

- Clarifying the concept of "unlawful" content to ensure clear understanding for both platforms and users.
- Laws and rules
- Moral and ethical rules in the form of guidelines made by different government agencies, such as the election board.

#### **(A) "Illicit" Content: A Key Obstacle in Social Media Regulation**

Defining "illicit" content is a highly significant difficulty when it comes to regulating social media sites in India. This ambiguity creates a nebulous zone that both users and platforms find challenging to navigate. Let us further explore this matter:

#### **(B) The Issue with Ambiguous Definitions:**

The existing legal framework does not provide a precise and succinct characterization of content that is considered "unlawful." This frequently depends on the interpretations of different statutes, such as the Information Technology Act and the Indian Penal Code. This lack of clarity leads to inconsistencies in content filtering, as platforms may remove content excessively to avoid legal consequences.

The government or influential entities can also manipulate ambiguous definitions to suppress opposition or limit valid scrutiny. This can potentially stifle freedom of expression and impede open discussion on significant matters.

#### **(C) Instances of ambiguity:**

The notion of "hate speech" serves as a prominent illustration. While engaging in acts of violence is undoubtedly illegal, distinguishing between strong criticism and hostile speech can often be ambiguous. In the absence of explicit instructions, platforms have the potential to delete content that is considered protected speech.

Likewise, it might be challenging to differentiate between "misinformation" and valid criticism. While fact-checking projects can be beneficial, there are always worries about possible biases and the suppression of constructive discussions.

#### **(D) Possible resolutions:**

To establish a precise and comprehensive definition of "unlawful" content, it is necessary to engage in a joint endeavour that includes the participation of the government, legal professionals, civil society organisations, and social media platforms. This approach should provide sufficient specificity to effectively tackle diverse forms of detrimental content while still protecting lawful freedom of expression.

The definition should focus on the intention behind the content and any potential negative consequences. We should deem material that stimulates aggression, advocates animosity, or poses an evident and immediate risk to the general public's well-being as illegal.

Platforms should be required to explicitly outline their content moderation rules and implement transparent protocols for handling content removal requests. Users have the right to contest decisions regarding content removal.

#### **(E) Challenges posed by social media**

Although social media provides indisputable advantages such as connectivity and knowledge exchange, it also poses a multifaceted array of challenges. Here is an analysis of some important matters:

**The dissemination of misinformation and "fake news":** The swift proliferation of inaccurate or deceptive material on the internet can result in significant ramifications. Because of their focus on the rapid spread of content, social media platforms can serve as fertile environments for the dissemination of false information, posing challenges for users in distinguishing fact from fiction.

Social media platforms provide anonymity, which may empower certain individuals to engage in hate speech, abuse, and cyberbullying. Such circumstances can significantly impair mental well-being and foster an antagonistic digital atmosphere, particularly for marginalised communities.

Privacy issues: Social media networks accumulate vast amounts of user data, leading to concerns about privacy infringements and the possibility of misappropriation of this data. Insufficient data privacy standards can lead to many repercussions, including data breaches and targeted advertising.

The use of social media can be addictive and contribute to mental health issues and addiction, resulting in feelings of inadequacy, jealousy, and social isolation. The perpetual demand to meticulously craft an impeccable digital identity might have adverse effects on mental well-being, particularly among youth.

Algorithms that personalize content may create echo chambers, environments where individuals primarily encounter information that reinforces their own opinions. This can impede the development of critical thinking skills and restrict the opportunity to encounter a wide range of perspectives.

The dissemination of false information and the widespread occurrence of online conflicts can undermine people's confidence in institutions and media, hindering their ability to engage in productive discussions about significant issues. This can exacerbate divisions within civilisations and impede the development of social unity.

## **V. RELATED CASE LAWS**

1. The case of *Shreya Singhal v. Union of India* (2015)<sup>7</sup>: The Supreme Court made a significant ruling by invalidating Section 66A of the Information Technology Act, 2000 (IT Act). This clause imposed liability on intermediaries, including social media platforms, for any libellous or offensive content submitted by users on their services. The court's rationale focused on the infringement of the constitutionally protected rights of freedom of speech and expression in the Indian Constitution. This case had a significant influence on rules regarding social media, highlighting the importance of platforms using a "notice and takedown" strategy to deal with dangerous information.
2. *Shashi Tharoor versus The State of Maharashtra* (2018)<sup>8</sup>: This case pertained to a tweet by politician Shashi Tharoor, in which he was accused of making defamatory statements about his late wife. The court emphasised the line between criticism and defamation, acknowledging the entitlement to critique public figures on social media sites.
3. The case of *Prashant Kumar v. Union of India* (2020)<sup>9</sup>: This case pertained to the matter

---

<sup>7</sup> *Shreya Singhal V. Union of India*, 2015 SCC 6, 1

<sup>8</sup> *Shashi Tharoor V. State of Maharashtra* 2018 SCC Online Bom 1212

<sup>9</sup> *Prashant Kumar V. Union of India Writ Petition* (Civil) 167/2020

of impeding access to websites and material on social media platforms. The court stressed the need of transparency and adherence to due process in the act of censoring content. The court determined that orders to block must be grounded on reasons that are conveyed to the party being impacted and are open to examination by a judge.

4. The case of *Anurag Singh Thakur v. Union of India (2021)*<sup>10</sup>: This case pertained to the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 (IT Rules, 2021). These regulations enforce more stringent requirements on social media platforms, such as the designation of grievance officers, timely removal of damaging content, and tracking the source of specific types of messages. The Supreme Court is currently reviewing this matter, specifically examining some sections of the IT Rules that have been questioned due to their potential violation of freedom of speech.
5. The case of *Telegram Messenger LLC v. Union of India (2023)*<sup>11</sup>: The Supreme Court has issued a temporary hold on the implementation of specific elements of the IT Rules, 2021. These rules mandated messaging platforms such as Telegram to disclose the initial source of information when requested by the government. This case exemplifies the ongoing dispute regarding the delicate equilibrium between national security interests and user privacy on social media sites.

## VI. CONCLUSION

India's social media ecosystem flourishes with a dynamic interchange of ideas, although comprehending its regulation remains an intricate endeavour. The Information Technology Act establishes the basis, but discussions regarding intermediary liability and freedom of speech continue to exist. The 2021 Intermediary Guidelines aim to tackle this issue by requiring the implementation of content removal procedures and systems for addressing complaints. However, there are still worries about privacy and the potential suppression of free speech.

Ensuring a delicate equilibrium between suppressing detrimental content and protecting fundamental liberties is of utmost importance as India determines its path forward. Ongoing communication between the government, social media platforms, and civil society is crucial. The emphasis should be placed here:

Clarifying "Unlawful" Content: Precise definitions are necessary to ensure clarity for both platforms and users. Developing open and equitable content moderation systems that reduce human bias is essential for robust content moderation. Addressing Misinformation and Hate

---

<sup>10</sup> *Anurag Singh Thakur V. Union of India Writ Petition (Civil) No. 1214/2021*

<sup>11</sup> *Telegram Messenger LLC v. Union of India Writ Petition(Civil) No. 767/2023*

Speech: It is critical to consider alternate approaches, such as encouraging media literacy in conjunction with platform initiatives. Enhancing rules to ensure the protection of user privacy is crucial. India can establish a social media ecosystem that empowers people, encourages innovation, protects democratic ideals, and addresses the problems of an ever-changing online environment by promoting collaboration and involving several stakeholders. Social media's evident potential as a positive influence necessitates proper regulation in order to fully harness its power.

\*\*\*\*\*