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# The Impact of Social Media and Freedom of Speech in India, in the Content of Regulatory Law

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## ABSTRACT

*Nowadays, international in conjunction with the generation, even crimes are advancing. Living in the 21<sup>st</sup> century, with the nice of generation and superior lifestyle, in which we are able to have interaction with humans all over the globe. At the same time, the humans withinside the 19<sup>th</sup> century observed it tough to talk with someone from a different village due to the lack of expertise and generation. We have advanced greatly. However, the 21<sup>st</sup> century brought many changes in society. The world is no longer the same as it was. Social media platforms, along with Twitter, and Facebook, have allowed the fast change of records and, once in a while, misinformation. Many of the modern technology and strategies scientists use nowadays to examine large statistics and strengthen researchers did now no longer even exist in 2002 either. But existence isn't always complete of advantages; there are always two sides of the same coin. Social media has come to be extraordinarily common among individuals. It has now no longer handiest made connecting to humans so simpler; however, additionally, build it fun to debate varied things as you will be able to have everybody commenting on an equivalent tag/post. People from one-of-a-kind age groups use the app, which supplies a lot of exposure to them. People generally tend to misinterpret freedom of speech with hatred, ensuing in cyber-crimes and main to greater flagitious acts. "There are some people who engage in cyberbullying online because of the anonymity and the fact that there is no retaliation," as aforementioned by Amanda Giordano, principal investigator of the study and associate professor in the UGA Mary Frances Early College of Education. Freedom of expression is a complex right. This is often a result of freedom of expression isn't absolute and carries with it special duties and responsibilities; therefore, it should be subject to bound restrictions provided by law.*

## I. INTRODUCTION

Social Media where you can establish contact with friends, family, new friends with common

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interests, likes, posts, etc. Where you furthermore also get the liberty to put in writing your coronary heart out, sharing your thoughts, do any small tasks with one person and promoting any small businesses with just a single post/story to unfold recognition amongst a huge institution with little efforts. Social media easily distributes information to a large group of people.

Do you watch stories on Instagram? Do you tweet approximately your mind on Twitter? Do you share blogs on Tumblr? Not to forget the assorted filter we have a tendency to play with on snapchat. Others locate pals all throughout the globe on Facebook. Not simply pals however locating your soulmate on Tinder or the various social sites we have got to search out our true-life partner. Something which nearly seemed not possible to our ancestors who died believing the parable that the earth is flat is viable now. The globe of social media doesn't simply stop's right here however its simply the beginning. Not to neglect about the compatibility assessments we have a tendency to get on this networking sites. Have you ever questioned through whose grace we were given to revel in this or how was it invented and why?<sup>3</sup>

## **II. THE INVENTION OF SOCIAL-MEDIA**

For centuries, long-distance interaction with friends and family has been a challenge people face. As social animals, humans have always relied on communication to strengthen interpersonal relationships. When face-to-face dialogue is impossible or inconvenient, people dream of many creative solutions.

The first social networking site was Six Degrees, created by Andrew Weinreich in 1997, Six Degrees was popular among users until 2003. It was then that Tom Anderson founded MySpace. Over time, we have been able to experience the best version of these apps with unique and exciting experiences/features.<sup>4</sup>

### **(A) Positive Impact of Social Media:**

#### **1. Purpose behind the Invention of Social-Media**

Man is by nature a social animal as aforementioned by Aristotle. It is almost impossible for a human being to survive in isolation while not going crazy as we are habitual to interact with each other on daily basis and social media provides ample of opportunities to do so. Social media simply offers a good scope to the current interaction by breaking all the territorial barriers which restricts a human being to interact with other. It helps in sales and promoting of

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<sup>3</sup> The WIRE, "Opinion New IT Rules: The Great Stretching of 'Due Diligence' Requirements Under Section 79", Tech Wire

<sup>4</sup> Section 2 (1)(w) of Information Technology Act.

tools. You can advertise yourself using social media without investing any money in advertising efforts. It was designed in a manner so that everyone can use it and be nearby. On social media not does one hear and skim people's thoughts however additionally reply to those thoughts.<sup>5</sup>

## **2. Advantages of Social-Media in the time of COVID-19**

In a crisis like this, in which the arena is withinside the centre of a pandemic, social media has helped us substantially in interacting with our households who stay at the alternative end. Not just interacting with our distant family and friends, but keeping us updated on this outrageous pandemic situation in the world. At times like these when the world was completely closed, every now and then like this once, the globe was altogether shut-down, as if the world has stopped moving. Social media helped us at some stage in this time with the aid of providing us with facts and information concerning COVID-19 while the whole lot become close down along with the media with the intention to control the severity of the pandemic.

Poor and affected families could be helped in this pandemic by donating cash at the hyperlinks which had been made available on these social networking sites. Social media connected us with the grief-stricken family who lost their darling ones during this pandemic and united us with one another in such a worrisome moment about the spread of this virus. It conjointly made us alert to the precautions one ought to soak up this pandemic, providing us with a stay-records concerning the unfold of this virus. Responsible use of social media consisting of supplying new information, applicable medical finding, update on the vaccinations, remedies and follow-up protocols at regional, countrywide and global stage in addition to evaluating extraordinary tactics globally. We all were connects with one other through these social sites after we weren't allowed to travel out and meet with our friends and families. Social media has helped us through these difficult times by making us connected together and helping our minds stay sane in such a dire situation.

## **3. The Change Social-Media brought in the Indian society**

Social media platforms helped Indians to elevate their voice in opposition to injustice and inequality they see or cross through. Not simply Indians however it's an extensive platform which gave each residing individual a voice and danger to face in opposition to such injustice. The maximum effective impact of social media is that it has the strength to carry important powerful and necessary effective changes in the society. Within the recent years, social media

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<sup>5</sup> The Intermediaries Guidelines Rules,  
[https://meity.gov.in/writereaddata/files/GSR314E\\_10511%281%29\\_0.pdf](https://meity.gov.in/writereaddata/files/GSR314E_10511%281%29_0.pdf)

has performed a pivotal function in knitting the material of the Indian society. It has modified the Indian society from a naive society to a mature one. Social media has given a possibility to the underprivileged magnificence to face on opposition to the top magnificence who has been dominating them for centuries. If we glance back to the history of Indian society, the poor and social class have perpetually been crushed by the upper class.<sup>6</sup>

The Dalits had been handled badly withinside the historic Indian society. The Dalits were deprived of basic human rights and freedom of speech due to those vintage faculty thoughts. Along with education towards this class, social media has created an extremely good impact against these injustices towards the Dalits, because it made the humans aware about the state of affairs the Dalits have been facing. Besides amplifying Dalit protests, social media has reduced the limitations for Dalits to go in Politics. It became a turning point for Dalit politics.<sup>7</sup>

Social media not only spawned upwards push to the Dalits movement however it additionally added an excrete withinside the lifestyles of a farmer. Non bills of loans ensuing in farmers suicide has shocked the world. The cohesion proven in the direction of to those protests on social media pressured to authorities to carry important modifications to the regulations for farmers.

#### **4. Influence of Social Media on Social Movements**

Information and verbal exchange era influence's all problems withinside the contemporary-day world, consisting of social actions. The effect of social media on such actions has been felt international in latest years, affecting each advanced international locations like United States, France, and many others in addition to growing international locations like Pakistan, India and many others. Not simply growing or advanced countries however even countries which can be beneath the expand like Afghanistan, Syria, etc.<sup>8</sup>

Whether the social motion is a country wide problem or a worldwide problem, human beings at some point of the arena take part in such movements so as to carry justice and fairness to the human beings suffering.

Whether it is at the assaults and attacks completed in Afghanistan or the Farmers protest in India which were given immense support both inside and outside India. The farmers agitation towards centre's farm legal guidelines had long past global ensuing in global guide via ways of means of the human beings and overseas celebrities.

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<sup>6</sup> [https://meity.gov.in/writereaddata/files/Draft\\_Intermediary\\_%20Amendment\\_24122018.pdf](https://meity.gov.in/writereaddata/files/Draft_Intermediary_%20Amendment_24122018.pdf)

<sup>7</sup> Chadha & chadha IP Firm, " *Tracing the development of "intermediary liability" in India*", April 03 , 2020.

<sup>8</sup> Press Release dated February 25, 2021 available at <https://pib.gov.in/PressReleaseDetailm.aspx?PRID=1700749>

World renowned pop-star Rihanna and climate activist Greta Thunberg favoured the protesting farmers leading to a whole lot of controversy and the opposition called it a blow to India's reputation. While, these celebrity tweets gave a lift of self-assurance to the farmers protests at Delhi borders however it additionally furnished gasoline to the already scorching trouble among the Union authorities and the Opposition over the farm laws.

These social movements are simply an instance that proves social media performs an essential position in those movements. social networks have a huge impact on these movements. The effect can lead to positive or negative attitudes among a number of human beings as the networks with knowledge are also used to spread hatred between the people. just an example that proves social media plays an important role in these movements. Social media greatly affects these movements. The impact could either result in positivity or negativity among the people as with knowledge social media is also used to spread hate among the people.

Social media is an indispensable part of our daily lives, as you won't notice a single day where you don't open your social media to get the latest update on the trends/trends going round the arena, the trending hashtags that are used to bring a difference in the whole world. The arena which includes the MeToo movement which positioned greater highlights to the existence of a women who has been sexually abused both via way of means of their colleagues or a person from their own circle of relatives, or the hashtag Black-lives-matter, which emphasizes the importance of us all being equal, no matter how we look, the way we dress or the beliefs we share. These existence-hanging hashtags that shook the internet world upside down and taken a real alternate withinside the society we live in today.<sup>9</sup>

Social media now no longer simply entertains us however additionally makes us aware about the matters and the political international relations which is going around the world wherein the media has forgot the process they may be speculated to do. Social Media is a source to send a reply to the corrupted media that the world won't stop at their false information. It's a platform that was fabricated so as for each national of the world have a voice and freedom to specific their views, to form the folks aware of the incidents which goes around the world and not fall for the traps created by some high-profile political diplomats or anyone. We are aware of world events going round the world through the assistance of social media as news and media don't seem to be the sole supply to realize information.

When we talk about the trending hashtags, then how are we supposed to forget about the most

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<sup>9</sup> Dhruv Manchanda, " The Information Technology (Intermediary Guidelines And Digital Media Ethics Code) Rules, 2021" The Mondaq , April 29 2021.

revolutionary hashtag/one that is going currently in 2021?

The Free Palestine Movement exposed the atrocities and atrocities spreading in Palestine and opened the eyes of billions of people around the world. This movement shows that if senior officials do not publicly oppose this injustice, people will not be as frustrated and on the sidelines as they are.

With the help of social networks, we can understand what is happening in the other side of the city.

Social media is not simply great for interaction however it is an enormous market in itself. There is also a distraction to this interaction. How can something have advantages and no disadvantages? In addition to the positive impacts of social media, there are also negative impacts of social media.

### **(B) Negative Impact of social media:**

#### **1. Disadvantages of Social-Media during the COVID-19 period**

There are advantages and disadvantages of social media throughout the COVID period. At the times when social media helped human beings be knowledgeable and educated about this pandemic along with information a number of misinformation had additionally unfold on social media as a way to create a ruckus among citizens amid the pandemic. Lots of fake news were surrounded on these websites developing a panic among various people ensuing in public outrages and non-compliance with COVID-19 rules. Numerous faux deaths had been circulated on these social pages.

Such structures were a chief detail for the dissemination of information. There have been a couple of benefits and drawbacks that have to be taken into consideration withinside the upward push of pandemic. Such websites may be used dangerously to be able to create rift among the people. Be it incorrect information on COVID-19, local and non-secular matters. One post is enough to create discomfort among users. Social media is completely exposed to the spread of hate speech.<sup>10</sup>

#### **2. How is Social-Media destroying your life?**

People tend to spend a lot of time on these sites instead of working or doing something. Anything which is used excessively is dangerous. This philosophy is applied to the concept of social media too. Social media has puts us in a spotlight where our thoughts just revolve around

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<sup>10</sup> Section 79 of Information Technology Act.

the opinion of the people. Social media is an addiction to us. Let's be honest many of us are addicted to social media which makes us lose focus in life. It is a dangerous distraction which is slowly ruining our lives. There is a link between social media with anxiety, depression and loneliness. In recent decades the development of all these technologies and apps which gives a rapid rise to be able to access the internet and to be able to communicate at any given moment has dramatically changed. Social media platforms are everywhere and they are so easy to access. It makes us dependent in this independent world.

Social media websites and apps are designed similar to slot machines at a casino. Every notification causes your brain to release dopamine.

### **3. Is Social Media affecting your mental health?**

Violent feedbacks on social media and comments on Facebook/Instagram are geared towards selling youth suicide. Not merely teenagers but the others who have endured this online harassment among the name of Freedom of Speech. Within the past, we have got visible incidents in which individuals have died taking risky clicks simply to put on their Instagram. Social media and suicide are a phenomenon associated with how social media affects suicide-associated behaviour. Suicide isn't solely outlined as an individual phenomenon, but also as caused by the influence of social and environmental factors. In addition, there was growing proof withinside the beyond that social media can have an impact on suicide-associated mortality. Provided to the general public in a number of ways. These pages encompass Instagram, Facebook, MySpace, Twitter, YouTube, Snapchat, Google, TikTok, etc.

These systems are designed to permit humans to virtually connect with each other in a digital way, however sometimes, because of regular harsh criticism, they could result in cyber-bullying, self-doubt about yourself and emotional stress, and in the long run ultimately leading to suicide. These issues are quite common among teenagers as their lives revolves across the social media globe and blurs their thought manner concerning what is right/incorrect or whether or not the social media is real or is an impact of faux world.<sup>11</sup>

Social media is a huge time bomb ticking. People who spend more time on Facebook are more likely to suffer higher rates of depression than the people who spend less time on Facebook. Social media destroys relationships, it's going to value you your time, it's going to value you your cash and could make your lifestyles worse. To be human suggests that you are susceptible in each single moment. It doesn't matter the language we have a tendency to speak, how shrewd we are, it's not regarding what a person is aware of however, it's clearly about how our thoughts

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<sup>11</sup> Section 85 in The Information Technology Act, 2000.



clearly works.

We are all prone to social recognition. It subjects to us greater than our own personal approval. We care about it more than our own consent. We just run after something that slowly ruins us for a present of happiness that isn't even real. We actually care what different humans consider us. When you post a brand-new picture of yourself on any of these social media sites, that is a second in which our thoughts are extraordinarily prone to understanding what different humans think of my new profile photo or is my appearance suitable in it.<sup>12</sup>

Engaging ourselves with social media and our mobile phones releases a chemical referred to as "dopamine". This is the precise identical chemical that produces an individual to feel sensible regarding himself after they smoke, after they drink, after they gamble.

In simplified words, it's extremely addictive. A whole era has access to the present chemical through social media and mobile phones as they are rummaging through excessive stress.

They don't have the copying mechanisms to address stress. So, when significant stress begins off-evolved to expose up of their lives, they are now no longer turning to an individual however, social media instead. Social media isn't always real cause you don't get to look at real world in a 4-inch screen.

The reality of our life's, the behind the scenes, the everyday life without glamour and without filters, the unfiltered regular life. While you end up evaluating your backstage to different people's faux spotlight reels.

Social media additionally furnished superb and terrible data. Along with excessive first-rate impacts of social media, there are horrific impacts of social media too.<sup>13</sup>

Individuals presently don't hesitate to create sexist, racists comments on others in the person of Freedom of Speech. Social networks give us freedom of speech but they also violate those freedom. Along with freedom of speech social media additionally violates human rights.

It is up to us how we use the technology we are granted with. A few human beings use it to expand their knowledge by overcoming all of the physical barriers which assemble them from gaining understanding across the world. While a few uses this technology to unfold crimes inclusive of cyber-bullying, harassment and many more.

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<sup>12</sup> Section 69A in The Information Technology Act, 2000.

<sup>13</sup> Section 230 of the Communications Decency Act, which was passed in 1996, says an "interactive computer service" can't be treated as the publisher or speaker of third-party content. This protects websites from lawsuits if a user posts something illegal, although there are exceptions for copyright violations, sex work-related material, and violations of federal criminal law.

Social media platforms are amongst the maximum broadly used re-assets to offer facts withinside the world, as they are easily accessible and utilized by each age generation people. The capability to empower humanity by harnessing the power of the internet seems endless. Unfortunately, the perils of permitting online violence to rage throughout our virtual panorama additionally appear limitless. When contents published on social media pose threat to society, the want to alter arise-sand obligation of human in addition to the ones posting it turns into important.<sup>14</sup>

### **III. ARTICLE 19 OF THE CONSTITUTION OF INDIA**

"Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive, and impart information and ideas through any media and regardless of frontiers."

Expressing oneself on social media has nearly carried out the repute of necessity. Every person wishes this energy, regardless of how small or huge they attain, might also additionally be. The viral posts, trends, mass moves handiest reaffirm the energy of free speech, powered with the aid of using social media. This is wherein the hassle arises.

In India, more than 20 billion people are using WhatsApp, and even more, people are using Facebook. Thus, allowing fake information rumours to unfold easily.

Social Media is widespread and easily available to everyone. It risks the chances of someone using the technology as till yet there are no strict laws for the offenders in India yet.

Sharma D., Kishore J., Sharma N., Duggal M. (D'cruz, 2017)

A survey of 174 middle graders in Delhi showed that, of the total, 8% indulged in cyber-bullying, and 17% reported being victimized by such acts. We need to understand interwove modes of bullying along with safe use of technology. (D'cruz, 2017)

When we talk about cyber-bullying and harassment, how are we not supposed to mention the "Boys Locker Room" case?

Where a 15-year-old boy, along with 10 other members of the "Bois Locker Room" where these minor boys shared obscene messages, morphed pictures of minor girls while passing obnoxious comments and planned to "gang-rape" them.

During social media monitoring, it was noticed that one Instagram group was used to send obscene messages and morphed pictures of minor girls.

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<sup>14</sup> Aashish Aryan, " Social Media & safe harbour ", The Indian express, June 02 , 2021

It is shocking to learn that someone who has not even passed the age of puberty is engaging in such criminal activities and violating each other's fundamental rights in the namesake of a laugh and violating the essential rights of the alternative. Our youth is the future of India, but not just does this affects the person violating the rules, but it also influences the lifestyles of the people who stay in the society. Criminalizing such activities and labelling them as freedom of speech is similar to selling crime. We have a wide scope on social media and should be used for the benefit of people rather than spreading crime.

Strict rules are needed in order to curb the control of criminal activities which dine on these networking sites. The government of India has announced new rules and regulations for social media platforms. OTT players and digital media. The government will regularize the use and abuse of online platforms.

In 2008, there was a very famous case where an IIT student had put an obscene MMS on sale on baazi.com. From the outside, it was not apparent that it was an MMS video until you clicked the link. When baazi.com came to know about they instantly removed it from their website. The crime branch of Delhi Police took cognizance of this matter and filed a charge sheet against the IIT student who listed the video on the website. Additionally, another charge sheet was filed, and the owner of the website was accused. The item was listed online around 8:30 PM on the evening of November 27<sup>th</sup>, 2004, and was deactivated around 10 AM on November 29<sup>th</sup> 2004. (Ghosh, 2008)

#### **IV. NEW RULES FOR SOCIAL MEDIA, OTT AND DIGITAL MEDIA IN INDIA**

In India, total WhatsApp users are 53 crores, total YouTube users are 44.8 crores, total Facebook users are 41 crores, total Instagram users are 21 crores, and total Twitter users are 1.75 crores in India as aforementioned by Ravi Shankar Prasad, Electronics and IT Minister of India. In India, Indian users are using these platforms and are also doing good business. But concerns have been raised over the years about rampant abuse of social media platforms.

##### **(A) Why has the government put out these rules?**

The government of India said that they felt the need to put out these laws as they felt that there should be some regulation which is needed for social media companies. In the past recent years, a lot of complaints about women being harassed, their photos being shared, cases like this have been registered in large numbers. With regard to social media intermediaries, the rules are actually taking away some of the safe harbours that they have typically enjoyed under the IT Act and holding them more accountable for the content that is uploaded on these sites by their users.

**(B) Information Technology Rules for 2021**

This rule applies not just to social media firms and intermediaries but also, they apply to digital media websites, news websites that have come up in the last few years and are online only. It will also be applied to OTT platforms such as Netflix, Amazon Prime Video, and many more. Basically, it focuses on intermediaries.

**(C) What are intermediaries?**

Suppose there is a shoe manufacturing company and they deliver its product to a local store when you as a customer visit the local store to buy the shoe. Now here, the owner of the local store is neither a manufacturer nor a consumer. The owner is just taking the shoes from the company and selling them to the people. In such cases, the store is an intermediary. A third party that enables the execution of the deal between two parties.

**(D) Who are other intermediaries?**

Instagram, where you can connect and communicate with your friends.

**V. CONGRESS RESPONDS TO MODI GOVERNMENT'S NEW SOCIAL MEDIA REGULATIONS**

Journalist Supriya Shrinete is a National Spokesperson and member of the coordination group of Indian National Congress, as aforementioned by her "This government has consistently attacked Freedom of Expression. Any move to curb Freedom of Speech and Expression should be fought. Recent judgement was a reminder on the issue of Freedom of Speech. The government has also tried to curb seminars scientists have been up in arms. Ravi Shankar Prasad as law minister but more as telecom minister has presided over the death of Indian Telecom is now presiding over the death of Freedom of Speech and Expression, anything done in garb of curbing Freedom of Speech won't be tolerated."

This is a subject of discussion global, now no longer simply in India, and diverse countries are taking distinct methods to adjust big-tech companies. These new IT Rules have raised a number of controversies inside the nation. There are two important things, your phone number and your IP address, that keep your identity safe and private. We all believe in the right to privacy, as it is our legal right; the Supreme Court shares the same view on this. By the regulations surpassed (Rathee) via way of means of the government, it influences our proper to privateness as individuals. Not simply our rights to privateness; however, it additionally is going in opposition to our democracy.

If the authorities are clearly inquisitive about running for the citizens, then the authorities need

to deliver a Data Privacy Law first. So that our information can be covered as opposed to growing the possibilities of getting the information leaked.

Social media has both positive as well as negative impacts on human beings on the premise of ways they employ this technology. Social media has helped us substantially in speaking and getting facts; however, it has additionally made us addicted to those social sites. If social media spreads consciousness awareness concerning vital problems in people, it also spreads hatred among most human beings.

This app is beneficial in addition to risky to us. If social media can unite people, it may additionally divide and cause harm to people's minds.

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