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Social Media and It's Regulations in India

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ABSTRACT

During the pandemic, social media was the only means through which we were able to interact with one another. This extensive use of these platforms facilitated interactions during this period, but it also revealed a number of disadvantages associated with them. Because social media is a platform where no one individual is referred to as a producer or a consumer, and because everyone has the ability to share information with others all over the world virtually, these characteristics together have contributed to the recent growth in the number of cyber crimes. Efforts by the government to regulate these mediums have stalled, and social media platforms themselves are subjected to a number of unwarranted restrictions placed by the government on their policies, which are interfering with the rights of users and causing turmoil in cyberspace. On the subject of Information Technology Act 2001 and Amendment of 2008, this paper addresses the advances in law as well as lacunae that have been identified. It also includes a discussion of Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules 2021 and charges that have been brought against them. This study also examines theories of regulation, as well as how to regulate and not regulate social media platforms, among other topics. It also makes a recommendation for a Uniform Social Media Framework, which would eliminate the obstacles of territorial jurisdiction and differences in national laws that prevent offenders from being convicted.

I. RESEARCH METHODOLOGY

(A) Aims And Objectives

Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules 2021 i.e., IT Rules 2021 which were recently implemented after giving a time period of 3 months to the Intermediaries to follow the rules is one of the highly controversial and highly discussed topic now a days. This paper discusses the nature of development of Social Media regulations in India and their effects on the users and Social Media.

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(B) Statement Of Problem

Social Media is one of the fastest growing platforms world wide, where any person can contact any other across the world. As the Platforms are expanding so quickly there has been a gap created in regulating the same. Recently, India has announced IT Rules, 2021 which majorly tries to reduce this gap. This Paper focusses mainly on the provisions of IT Rules 2021, IT Act 2000 and 2008 Amendment Act and tries to show the lacunas in the rules, infringement of the rights of the users, the theory of regulation followed.

(C) Research Hypothesis

By analyzing the laws framed to regulate Social Media in India, the paper suggests few changes to be made to the regulations which can make India a more free Country in terms of protection of rights of users and can attract Companies in this arena by lessening the stringent laws.

(D) Research Question

1. What are the drawbacks in the present Laws regulating Social Media and how can they be removed to protect the users from cyber-crimes committed through Social media?
2. Can we balance between the regulations imposed by the Government and the self-regulations made by the Social Media and Can there be a uniform regulation of the Social Media world- wide?

(E) Scope And Limitation

The scope of this research is to ascertain how can there be a better regulation of the Social Media making India a free Country in Internet usage with better protection for Social Media Users. This Paper discusses about the gap between advanced technology and the laws we have at place and tussle between self- regulation and Government regulation.

(F) Methodology Of Research

The research shall be a doctrinal approach analyzing the laws regulating Social Media, Judgments of Supreme Courts and secondary source shall be various of Scholarly Articles on the said topic.

(G) Mode Of Citation

Blue Book 19th Edition of Citation has been followed.

II. INTRODUCTION

The phrase "Internet," which was not well-known three decades ago, today rules the world, establishing its own zone devoid of geographical boundaries and allowing for unfettered

expression. Numerous terminologies, such as Internet Service Providers, Intermediaries, and Social Media Platforms, are frequently used without a clear and exclusive definition. Before we begin, let us define the phrase "Social Media."

Under Intermediary Guidelines and Digital Media Ethics Code Rules-2021, Social Media is defined under Section 2(w), as an intermediary which primarily or solely enables online interaction between two or more users and allows them to create, upload, share, disseminate, modify or access information using its services.² Social media is a platform that enables businesses and public organizations to interact and communicate with the general public via a virtual medium. This is a succinct description of Social Media, as it is always evolving due to technical innovation and the inclusive nature of the term. If we were to identify the most prevalent commonalities among modern social media services, we would note the following: user-generated, content-based profiles; and use-specific profiles created for apps or websites.

"Social Media is a catalyst for the advancement of everyone's rights. It's where we're reminded that we're all human and all equal. It's where people can find and fight for a cause, global or local, popular or specialized, even when there are hundreds of miles between them. " Rania Al-Yassin

Social media was developed primarily to serve as a platform for saving memory, learning and discovering new information, advertising and self-promotion, and connecting with others. This has aided many people in establishing their enterprises, connecting with family and friends, and being familiar with fresh ideas from around the world, among other things. However, with limited physical space and the growing popularity of social media, the issue of data uploaded on social media surfaces. Here comes the regulatory component of social media to define the users' Right to Freedom of Speech and Expression, ensuring that the right does not infringe on the privacy of others, violate their rights, or enable the commission of Cyber Crimes through the use of platforms.

III. THE SOCIAL MEDIA & INFORMATION TECHNOLOGY ACT

The Information Technology Act, 2000 has been enacted as a result of the resolution taken by the U.N. General Assembly in 1997. The Act is the first and only Act which deals with the legal element of electronic advances and it recognizes e-Signatures, e-Records, and e-Evidence in legal proceedings under the Act.

The IT Act also deals with the regulatory component of these Internet services and cyber

² Section 2(w), Intermediary Guidelines and Digital Media Ethics Code - 2021

offences. Chapter XI deals with cyber crimes, it is not an exhaustive list of offences as there's day to day increase in new variety of cyber crimes with new methods to commit them.³ As any crime committed on the Internet is significantly distinct from traditional crimes, there has been the establishment of specific Cyber Crime Cells and online complaint portal in India for investigation of them.

Social media, being the most famous medium for disseminating information worldwide, has also become the hub for cyber crimes. Under section 2(w), "intermediary", with respect to any particular electronic record, means any person who, on behalf of another person, receives, stores, or transmits that record or provides any service with respect to that record and includes telecom service providers, network service providers, web-hosting service providers, search engines, online payment sites, online auction sites, online market places, and cyber cafes.⁴ In the capacity of this definition, the government includes social networking websites such as Facebook, Twitter, LinkedIn, Instagram, etc. Under the scope of this Act, the government has tried to camouflage any other similar wrongs occurring through these websites. Crimes involving social media are also covered in other clauses which are adopted with the Informative Technology Amendment Act, 2008. Some of the cyber crimes which are regulated are discussed below:

(A) Defamation

As technology advances, even traditional crimes have evolved into new methods of commission, such as through electronic means.

In *State of Tamil Nadu vs Suhas Katti*⁵, the case concerns the publication of an obscene, defamatory, and obnoxious statement in a Yahoo messaging group regarding a divorced woman. The accused also forwarded emails to the victim seeking information via a bogus e-mail account he opened in the victim's name. The publishing of the message led to a barrage of irritating phone calls to the lady, who was mistakenly believed to be soliciting. The accused was a known family acquaintance of the victim who purportedly expressed an interest in marrying her. However, she married another individual. This marriage eventually terminated in divorce, and the accused resumed communication with her. Due to her unwillingness to marry him, the accused engaged in Internet harassment. The accused is found guilty of violating sections 469, 509 of the Indian Penal Code, and 67 of the Information Technology

³ Chapter XI, Information Technology Act, 2000.

⁴ Section 2(1)(ua)(w) in The Information Technology Act, 2000, , <https://indiankanoon.org/doc/33134261/> (last visited Nov 6, 2021).

⁵ *State of Tamil Nadu vs Suhas Katti* C No. 4680 of 2004

Act 2000, and is convicted.

(B) Publishing or transmitting Obscene Material in Electronic form

In *Bazee.com case*⁶ the CEO was arrested in December 2004 for selling a CD containing inappropriate material on the website. The CD was also available in Delhi's markets. The Mumbai and Delhi police forces intervened. Later that day, the CEO was released on bond. This raised the question of how we should differentiate between Internet Service Providers and Content Providers. The onus is on the accused to demonstrate that he was a service provider, not a content provider. Additionally, it raises numerous concerns about how police should approach cybercrime cases.

IV. LACUNAE IN THE ACT OF INFORMATION TECHNOLOGY, 2000

Even though the Act covers major cyber crimes committed through social media, the law has become outdated due to the extensive development of social media nowadays. Some of the lacunas are:

(A) Controversial section 66A

This provision of the Information Technology Act was enacted to penalize internet communication that is deemed to be excessively insulting and menacing and results in annoyance, inconvenience, injury, intimidation, or hostility and hatred. Section 66 A made it a crime to send an electronic mail message with the intent to annoy, inconvenience, defraud, or mislead the addressee.⁷ A recent Supreme Court ruling invalidating section 66 A of the Information Technology Act is a major decision in terms of preserving online free speech.⁸ Six years after the judgement, the Act is still being utilized to penalize citizens. The Supreme Court voiced dismay over the fact that more than 745 cases brought under Section 66A of the Information Technology (IT) Act are still ongoing in 11 states, despite the fact that it was found illegal six years ago and ordered to scrap off all the pending cases filed under it.⁹

(B) Cyber Lynching

Cyber lynching is a type of mob lynching that occurs online. Trolling on social media platforms by members of virtual society is rooted in the same attitude. It is a growing trend in which ordinary people become involved in organized virtual crime against a person who may be a literal minority or who may have a marginalized mass-base. Facebook and Twitter are both

⁶ Avinash Bajaj v. State (NCT) of Delhi (2008) 105 DRJ 721; (2008) 150 DLT 769

⁷ Section 66A, The Information Technology Amendment Act, 2008

⁸ Shreya Singhal v. Union of India, AIR 2015 SC 1523; Writ Petition (Criminal) No. 167 OF 2012

⁹ Hon'bleSupremeCourt_order_14072021, dated 14th July 2021

two-way interactive media platforms in which users can remark, like, dislike, share, respond, and even strike out at one another. This means of self-expression has culminated in a distinct pattern of user behavior. This procedure can be classified into three to four categories based on the level of hostility, language, intimidation, and degree of harm inflicted to the other person, including cyber bullying, trolling, lashing, and ultimately, social media trial.¹⁰

The onslaught of such crimes has frequently resulted in these individuals abandoning social media, deactivating their accounts, becoming inactive, suffering from depression, and, in some cases, committing suicide. Certain individuals have been targeted and intimidated on social media before being murdered. Such as Gauri Lankesh, a Bengaluru-based Vernacular journalist who was first threatened on Facebook and subsequently murdered for her anti-establishment beliefs, and who was subjected to social media lynching even after her death. Where she was abused by being called (Qaumi & Bitch) and subjected to slut shaming.¹¹

V. INFORMATION TECHNOLOGY (INTERMEDIARY GUIDELINES AND DIGITAL MEDIA ETHICS CODE) RULES 2021 AND SOCIAL MEDIA

After elaborate consultation with the public and stakeholders, the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules 2021 have been framed in the exercise of powers under section 87 (2) of the Information Technology Act, 2000 and in supersession of the earlier Information Technology (Intermediary Guidelines) Rules 2011 to reduce the gap between Internet advancement and the law.¹²

The Code 2021 demands the social media platforms to establish a redressal mechanism for users to voice their grievances and to provide a right to be heard for users. The Code also divides intermediaries, including social media, into two categories, i.e., significant intermediaries, which are mostly messaging apps, and intermediaries. In the case of substantial intermediaries, the government might order the intermediary to provide the first generator of any information only in the case of sovereign threats or any serious offenses. Intermediaries should also not publish or discontinue publishing information which is banned by court order or order by the appropriate government agency or its Redressal Officer. Social media is also accountable if they do not remove content after knowing that it is false content. The Code also

¹⁰ Crimes by the Commons, emerging trends in Social media, *Journal of Content, Community & Communication*, Vol. 8 Year 4, December - 2018 [ISSN: 2395-7514 (Print)], Swati Arjun and Shikha Rai

¹¹ The killing of Gauri Lankesh, , *COLUMBIA JOURNALISM REVIEW* , https://www.cjr.org/special_report/gauri-lankesh-killing.php/ (last visited Nov 10, 2021).

¹² IT(Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 <https://mib.gov.in/sites/default/files/IT%20Intermediary%20Guidelines%20and%20Digital%20Media%20Ethics%20Code%29%20Rules%2C%202021%20English.pdf>

requires social media platforms to have a permanent Legal Compliance Officer who is an Indian citizen and also a Nodal Contact Person.

(A) Case Study on Twitter

The contents on social media platforms which are available to a large population of people in India are capable of creating a perspective. Preventing this in the interest of the nation was one of the primary requirements, which was coupled with personal requirements in India. In the case of Twitter, legal demands made by India to remove or withhold content, meanwhile, shot up 152% during the last six months of 2020 compared to the prior reporting period. Twitter said it complied with just over 9% of those 6,971 demands.¹³ In May, Twitter expressed concerns about "core elements of the new IT Rules" and the "potential threat to freedom of speech" in the country. A few days later, it pledged to meet the new requirements. Twitter was recently admonished by a court in Delhi for not meeting the requirements of the new rules in time. The company responded in a court filing by saying that it had hired an interim compliance officer. It added in that filing that it would "endeavor in good faith to make an offer of employment to a qualified candidate" within eight weeks for all of the roles.

(B) Whatsapp Case Study

Whatsapp, owned by Facebook, has challenged the rule and filed a complaint against the government in the Delhi high court. Its contention is that some sections of the rules are infringements on the privacy of users. This does not ban any of the operators in India, Social media platforms can continue their operations, but they will lose their legal immunity under section 79 of the IT ACT. The legal battle is still going on between the tech giants and the government.¹⁴

VI. LACUNAE IN THE IT RULES, 2021

Intermediaries are required by the Rules to furnish information in their control or possession upon a government agency's request. Such a request may be made by any government agency authorized by law to conduct investigative, protective, or cybersecurity actions. The request may be made for the purpose of verifying an individual's identity or for the purpose of preventing, detecting, investigating, or prosecuting violations of any law or for the purpose of responding to cybersecurity incidents. The Rules, on the other hand, make no provision for

¹³ Twitter begins hiring to comply with India's new rules | Reuters, , <https://www.reuters.com/world/india/twitter-apoints-india-interim-compliance-exec-fill-other-jobs-soon-2021-07-08/> (last visited Nov 11, 2021).

¹⁴ G. R. Bhatia, *WhatsApp's 2021 Privacy Policy – Update from India* -, COMPETITION POLICY INTERNATIONAL (2021), <https://www.competitionpolicyinternational.com/whatsapps-2021-privacy-policy-update-from-india/> (last visited Nov 11, 2021).

procedural protections or procedures in connection with such activities.

Another lacunae is identifying the first originator of information on a messaging platform, this will require the service provider to permanently store certain additional information: (i) who all exchanged a message, and (ii) the exact message or certain details which uniquely describe a message so that information in question may be matched against it. This will be necessary for every message exchanged across the service provider's platform to enable tracking the first originator of any communication. Note that permanently retaining such details about a message is not a technological need for offering messaging services via internet. The Rules also do not establish any schedule in terms of how far back in time the messaging provider will be required to check for determining the first originator. Overall, this rule will lead to the preservation of more personal data by messaging services which goes against the notion of data minimization.¹⁵

VII. REGULATION IS REQUIRED?

(A) Revolution in Social Media

Social media has been heralded as the long-awaited set of apps that will enable "Athenian-style direct democracy," in which every citizen is connected to the state and may directly participate in policymaking. With new forms of "social media" already playing an increasingly important role in human connection, a new phenomena known as the "social media revolution" has had a considerable impact on global political dynamics. The social media revolution has opened up a plethora of new avenues for individual communication and media participation, dramatically expanding the scope of human sovereignty. While the internet is rightfully hailed as a liberating tool, it is also frequently linked to rising dangers to security, order, and well-being. This led to the need to regulate social media Platforms.¹⁶ But what kind of regulation should be made for the effective regulation of social media and to protect the rights of users?

For example, a person who has accessed another person's photograph through his user profile on social media started circulating the picture with derogatory and immoral comments across the Internet.

(B) Regulation Theories

¹⁵ White Paper of the Committee of Experts on Data Protection Framework for India under the Chairmanship of Justice B.N. Shrikrishna. https://www.meity.gov.in/writereaddata/files/white_paper_on_data_protection_in_india_18122017_final_v2.1.pdf

¹⁶ Anil Kumar Maurya, *Regulation of social media in cyber space a critical study of regulatory mechanism with special reference to India*, INFLIBNET (2015), <http://shodhganga.inflibnet.ac.in:8080/jspui/handle/0603/122738> (last visited Oct 24, 2021).

As per Joel Reidenberg's Conceptualization of Lex Informatica, there are two regulatory models arising from new rule-making processes for the online environment. The first consists of contractual agreements between ISPs and their customers, while the second is found in Network Architecture.

A new way of looking at online regulations is called Lex Informatica, as suggested by Reidenberg. This new school viewed legal controls as merely part of the network of effective regulatory controls in the online environment and suggested that lawmakers seeking to control the online activities of their citizens would seek to control these activities of network designers, or by supporting self-regulatory activities of network designers.¹⁷

In the late 1990's, Internet platforms evolved from small dispersed blogs, websites, and platforms to collective platforms, with blogs evolving into a sectorized format. This explosion of growth provided an opportunity for governments to shift from self-regulation and contractual regulation, i.e., indirect regulation, to direct regulation of these mediums.

Thus, despite the fact that users and social media platforms have their own contractual agreement and network architecture for resolving user complaints and protecting user rights, the government began interfering in regulation and seizing control of social media platforms as the explosion resulted in significant disadvantages such as an increase in cybercrime rates and comparatively weak redress mechanisms provided by networks.

VIII. HOW TO REGULATE (NOT TO REGULATE) SOCIAL MEDIA

Free expression is crucial for rising economies, especially in times of crisis. The availability of an open media in democratic countries allows the government to face opposition, public pressure, and criticism, and to avoid crises from escalating. An undemocratic state of things and restrictions on the press lead to the absence of public conversation and eventually to the absence of the necessary policy decisions. Attempts to control digital media or social media spaces render the country's populous susceptible and potentially result in denial of vital socioeconomic rights. Disinformation thrives when human rights are curtailed. Journalists and civic society are, perhaps, the most qualified to confront falsehoods and present alternative opinions to reduce this "information disorder."

India's 2021 laws throw a wide net over its different digital businesses by defining terms such as "publisher" and "social media intermediary" broadly and, so, set a precedent for other nations

¹⁷ Andrew D. Murray, *Mapping the rule of law for the internet*, LEG. CHALL. SOC. MEDIA (2017), <https://enalsar.informaticsglobal.com:2204/view/edcoll/9781785364501/9781785364501.00014.xml> (last visited Oct 18, 2021).

to subject these firms to ex ante regulation and to limit private expression. This effort for tight regulation and a growing precedent for "official," state-supported discourse will only serve as a template for other democracies to migrate from a democratic, open internet to a state-controlled one, echoing the precedents of China and, more recently, Russia. Mauritius, for instance, already cites India's 2021 legislation in an attempt to silence social media. Pakistan—which aspires to build an all-encompassing agency reinforcing its control of media, including "digital media"—also developed draft legislation keeping in mind the Indian law.

Both India and Pakistan have utilised a period of crisis to impose similar measures, pushing for stringent internet regulation during the pandemic.

In one aspect, India's position on the regulation of the internet has come full circle. The safe harbor model of regulation—which had previously allowed many social media platforms in India to flourish—was originally implemented following litigation and the prosecution of the managing director of a subsidiary firm of eBay over an unauthorized clip shared on the e-commerce site.¹⁸ India is once again hauling individuals to court (a worried head of Amazon Prime India for offending religious emotions, for instance), purportedly storming Twitter's office without any legal basis and questioning and warning of prosecuting its executive director.¹⁹ By establishing these policies, the Indian government has effectively reduced this safe harbor guarantee, resulting in the internet being increasingly governed and administered by forces operating on-ground such as the police under the surveillance of the political executive. Indian internet regulation is now back with a vengeance, as a result of the government having legitimized such activities this time around. The government censorship regulation is essential to an extent when it comes to significant crimes like terrorism, pornography, lynching, etc. If the regulation is applied entirely, social media platforms will become a government-sponsored hub where there will be targeted transmission of information and absolute violation of fundamental rights of speech and expression.

IX. CONCLUSION

When we discuss territorial regulation of social media, we should acknowledge that it should be regulated only when the country understands what to regulate and the consequences of regulation, as well as the fact that regulation does not imply control of social media, i.e., regulation is not synonymous with control. There is no freedom under control; yet, there is freedom under regulation, but it is subject to reasonable constraints in the public good."

¹⁸ Avinash Bajaj v. State (NCT) of Delhi (2008) 105 DRJ 721; (2008) 150 DLT 769

¹⁹ Twitter begins hiring to comply with India's new rules | Reuters, *supra* note 12.

However, can social media be confined to a geographical zone where anyone from any part of the world can commit a crime against someone on the other side of the globe? This question is primarily concerned with country-specific private international law, but can we leave such a significant conflict to the variety of country-specific private international law? These inquiries point toward the establishment of a Globally Coordinated Regulatory Body. From this vantage point, there is growing recognition on all sides of the necessity for a mechanism capable of assuring effective public oversight of content moderation on social media platforms.

To bring out a standard independent regulatory body atleast in respect of content moderation in social media; ARTICLE 19, a leading global organization dedicated to free expression, has proposed the establishment of the "Social Media Council" (SMC). It is a model for a multi-stakeholder accountability mechanism that would provide an open, transparent, independent, and accountable forum for addressing content moderation issues on social media platforms in accordance with international human rights standards. The SMC model promotes a voluntary approach to content moderation oversight: participants (social media platforms and other stakeholders) voluntarily agree to a method that does not impose legal duties. Its strength and efficiency are contingent on voluntary compliance by platforms, which agree to respect and implement the SMC's decisions (or recommendations) in good faith upon joining up. This proposal was endorsed by UN Special Rapporteur David Kaye, who recommended in April 2018 that "all segments of the . sector that moderate content or act as gatekeepers should make the development of industry-wide accountability mechanisms (such as a social media council) a top priority" (UN General Assembly 2018, para. 72).²⁰

An effort should be made by organizations around the world, such as ARTICLE 19, to achieve uniform regulation of social media through an independent body and self-regulatory mechanisms by the platforms, with the least amount of regulation by governments restricted to public policy interests as possible.

²⁰ The Social Media Council: Bringing Human Rights Standards to Content Moderation on Social Media, , CENTRE FOR INTERNATIONAL GOVERNANCE INNOVATION (2019), <https://www.cigionline.org/articles/social-media-council-bringing-human-rights-standards-content-moderation-social-media/> (last visited Oct 23, 2021).

X. ANNOTATED BIBLIOGRAPHY

A. Books

1. *The Legal Challenges of Social Media – Edited by David Mangan and Lorna E. Gilles, Elgar Law, Technology and Society Series.*

Chapter 2 of this book, Mapping the rule of law for the internet written by Andrew D. Murray talks about Cyber law and how cyber space should be regulated. This chapter also explains two theories of cyber regulation which are followed generally world- wide.

B. Articles

1. *Crimes by the Commons, Emerging Trend in Social Media by Swati Arjun and Shika Rai – Journal of Content, Community and Communication, Dec-2018 (ISSN: 2395- 7514)*

Article presents a study about crimes done on social media platforms, while engaging in discussions, sharing information etc., It discusses concepts of freedom of speech and expression and on other side crimes which are committed because of the same right, aiming to strike a balance between both.

2. *Regulation of social media in cyber space a critical study of regulatory mechanism with special reference to India – Researcher: Maurya, Anil Kumar*

This Ph.D. thesis deals with Indian regulation of social media and various cases, impacts of the amendments from the enactment of Information Technology Act, 2000.

3. *Social Media in e- Governance : A study with Special Reference to India – Mohamad Tariq Bandy, Muzamil M. Mattoo, Social Networking, 2, 47-56. doi: 10.4236/sn.2013.22006.*

This article attempts to assess the present use of social media and its potential for e-governance in government. Concerns about the security and privacy of individuals, employees, infrastructure and data are discussed as potential roadblocks to using social media for e-governance. There are proposed guidelines for the platform to be used, authorization to engage on behalf of a government agency, scope and extent of such involvement, etc.

4. *Cyber Crime and Social Media Marketing – Mr. Dhruv Gupta, Bharati Law Review, Sep-2016, ISSN NO.:2278-6996 (Print)*

Article discusses the history of internet and how essential it became in our day to day life. He also explains the pros and cons of this dependency on internet mainly dealing with crimes through Social media.

C. Cases***1. State of Tamil Nadu vs Suhas Katti C No. 4680 of 2004***

The defendant was convicted for cyber stalking and defaming a woman by publicizing her contact details and passing obscene comments through yahoo message groups. The Court held that electronic form of publication will also come under Defamation.

2. Avinash Bajaj v. State (NCT) of Delhi (2008) 105 DRJ 721: (2008) 150 DLT 769

In this case, the C.E.O was convicted for selling an obscene video online through his company Baze.com, this case comes under the offence of publication of obscene material.

3. Shreya Singhal v. Union of India AIR 2015 SC 1523; Writ Petition (Criminal) No. 167 OF 2012

In this case, the Court struck down Section 66A of The Information Technology Act, 2000 as it was violating Right to free speech and expression.
