

SOCIAL MEDIA AND INFORMATION TECHNOLOGY: ISSUES AND CHALLENGES

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“Social media has become really fundamental to the way that billions of people get information about the world and connect with each other, which raises the stake enormously.”

---- Kevin Werbach

Abstract

Social media and information technology are two interconnected concepts, with social media platforms relying heavily on IT infrastructure to function. Social media refers to web-based applications and platforms that have revolutionized the way people communicate and share information by enabling users to generate, share, and interchange content in cybernetic communities & webs. Information technology, on the other hand, encompasses a broad range of technological tools and techniques that facilitate the creation, processing, storage, and dissemination of information.

Social media has rapidly altered the approach of people in interacting & sharing information, leading to the emergence of new forms of communication and social engagement. Social media platforms such as “Facebook”, “Twitter”, “Instagram”, and “LinkedIn” rely on IT infrastructure to operate and deliver their services to users and have become integral parts of day to day life for masses in the globe, providing opportunities for socializing, entertainment, and business networking.

Information technology also has a critical role to play in enabling the growth and widespread adoption of social media. Advances in computer hardware and software, mobile technology, and internet connectivity have made it possible for people to access and use social media platforms from anywhere and at any time. Information technology has also enabled the development of sophisticated processes, machine learning models, and data analytics tools that enable social media platforms to deliver personalized content and advertising to users.

While social media and information technology have brought many benefits, they have also raised various challenges related to “privacy”, “security”, “the spread of misinformation and fake news”. Ultimately, both positive and negative effects of social media and information technology have had a significant impact on society. It will be crucial for people, companies, and legislators to carefully assess the impact of new technologies as they continue to develop and try to reduce any potential negative effects.

KEYWORDS: *Social Media, Information Technology, Regulations, Self-regulations*

1. INTRODUCTION

Recent decades have seen a tremendous impact on globalisation through the growth of new media and communications. Now more than ever, it's simple to travel and communicate worldwide. Social media and smartphones have become widely used, making it possible for people to communicate with ease and continuously.

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Guo-Ming Chen (2012)¹ asserts that new media has elevated social interaction and society to a very complex and interwoven level. But it calls into question the whole notion of intercultural communication in the conventional sense. A letter would often take many weeks to travel across the Atlantic Ocean. Today, sending a message using a mobile device takes less than a second.

It is undeniable that information technology, particularly social media, has a significant impact on how people live their lives. Social media is typically used by people to create online communities, groups, and for communication. Social media, however, is not only used in personal life; it is also heavily involved in politics, business, sports, and education, among other things. Knowledge creation, knowledge dissemination, cooperation, and networking are the key concepts. Mark Zuckerberg started Facebook, Twitter: a platform for micro blogging, Steve Chen and Chad Hurley established YouTube as a platform for video sharing, LinkedIn, the most effective professional social media site, Educators may connect with students and parents using Edmodo, teachertube, a platform for sharing educational films and content, and wordpress, a comprehensive content management system are examples of few social media platforms.²

The conventional and traditional media gradually started to be supplanted by social media as time went on, starting in the middle to late 1990s. Many social media platforms, including online forums, personal websites, sophisticated bulletin board systems, and online chat, made it possible for everyone to be heard by a large audience. With introduction of social media came both benefits and risks in equal measure.³

1.1 OBJECTIVES OF STUDY

The main objective of study is to analyse the aspects of social media and information technology and to address the challenges and issues arising from their use. The paper is divided in two parts, first part will be analyzing various facets of social media and information technology, recognize and address the issues and challenges that arise from their use. In second part existing legal

¹ Chen, G., *The Impact Of New Media On Intercultural Communication In Global Context*” CHINA MEDIA RESEARCH, 8(2) (Apr. 12, 2023, 11:10 AM), <http://www.chinamediaresearch.net>.

² Dr. Jasmeet Kaur & Dr. Deepty Gupta, *Impact of Emerging Technologies in Social Media on Education-A Study*, 6(3) INTERNATIONAL JOURNAL OF RESEARCH IN ADVENT TECHNOLOGY, (Mar. 2018), (Apr. 13, 2023, 11:10 AM), www.ijrat.org.

³ Dr. Suman Kumar Kasturi, *Social Media: Key Issues And New Challenges - A Study Of Nalgonda District*, Commentary -1, 5(1) GLOBAL MEDIA JOURNAL - Indian Edition, Sponsored by the University of Calcutta/www.caluniv.ac.in, ISSN 2249 - 5835, (Jun. 2014), (Apr. 12, 2023, 03:10 PM), https://www.caluniv.ac.in/global-media-journal/COMMENTARY-JUNE-2014/C_1.pdf.

measures with prospective legal measures and suggestions to curb the problem caused by social media is dealt.

2. RESEARCH METHODOLOGY

Research work was carried out by the doctrinal method of research methodology and hence heavy reliance has been placed on the existing literature and law journals. Reliance has also been placed on the commentaries, case comments, newspaper articles, viewpoints of various legal theorists and case laws that have been pronounced by the supreme court of India. Internet sources and e-book sources have also been referred to.

3. Social Media & Information Technology: A Glimpse

Charles Wankel (2010)⁴ in his book tries to define social media as: “Activities that integrate technology, social interaction, and content creation...microblogs, and more”.

A social media is a web-based platform that users use to create social networks or social connections with others who share their interests in hobbies, lifestyles, connections, or personal or professional pursuits. Social networks are obviously growing more prevalent in people's lives. Many youngsters keep track of Twitter tweets and status changes from their family members and close friends using their personal computers, laptops, and cell phones. People are being compelled to choose alternate lives as a result of the advancement of technology. Social networking platforms can aid young people in becoming more socially responsible. A web-based platform for data communication is social media. Via social media platforms, users can have discussions, exchange information, and create material for the web. There are many different types of social media, including blogs, microblogs, wikis, social networking sites, photo and video sharing websites, instant messaging, podcasts, widgets, virtual worlds, and more. Billions of individuals use social media to connect and share information on a global scale.⁵

By connecting with other professionals in our industry, social media can be utilised professionally to develop or widen our expertise in a particular field and strengthen our professional network. We have the chance to interact with our clients through social media, obtain their feedback, and professionally increase brand recognition. Social media is an innovative idea with lots of potential and possibility for growth. Because of the development of social media, many organisations are adopting it to enhance their operations. We can interact or advertise more successfully thanks to social networking. The same is true for

⁴ CHARLES WANKEL, “Cutting-Edge Social Media Approaches to Business Education” (Charlotte: IAP Information Age Publishing, Inc. 2010).

⁵ Mahmoudi Sidi Ahmed et al., “*Detection of Abnormal Motions in Multimedia*”, Chania ICMI-MIAUCE’08 workshop, Crete, Greece, 2008.

people's daily feed of news; they can now obtain it all from social networking websites rather than the media or television. Access to information and global tracking are both possible.⁶

3.1 Information Technology:

The term “information technology” first coined under “1958 Harvard Business Review” article. Many categories of information technology were defined by writers Harold J. Leavitt and Thomas L. Whisler⁷:

“One includes techniques for processing large amounts of information rapidly, and it is epitomized by the high-speed computer. A second part centers around the application of statistical and mathematical methods to decision-making problems; it is represented by techniques like mathematical programming, and by methodologies like operations research. A third part is in the offing, though its applications have not yet emerged very clearly; it consists of the simulation of higher-order thinking through computer programs.”

Information technology has had and will continue to have a significant impact on society and how society functions. Most professional, commercial, and industrial activities now involve some aspect of information and communications technology, and most organizations would find it difficult, if not impossible, to operate without extensively relying on these technologies. Since they enable the use of huge information storage, processing, dissemination, searching, and retrieval, they have evolved into important technologies.⁸

3.2 Connect between Social Media & Information Technology

Social media & information technology are two interconnected concepts, with social media platforms relying heavily on IT infrastructure to function. Social media refers to web-based applications and platforms that have revolutionized the way people communicate and share information by enabling users to generate, share, and interchange content in cybernetic groups and webs. Information technology, on the other hand, encompasses a broad range of technological tools and techniques that facilitate the creation, processing, storage, and dissemination of information.

Social media has rapidly altered the way people interact and share information, leading to the emergence of new forms of communication and social

⁶ W. Akram & R. Kumar, *A Study on Positive and Negative Effects of Social Media on Society*, 5 (10) INTERNATIONAL JOURNAL OF COMPUTER SCIENCES AND ENGINEERING (2017), (Apr. 13, 2023, 11:10 AM), <http://www.ijcseonline.org/>

⁷ Harold J. Leavitt & Thomas L. Whisler, *Management in the 1980's*, HARVARD BUSINESS REVIEW (Nov. 1958), (Apr. 11, 2023, 11:10 AM), <https://hbr.org/1958/11/management-in-the-1980s>.

⁸ 1 DAVID BAINBRIDGE, INTRODUCTION TO INFORMATION TECHNOLOGY LAW (Pearson Education Limited, England 6th ed., 2008).

engagement. Social media platforms such as “Facebook”, “Twitter”, “Instagram”, and “LinkedIn” rely on IT infrastructure to operate and deliver their services to users and have become integral parts of day-to-day life for masses in the globe, providing opportunities for socializing, entertainment, and business networking.

Information technology also has a critical role to play in enabling the growth and widespread adoption of social media. Advances in computer hardware and software, mobile technology, and internet connectivity have made it possible for people to access and use social media platforms from anywhere and at any time. Information technology has also enabled the development of sophisticated processes, machine learning models, and data analytics tools that enable social media platforms to deliver personalized content and advertising to users.

While social media and information technology have brought many benefits, they have also raised various challenges related to “privacy”, “security”, “the spread of misinformation and fake news”. Ultimately, both positive and negative effects of social media and information technology have had a significant impact on society. It will be crucial for people, companies, and legislators to carefully assess the impact of new technologies as they continue to develop and try to reduce any potential negative effects.

3.3 Problems and challenges posed by Social Media and Technology

Everyone in society can keep in touch with one another and make new friends from around the globe thanks to social media. Also, consumers obtain daily news updates through a variety of social networking sites. Social media are now utilized for many different things, such as music sharing, business promotion, product campaigns, advertising, news updates and opinion sharing. Many benefits of social media enhance people's lives. But it has so many drawbacks, and most people are ignorant of the problems that social media brings about. “Cybercrime”, “cyber bullying”, “poor academic performance”, “poor performance at work”, and “strained personal relationships” are all caused by social media. To reduce the risks of hacking and cybercrime, people should be conversant of the issues & challenges of the social media and attempt for using it securely.

- **Privacy and Security**

Concerns over security and privacy when utilizing social media are the main problems. The privacy risks on these sites are currently causing a lot of anxiety among social media users. It is quite challenging to maintain privacy on social media because they are public platforms that make it easy for anyone to rapidly

access the private information of others. Many people refrain from participating in conversations because they are worried about being overheard.⁹

By using social networking sites, which typically have the effect of violating their privacy, people expose themselves to a variety of risks. Privacy may be breached in a variety of ways if personally identifiable information is not used responsibly and consistently.¹⁰

The security of personally identifiable information and other pertinent data is equally threatened by social media platforms. The most prevalent aspect is website hacking, which poses a serious risk to social media users. This ends up being yet another important issue that social media raises.¹¹

- **Misinformation & Fake news**

The spread of misinformation and fake news via social media poses a risk to democracy and larger societal norms. Fake news refers to the false or inaccurate news or stories that can be found online, whereas, misinformation refers to the misleading or false information produced or spread without a conscious desire to harm.

Fake news is created content that is offered as authentic news under false pretenses. It is released with the intention of deceiving readers in order to harm a company, person, or competitor. It is common knowledge that false information spreads more quickly and deeply than actual information. There are sites that knowingly post bogus news that poses as legitimate news. “Fake news websites” are what these are. Similar websites have disseminated political rumours in Germany, Indonesia, the Philippines, Russia, the United States, and Indonesia. The dissemination of false information is largely due to modern social media.¹²

There are numerous types of fake news, including¹³:

⁹ A.M. Kaplan, & M. Haenlein, *Users Of The World, Unite! The Challenges And Opportunities Of Social Media*, BUSINESS HORIZONS, 53, 59-68.

¹⁰ Patrick Van Eecke & Maarten Truyens, *Privacy and Social Networks*, 26(5) COMPUTER LAW & SECURITY REVIEW 535-546 (2010).

¹¹ Dr Suman Kumar Kasturi, , *supra* note 5.

¹² Matthew N O Sadiku, Tochukwu P. Eze, and Sarhan M Musa, *Fake News and Misinformation*, 4 (5) INTERNATIONAL JOURNAL OF ADVANCES IN SCIENTIFIC RESEARCH AND ENGINEERING, (May 2018) (Apr. 1, 2023, 11:10 AM), <https://d1wqtxts1xzle7.cloudfront.net/56753969/32728-libre.pdf?1528442687>.

¹³ A. Campan, A. Cuzzocrea, and T. M. Truta, *Fighting fake news spread in online social networks: Actual trends and future research directions*, Proceedings of the IEEE International Conference on Big Data, 4453 – 4457 (2017).

- **Clickbit:** a false or exaggerated tale that was made with the goal of getting clicks to boost advertising income. The “clickbait” headlines on these frequently say that “*drinking two gallons of water per day is healthy, that eating chocolate will help you lose weight, that sugar causes cancer, or that red wine will lighten your skin.*”
- **Propaganda:** Deceptive narrative intended to advance the author's goals. It might have political motivations. Politicians and governments utilize propaganda to advance their agendas.
- **Opinion:** The author's remark, which aims to persuade the reader, is contained in the story.
- **Humor:** The goal of this story is entertainment. Satire is being used to address current events. Instead of referring to themselves as journalists, the authors position themselves as entertainers. The material may not be taken at face value if viewers are conscious of the comedy intended.

Fake news is created by making up events. Millions of people watch them, and they receive a lot of engagement through social media. In the United States, Canada, UK, China, and other countries, politicians employ them primarily during elections. Prior to the 2016 election, After the election, studies found that many readers of these pieces believed them to be factual, despite the fact that it was previously believed that a large majority of American adults had been exposed to fake news. Many claim that false information had a big impact on the 2016 election as well as the ongoing political problems and divisions that it caused.¹⁴

The most obvious risk posed by fake news is the devaluation and legitimization of professional voices. Genuine journalism is hampered by fake news, which also diminishes public confidence in the media and serious reporting. It is viewed as a danger to democracy. Such purposeful false reporting is detrimental to everyone. Although not being a recent phenomenon, disseminating false information is now profitable. The fast dissemination of false information online puts societies all around the world at danger. That is a significant issue that requires attention.¹⁵

Cyber Bullying

Bullying has transferred to the internet era. Although the underlying impulses are the same, the result is greater. The tools of bullying used to be whispered, yelled, or passed around in the past. With only a few clicks, a photo, video, or chat may now be sent to thousands of people by email or to millions via a website, online profile, or blog post.

¹⁴ H. Allcott and M. Gentzkow, *Social Media And Fake News In The 2016 Election*, 31(2) JOURNAL OF ECONOMIC PERSPECTIVES 211-236 (2017).

¹⁵ E. C. Tandoc, Z. W. Lim, and R. Ling, *Defining Fake News*, 6(2) DIGITAL JOURNALISM 137-153 (2018).

The majority of young people have historically become victims of online bullying, according to a PewCenter.org survey. Because anyone can make a bogus record and do whatever they want without anyone noticing, it has become exceedingly easy for anyone to scare others online. To frighten and anger the population, it is easy to send threats, terrible messages, and rumours to the vast majority.¹⁶

Hacking

On the Internet, security and private information are both vulnerable to hacking.¹⁷ In the past, programmers have hacked into Twitter and Facebook accounts and posted content that has affected the users' lives.

Deception

The person's identity when they sign up for social networking sites could be real or fraudulent. The other user has no way of knowing whether his or her identity is genuine. Deception situations have been reported frequently recently all across the world. Social networking has emerged as a simple technological method for misleading people.¹⁸

Terms of Agreements

The majority of social networking platforms let users create accounts after agreeing to often ambiguous terms of agreement. There are various ways to interpret the provisions of the agreement. They indirectly represent a threat. Users of the majority of social networking sites voluntarily agree to allow the proprietors of those platforms to utilise their personal information. That results in a privacy violation that is indirect. One of the major challenges that social media presents is one like this.¹⁹

Advertisement on Social Media

Social media advertisements should adhere to censorship guidelines, and pornographic content in adverts should be prevented on websites created specifically for social networking. If these limitations are not strictly enforced, they may destroy the minds of young people, indirectly raising the crime rate. This is among the most significant problems that social media in the modern web world has to deal with.²⁰

¹⁶ Amanda Lenhart, *Cyber Bullying* PEW RESEARCH CENTER, JUN. 27, 2007, (Apr. 14, 2023, 11:15 AM), <https://www.pewresearch.org/internet/2007/06/27/cyberbullying/>.

¹⁷ Himanshu Nagar, Chetna Dabas, and J. P. Gupta, *Navie Bayes and K-Means Hybrid Analysis for Extracting Extremist Tweets*, ACM Conference, 27-32.

¹⁸ Dr Suman Kumar Kasturi, , *supra* note 5.

¹⁹ *Ibid.*

²⁰ *Ibid.*

3.4 Prevailing Laws & Regulations, Regulating Social Media and Information Technology

Many questions about the effects of digitization and the usage of social media on the communities involved are raised and posed by the significant conceptual and technological changes influencing contemporary societies. The misuse of modern technology and social media, which pervade every part of daily life, is often perceived as being in “crisis”.²¹

The effectiveness of human sovereignty has been greatly increased thanks to the social media revolution, which has created a wide range of new channels for private communication and media involvement. Although the internet is lauded for being a liberating tool, it is also routinely connected to growing threats to safety, order, and wellbeing. As a result, social media platforms needed to be regulated.²²

India has enacted several laws and regulations that aim to regulate social media and information technology. These laws categorized into two main categories: the Information Technology Act, 2000, and the Indian Penal Code, 1860.

- **Social Media and the Indian Penal Code, 1860**

The IPC provides for various crimes committed through social media platforms. The IPC provides for punishment for crimes such as cyber stalking, cyber bullying and identity theft.

Section 499²³ of the IPC provides for the punishment of defamation through social media. It provides for imprisonment of up to two years or a fine, or both. This section has been used to regulate the use of social media in India.

Section 503²⁴ of the IPC provides for the punishment for criminal intimidation through electronic devices. It provides for imprisonment of up to two years or a fine, or both. This section has been used to regulate the use of social media in India.

- **Social Media and the Information Technology Act, 2000**

The primary law in India to govern various activities in cyberspace and on computers, including social media sites and platforms, is the Information Technology Act, 2000.

The U.N. General Assembly's 1997 resolution led to the passage of the Information Technology Act, 2000. The regulatory aspect of these Internet services and cybercrimes are covered under the IT Act. The most popular

²¹ McGuire, M.R. Cons, *Constructions Misconceptions of Computer Related Crime: From a Digital Syntax to a Social Semantics*, 6 J. Qual. Crim. Justice Criminol (2017).

²² Anil Kumar Maurya, *Regulation of Social Media In Cyber Space A Critical Study Of Regulatory Mechanism With Special Reference To India*, INFLIBNET (2015), (Apr. 22, 2023, 11:10 AM), <http://shodhganga.inflibnet.ac.in:8080/jspui/handle/0603/122738>.

²³ Indian Penal Code, 1860, No. 45, Acts of Imperial Legislative Council, 1860 (India), s. 499.

²⁴ *Id. at* s. 503.

platform for information dissemination in the world, social media, has also evolved into a haven for online criminal activity. As a result, Chapter XI addresses cybercrimes; however, it does not contain a full list of offences due to the daily emergence of new varieties of cybercrimes and new means of committing them.²⁵

Section 67 of the IT Act criminalizes the transmission of obscene material through electronic devices. In the *Suhas Kutti*²⁶ case, the accused published and disseminated an offensive, defamatory, and offensive comment about a divorced woman on a Yahoo message group. Additionally, the accused forwarded mails to the victim asking for information through a fake email account he set up in the names of the victims. After the message went public, the woman received a ton of bothersome phone calls since she was incorrectly thought to be recruiting business. As a result, the accused is found guilty after being tried under sections 67 of the Information Technology Act of 2000 and 469 & 509 of the Indian Penal Code.

Section 69, which provided authorities the ability to intercept, monitor, or decrypt information, brought in “government surveillance.”²⁷

Section 69A of the act provides for the power to block public access to any information that threatens the unity, integrity, defense, security and sovereignty of India. This provision has been used to block access to several social media platforms in India, including Facebook, Twitter and Instagram.

Section 69B granted the authority to government to gather traffic information from any computer resource.

Together, Articles 69A and 69B allow the government to order the banning of sites for cyber security reasons, effectively implementing internet censorship. Many people expressed doubt on the legality of the government's use of these provisions, which lead to internet censorship.²⁸

To establish the onus of offence, the 2008 amendment in IT act provided a clear definition of “intermediary.” It was stated that the term “intermediary” refers to

²⁵ Dornala Sai Mahitha, *Social Media and It's Regulations in India*, 4(6) INTERNATIONAL JOURNAL OF LAW MANAGEMENT & HUMANITIES (2021).

²⁶ State of Tamil Nadu v Suhas Katti C. No. 4680 of 2004 (India).

²⁷ G. Bhatia, *Section 66A: Why SC Got Rid of One of India's Most Oppressive Censorship Laws*, (Apr. 27, 2023, 11:10 AM), <http://www.dailyo.in/politics/section-66-a-freedom-of-speech-expression-sections-69a-79-social-media-ceensorship/story/1/2740.html>.

²⁸ V.A. NARAYAN, & R. ARYA, *The Information Technology Act, 2000 and the Intermediary Guidelines, 2011 Regulation of New Media: The Indian Scenario*. 143-170 in INDIA CONNECTED: MAPPING THE IMPACT OF NEW MEDIA (Sunetra Sen Narayan and Shalini Narayanan ed., Sage Publications 2016).

a social media platform, a company that receives, stores, transmits, and provides services for electronic records on behalf of users. When intermediaries learn about illegal content, they are required to delete it. The amendment demands that these service providers exercise “due diligence” when transmitting information.²⁹

- **Social Media and Information Technology (Intermediary Guidelines) Rules 2011**

In an effort to broaden the intermediary's "due diligence," the government drafted extensive guidelines in April 2011. The authority granted to it by Section 87(2) read with Section 79 of the IT Act was used to enact the rules. *“The rules place a heavy burden upon intermediaries to exercise due diligence while discharging their functions, forcing them to screen content and exercise online censorship.”* Yet, given the enormous amount of content uploaded and the complex issue of legal infractions, it would have been incredibly challenging for intermediaries to adhere to these rules.³⁰

- **Social Media and Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules 2021**

The Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules 2021 have been drafted in order to exercise the authority granted by section 87(2) of the Information Technology Act, 2000, and they replace the previous Information Technology (Intermediary Guidelines) Rules 2011 in order to close the legal and technological advancement gap.

On February 25, India published the “Information Technology (Intermediary Guidelines and digital Media Ethics Code) Rules, 2021”, which for the first time specifically regulate OTT - online video streaming platforms, digital news, and current affairs service providers. The rules were primarily intended to regulate social media. Although OTT platforms and online news media were not previously covered by the rules of the IT Act, the scope of regulation under the new guidelines has been enlarged to include them. On May 26, 2021, the three-month window for social media networks to comply with the new rules expired, and the new regulatory framework went into effect.³¹

The 2021 guidelines impose a number of obligations on international internet companies, including a requirement that they be held more accountable for

²⁹ Ravi Shankar and Tabrez Ahmad, *Information Technology Laws: Mapping the Evolution and Impact of Social Media Regulation in India* 41(4) DESIDOC JOURNAL OF LIBRARY & INFORMATION TECHNOLOGY, 295-301 (Jan. 2021) (Apr. 14, 2023, 11:15 AM), 10.14429/djlit.41.4.16966.

³⁰ *Ibid.*

³¹ *Ibid.*

"misuse and abuse" of digital platforms and to address complaints of individuals who have been unjustly treated by hate speech and trolling. Social media sites must reveal information on the "originator" of problematic content upon request from the government or legal authorities, according to the Guidelines. The 2021 guidelines give the government the authority to immediately prohibit, remove, or amend published content or news.³²

Moreover, Rule 4 of the 2021 Regulations outlines 16 requirements for due diligence that Indian intermediaries must adhere to. Intermediaries can no longer manage this "Due Diligence" clause since it has grown too complex. The "Safe Harbour" principle's protection of the intermediary would be lost if these tight standards weren't followed. Particularly the personal accountability of intermediate officers for criminal and civil actions including content from third parties. The clause requires the intermediary to appoint an Indian-based grievance officer who will be responsible for any inappropriate information.³³

Though the changes in Information Technology act of 2000 and various Information Technology Rules may appear well-intentioned and desirable, but due to the legal encroachment of some of the strict provisions by combining social media, digital news media, and OTT platforms, these rules and guidelines will have a significant impact on free speech, privacy, and access to online information.

4. Self-regulation as an Alternative approach

In particular during times of crisis, freedom of expression is essential for developing economies. In democratic nations, the presence of an open media enables the government to deal with opposition, pressure from the public, and criticism while preventing crises from worsening. Yet, attempts to regulate social media or digital media make the populace of the nation vulnerable and may deny them essential socioeconomic rights. In some cases, such as when it comes to serious crimes like terrorism, pornography, lynching, etc., government censorship regulations is crucial. Social media platforms would turn into a government-sponsored nexus/hub where tailored material is transmitted while the fundamental freedoms of speech and expression are completely violated if the regulation is fully implemented. By broadly defining categories like "publisher" and "social media intermediary," India's 2021 rules cast a wide net over its many digital enterprises, setting a precedent for other countries to expose these firms to ex ante regulation and to constrain private expression. The migration of other democracies from a democratic, open network to a state-

³² The Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, (Apr. 17, 2023, 11:15 AM), <https://www.meity.gov.in/content/notification-dated-25th-february-2021-gsr-139e-information-technology-intermediary>.

³³ Ravi Shankar, *supra* note 31.

controlled one will only be facilitated by this push for strict regulation and the increasing precedence for "official," state-supported discourse.³⁴ Therefore, another method to regulate social media should be adopted i.e., Self-Regulation. Self-Regulation refers to "the steps companies or industry associations take to preempt or supplement governmental rules and guidelines." Self-regulation for a specific business can take many different forms, from proactive "corporate social responsibility" (CSR) programmes to self-monitoring for regulatory violations.³⁵

In essence, self-regulation does not involve censorship or self-censorship but rather establishing minimal standards of ethics, accuracy, etc. while protecting the freedom of expression. Yet, there have been a number of cases that have led to calls for a particular media regulatory framework in India. In a case involving reality television in 2013, the Delhi High Court rejected the premise of self-regulation and advised the Central Government to enact restrictions for electronic media. On the other hand, the Indian media is opposed to any legislative rules and justifies this by claiming that it is capable of self-regulation, which is crucial for the autonomy and independence of media.³⁶

The Concept of Self-regulation referred to the Setting up rules or guidelines for media behaviour that support freedom of expression while also keeping an eye on compliance with those guidelines. The argument in favour of self-regulation of the media is that because it is crucial for democracy that the media remain independent and autonomous, it is imperative to maintain these qualities. Self-regulation will also shield the media from government meddling. Another issue that the media frequently brings up is the fact that self-regulation is a better course of action in today's global environment when jurisdictional disputes are complicated. Additionally, Self-regulation is less expensive and can increase professional standards because each institution must evaluate and create its own code of conduct.³⁷

³⁴ Dornala Sai Mahitha, , *supra* note 27.

³⁵ Michael A. Cusumano, Annabelle Gawar & David B. Yoffie, *Social Media Companies should Self-Regulate Now*, HARVARD BUSINESS REVIEW (Jan. 2021), (Apr. 10, 2023, 10:10 AM), <https://hbr.org/2021/01/social-media-companies-should-self-regulate-now>.

³⁶ Saumya Ramakrishnan, *Can the watchdog watch itself? Indian Media And Self-Regulation* FIRST POST, Aug. 27, 2012, (Apr. 15, 2023, 10:10 AM), <https://www.firstpost.com/politics/can-the-watchdog-watch-itself-indian-media-and-self-regulation-431499.html>.

³⁷ Andrew Puddephatt, *The Importance of Self-regulation of the Media in upholding Freedom of Expression* UNESCO, N 9, Feb. 2011 (Apr. 20, 2023, 10:10 AM) <https://unesdoc.unesco.org/ark:/48223/pf0000191624>.

5. CONCLUSION AND SUGGESTIONS:

Social Media are among those with the fastest global growth, which enables global communication between any two people. There have also been times during pandemics when social media was the only way or platform for us to communicate with one another. Any web- or mobile-based platform that allows for interactive communication between people or organizations and the sharing of user-generated content can be referred to as social media. The most popular international platform for information sharing, social media has also evolved into a haven for cybercrime.

Several governments throughout the world, as well as Indian government organizations, are reaching out to people using social media to ask for their input on policy decisions, collect feedback on service delivery, develop community-based programmes, etc. Also, there are many concerns about getting permission to speak on behalf of the department or agency, the technologies and communication platform to be used, the breadth of the engagement, establishing synergies between various channels of communication, complying with present laws, etc. As a result, it was believed that social media usage policies were necessary in order for project owners and implementers to make the best use of these channels. To construct and advance their interactions on social media and strategy, the strategy and guidelines have been designed for all government agencies, including PSUs.³⁸

In India, legal consequences must be assessed in light of applicable laws, such as the IT Act of 2000 and IT (Amendment) Act of 2008, as well as any rules and regulations created in accordance with such laws.

While social networking facilitates increased transparency, it is equally necessary to shield users from exposure to harmful or improper content. Any social media plan must include social media monitoring as a core component. A thorough, effective law or code must be passed right away to properly regulate social media and create a society where people may interact in safety and peace. Because social media platforms are always changing and expanding, new types of wrongs, abuses, and misuses occur every day, the law should be adaptable and dynamic enough to address a wide range of potential wrongs on those platforms.

The goal of organizations around the world, like article 19³⁹, should be to create standard regulation of social media through an autonomous body and self-regulatory measures by the platforms, with as little control by governments as

³⁸ Department of Electronics and Information Technology, *Framework & Guidelines for Use of Social Media for Government Organisations*, 1-24.

³⁹ INDIA CONST. art. 19.

feasible limited to public policy concerns.⁴⁰ The fundamental right to freedom of speech and expression should not be compromised or restricted under the guise of legislation to combat wrongs or crimes committed on social media, as was the case with section 66A of the Information Technology Act of 2000, which has since been overturned by the Hon. Supreme Court of India in the case of *Shreya Singhal v. Union of India*⁴¹.

India needs a comprehensive legislative regulatory framework that is approved by the parliament and discussed openly with stakeholders to regulate different aspects of social media and Information Technology. The legislative process must recognize the harms to civil rights while also comprehending technical issues and their effects on the public sphere.⁴²

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⁴⁰ Dornala Sai Mahitha, , *supra* note 27.

⁴¹ (2015) 5 S.C.C. 1 (India).

⁴² Ravi Shankar , *supra* note 31.

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