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Social Media and Its Impact on the Society

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ABSTRACT

This article deals with the impact of the social media on the society including the associated legal facets. Social media has become a part and parcel of the lives of the people. Increased use in the present century has its own pros and cons which have been discussed hereby. The article covers various legal issues which have arisen due to the existence of social media. Data security issues, safety on social media platforms and rapid spread of fake news are the burning issues which have received most attention from the public among many issues related to social media. This article also enumerates on the laws, cases and guidelines which have tackled such issues and also aims at creating an understanding on this topic among the unfamiliar.

Keywords: Social Media, Fake News, Cyber Crime, Cyber Bullying, Child Pornography.

I. INTRODUCTION

The Social media has become an indispensable part of the modern lifestyle. Both, essential work and recreational activities can be done via social media. It allows one to connect to a larger number of people in an easier way. In simple terms, social media are interactive computer mediated technologies which allow for formation and sharing of information and ideas of various forms by way of virtual communities and networks². The roots of social media are said to have been sown during the 1840s due to the introduction of telegraph in the mainstream society in the States³. Despite its popularity and relevance in the present times, it has also given rise to various issues related to data, fake news, online bullying, etc. The government and the judiciary has taken steps for time to time to manage the problems and issues. Whatever the case might be, positives of social media outweigh the negatives which is the reason why it has been becoming popular over time.

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² Kristopher Hermkens, "Social Media? Get Serious! Understanding the Functional Building Blocks of Social Media", Simon Fraser University (June 28 2020, 06:00 pm) <http://summit.sfu.ca/item/18103>

³ Jonathan A Obar, "Social media definition and the governance challenge: An introduction to the special issue", Science Direct (June 28 2020, 06:15 pm)

<https://www.sciencedirect.com/science/article/abs/pii/S0308596115001172?via%3Dihub>

II. POSITIVE ROLE OF SOCIAL MEDIA IN A DEMOCRACY

Social media and its extensive usage is a reality in any democracy of the world. Social Media allows for sharing of information to a larger community. Social Media has enabled one to exercise his Right to freedom of speech and expression⁴ in a different manner than before. Social Media has been effective in making the masses approach the government with their grievances. Often it is through social media that the higher authorities are able to understand and perceive the opinion of the public. Social Media platforms like Twitter have been instrumental in bridging the gap between the public and the authorities. During the Covid-19 pandemic, twitter can be said to have played an optimistic role as people were effectively able to reach the government regarding the deplorable state of the hospitals and medical facilities. Social media has made it much easier to raise the voice against the wrong and the unjust.

Social Media is also an effective tool was extending solidarity and connection. People of different communities come together and share their views. People from various minority communities come together because of social media which makes it easier for people to connect. Social Media proved to be a boon for the LGBTQ+ community as it became easier for them to raise voice for their rights and meet people like them. Online like-minded communities are another facet of democracy whereby one has the right to expression.

Social Media is an effective tool for the people for exercising their right to protest in a democracy. Social Media delivers a message to a huge number of people in a minuscule span of time. Larger people come to know of the issues affecting their fellow citizens thereby leading to a huge participation in the protests. Social Media just like the mass media has become another platform for the citizens to debate. It depicts a diversity of views to a large number of people.

III. ISSUES AND LAWS RELATED TO SOCIAL MEDIA

Social Media in the present century plays a colossal rule in the lives of the people mainly because of the positives it carries with itself. However on the other hand no dearth exists of the adverse issues which arise due to extensive use of social media. Fake news, fast spread of rumors, data security issues and online bullying are few of such issues which have been dealt with further.

⁴ The Constitution of India 1950, Article 19(1)(a)

A) Fake News

Social Media in India is regulated by the Information and Technology Act 2000 for managing and controlling the IT or Information Technology. Since Social media is considered to be an intermediary under Section 26⁵ which is the reason why social networking sites in India are covered within the ambit of laws in India. Section 66A of the Information and Technology Act was the regulator of social media related laws in India. This section puts a restriction on any form of virtual speech and expression which are offensive or unwarranted in nature. However in 2015 in the landmark case of *Shreya Singhal and Ors v Union of India*⁶, Section 66A⁷ was struck down. The ruling of the *Shreya Singhal* case was applauded and appreciated by the masses and legal fraternity in a similar manner as this section was perceived to be a way of putting a restriction on the freedom of speech and expression⁸. However, it would be wrong to perceive that speech on online platforms is totally unrestricted. Various Sections of the Indian Penal Code, 1860 would be continued to be applied in context of social media platforms Certain sections like S 153A, S 506 and S 499 are some of those sections of the Indian Penal Code which are applicable in various cases.

The most prominent issue which has caught the attention of the Courts and the government is that of the Fake news. Though Fake news has existed since the advent of printing press and media, but in the times of globalization and social media, it has become a prevalent phenomenon. Manipulation of the algorithms of social media platforms makes it a much easier way of supplying a wrong and misleading piece of information to a large audience in a small period of time. This has now become a worldwide phenomenon⁹. Fake video clips and news articles are widely circulated by people knowingly or unknowingly. Many people due to their sheer ignorance unknowingly become responsible for circulating fake news and videos largely on Whatsapp. Spread of fake news in India reached an all time high in 2019 as many major incidents were unnecessarily blown out of proportion due to circulation of fake news and videos¹⁰.

Social Media Hox Slayer and Alt News are some of those forums in India which often expose

⁵ The Information and Technology Act, 2000

⁶ Writ Petition No. 167 of 2012

⁷ Supra 4

⁸ The Constitution of India 1950, Art 19(1)(a)

⁹ “The Problem of Fake News in India : Issues, Concerns and Regulations”, Dhristi IAS (June 28 2020, 08:00 pm) <https://www.drishtiiias.com/printpdf/the-problem-of-fake-news-in-india-issues-concerns-and-regulation>

¹⁰ Anumeha Chaturvedi, “2019 - The year of fake news”, *The Economic Times* (June 28 2020, 08:15 pm) https://economictimes.indiatimes.com/news/politics-and-nation/fake-news-still-a-menace-despite-government-crackdown-fact-checkers/articleshow/72895472.cms?utm_source=contentofinterest&utm_medium=text&utm_campaign=cppst

fake news and check the credibility of various news items and videos. The Apex Court from time to time when the country is undergoing adverse situations has attempted to curb the menace of fake news so as for the benefit of the public. In *Re:Problems and Miseries of Migrant laborers*¹¹, the Apex Court underscored the need of preventing the spreading of wrong information through Social Media Platforms. It was hereby noted that the large scale migration of the laborers from the cities to the villages was also the direct consequence of the fake news spread regarding the duration of lockdown due to the Covid-19 pandemic. The Supreme Court directed the Central government to publish official daily bulletins through all forms of media as it was considered as being an effective way of controlling fake news in the pandemic era¹².

In May 2020, the Ministry of Home Affairs through the Bureau of Police Research and Development laid down certain guidelines in relation to fake news¹³. It was explained in this report and guidelines as to how the evolution of digital media platforms has brought along with itself the peril of spread of fake news. This report also recognized the creation of fake Uniform Resource Locator or URLs for the purpose of propagating fake news. Some guidelines were also laid down for the agencies who are working to curb fake news. The agencies have also been asked to compare the alleged piece of fake news or video with the original one so as to look out for the discrepancies¹⁴.

The government and the judiciary is working on combating the menace of fake news as it is something which may in the long run be harmful for the democratic structure of the country at large

B) Cyber Crimes

Social Media's tremendous growth brought in a golden opportunity for the hackers to fulfil their malicious intentions. Today, nearly one in every five organizations worldwide are infected by malware distribution on Social Media¹⁵. In United States of America, social media related crimes have increased from to nearly 300-fold in the 2015-2017 period. The most widely prevalent cyber crime is the stealing of the personal data of the people by hacking of their social media accounts. As per the Bromium Report, around 1.3 billion people

¹¹ *Suo Moto Writ Petition (Civil) Nos. 6 of 2020*

¹² *Ibid*

¹³ Fact Check Bureau, "MHA issues guidelines for law enforcement agencies to deal with fake news", India Today (June 28 2020, 08:45 pm) <https://www.indiatoday.in/india/story/mha-issues-guidelines-for-law-enforcement-agencies-to-deal-with-fake-news-1676517-2020-05-10>

¹⁴ *Ibid*

¹⁵ Dr Michael McGuire, "Social Media Platforms and The Cyber Crime Economy", Bromium (June 28 2020, 09:00 pm) <https://www.bromium.com/wp-content/uploads/2019/02/Bromium-Web-of-Profit-Social-Platforms-Report.pdf>

worldwide have been the victim of social media hacking. Since people have been sharing much of their essential information on social media, it has become a lucrative opportunity for the hackers. Money Laundering is something which has made it difficult for one to continue with online money transactions. Crimes against women have also been happening in the cyber space. One often comes across news articles related to the leaking of private pictures of females, morphed and obscene fake pictures and videos, defamation and impersonation. Though less in number but sexual crimes targeted at males also happen in the cyber space. Circulation of Adult and Child pornography is also a penal offense which is committed most frequently on the social media platforms. Section 293 of the Indian Penal Code 1860 criminalizes the sale and distribution of any obscene material, videos and photographs to any person below the age of twenty years. Section 67B of the Information and Technology Act 2000 criminalizes child pornography in the Indian Territory. The first time offenders under this section are liable for imprisonment up to a period of five years and a fine amounting to ten lakh rupees. For the subsequent offenders, the period of imprisonment is seven years and fine amount is up to ten lakh rupees. This section penalizes the storage and consumption of child pornography but the adult pornography's storage and consumption is not criminalized.

There is no separate legislation in India for dealing with cyber bullying but certain section of the Information and Technology Act 2000 and Indian Penal Code 1860 deal with it. Section 67 of the Information and Technology Act 2000 penalizes the transmission of obscene in an electronic form for a time period extending up to 5 years and fine which may be up to 10 Lakh Rupees. Section 66E¹⁶ deals with the punishment related to privacy violations. It states that any intentional violation of the privacy of a person by way of transmission and publication of private photographs shall be punishable up to a period of three years or a fine which shall extend up to a maximum of three lakhs. Section 507 of the Indian Penal Code 1860 criminalizes criminal intimidation by way of an anonymous communication. Thus the language of this section includes within its ambit cyber bullying.

IV. CONCLUSION

Social Media is an indispensable part of the human lives in the present era. It serves the purpose of connecting people living in different corners of our planet. It strives to build up the connection between like minded people for round the world. In a democratic country like India, Social Media is both an official and unofficial forum for the masses to raise their opinions and convey their grievances to the higher authorities including the government.

¹⁶ The Information and Technology Act 2000

Social Media is an effective platform for facilitating debate among the fellow citizens. Just like any coin has two sides, social media has both its pros and cons. The rate of cyber crimes is on a steep rise in the present decade with the increased use of social media. Cyber Stalking, Cyber Bullying, Child pornography and privacy violations are some of those illegal activities which take place on the social media platforms. Fake news is the most dangerous of all as it is responsible for spreading unnecessary rumors which may have dangerous repercussions for not only a handful of people but for the community and nation at large. In 2019 riots took place nation wide in reference to the Anti-CAA sentiment which was aroused mainly because of the fake and untrue news which was circulated regarding the law. The courts and government have taken essential steps from time to time to manage the issue of cyber safety.

The government need to form a separate legislation for tackling these issues instead of prosecuting the accused under various provisions of the Indian Penal Code. Though the language of the different sections of the Indian Penal Code 1860 cover some cyber crimes within them, it would be much effective step to form a separate law for tackling them. The Information and Technology Act 2000 needs to be amended so as to suit the present situation of the country. People should use social media for the positives it provides and refrain themselves from getting indulged in the illegal activities which make the social media platforms unsafe.
