

## SOCIAL MEDIA LAWS AND ITS IMPLICATIONS

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Ishanvi Biswal\*

### INTRODUCTION

You'd think that the purpose of social media would be obvious for a movement that is sweeping the globe. Even though that might not be the case, we won't dwell on the subject in this article. Instead, we will only adopt the definition provided by Wikipedia, which is a type of social media that depends on user collaboration to arrive at the "correct" solution: Social media are interactive digital channels that facilitate the creation and sharing of information, ideas, interests, and other forms of expression through virtual communities and networks. The popularity of social media has skyrocketed during the past decades. The 'active user' allure of social media has played a significant role and generated a chain reaction in which more people started demonstrating the culture and popularity of using social media like Facebook, WhatsApp, and other social media sites, which attracted a few more people to join, and this cycle continued. There are numerous sorts and classes of social media, which extend beyond popular websites and applications like Facebook and WhatsApp. The following are just a few of the various forms that social media encompasses:

- Blogs
- Vlogs
- YouTube
- Microblogs
- Social networking
- Wiki

These categories are also included in social media's purview and are subject to the same social media legislation. Consequently, we have observed that a sizable portion of the community now makes use of these platforms for regular contact and other socio-virtual activity. A social media law is required in order to prevent the virtual society that social media has generated from degenerating into anarchy, just as laws are imposed in the real world for their maintenance, growth, and progress.

### SOCIAL MEDIA LAW

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\*BA LLB, SECOND YEAR, KIIT SCHOOL OF LAW, BHUBANESHWAR.

Social media law is a developing area of the law that includes both criminal and civil aspects. Generally, it covers legal issues related to user-generated content and the online sites that host or transmit it. Defamation, advertising law, intellectual property (IP) law, privacy, including the rights of social media users and third parties (for instance, when photos are posted and used online without the consent of the people depicted), and others are some of the unique legal concerns raised by social media. On occasion, content uploaded on social media may violate a copyright, a trademark, or other intellectual property rights.

Federal and state laws on social media use include both criminal and civil provisions. Social media regulations can, for instance, be used to safeguard or forbid the publication of content or to amplify or narrow employee privacy rights. Social media law involves the legal issues related to user-generated content and the online websites that host that content.

### **IMPLICATIONS OF SOCIAL MEDIA LAW**

A few of the key aspects of the law that apply to various actions carried out on social media are covered by a number of different laws. The freedom of speech and expression is guaranteed by Article 19 of the Indian Constitution, which also states that it cannot be curtailed by laws against it. However, the freedoms are subject to some reasonable restrictions, as described in Article 16. (2) i.e., no citizen shall, on grounds only of religion, race, caste, sex, descent, place of birth, residence or any of them, be ineligible for, or discriminated against in respect or, any employment or office under the State. Article 66 of the Information Technology Act discusses social media content and the rules that apply to it. This act criminalises the sending of offensive messages through a computer or other communication devices. Under this provision, any person who by means of a computer or communication device sends any information that is:

1. grossly offensive
2. false and meant for the purpose of causing annoyance, inconvenience, danger, obstruction, insult, injury, criminal intimidation, enmity, hatred or ill will
3. meant to deceive or mislead the recipient about the origin of such messages, etc., shall be punishable with imprisonment up to three years and with fine.

### **WHAT SIGNIFICANT CHANGES HAVE OCCURRED IN RELATION TO THIS SECTION?**

A few people have recently been detained under Section 66(A) as a result of social media posts made against well-known individuals, including politicians. It was claimed that these were offensive in nature. Numerous instances of suspected legal misapplication surfaced in November 2012, and it was claimed that the punishments meted out were excessive in comparison to the crime. After then, a Public Interest Litigation (PIL) was brought before the Supreme Court to challenge the legality of this clause. It was claimed that it violated the constitutional right to free speech and expression enshrined in Article 19(1)(a). There are certain other sections of the Indian Penal Code (IPC) that take care of the social media laws like:

1. Section 292-293 of IPC - imposes a penalty for obscenity (including pornography)
2. Section 295A of IPC- punishes those who wilfully offend people's religious sensibilities.
3. Section 499 of IPC- defamation
4. Section 153A of IPC- fostering animosity between groups on the basis of race, religion, etc.
5. Section 505 of IPC- conducting public mischief in a statement.
6. Section 506 of IPC- intimidation by criminals
7. Section 509 of IPC- insulting women's modesty
8. Section 124A of IPC- sedition

Section 499 and Section 500 of the Indian Penal Code (IPC) are the key rules that protect people from social media abuse. These sections make it illegal for anyone to disseminate false information about another person's character, whether it be in writing or verbally.

### **CASE LAW PERTAINING TO THIS LAW**

#### **Shreya Singhal v. UOI**

The Indian judicial system greatly benefits from the landmark case. The case centres on the basic right to freedom of speech and expression guaranteed by Article 19(1)(a) of the Indian Constitution, which was used to challenge section 66A's constitutionality and resulted in its

repeal. The penalty for delivering offensive messages via communication services, etc. is outlined in Section 66A. On March 24, 2015, the court ruled that Section 66A was unconstitutional because it "violated Article 19(1)(a) and was not rescued under Article 19(2)" and gave the government the authority to place "reasonable constraints" on how this right is used. The bench of Justices J. Chelameswar and R.F. In Shreya Singhal v. Union of India, Nariman made a decision. In regards to the right to free speech, the court noted that "Section 66A is cast so broadly that nearly every opinion on any subject would be encompassed by it and that the chilling effect on free speech would be total if it is to withstand the test of constitutionality."

## **CONCLUSION**

According to social media statistics, there are 3.725 billion daily active social media users who spend an average of 142 minutes or more on the network. Based on the facts, we can conclude that social media has taken a significant place in our lives. In light of the incident, a few media moments have recently gained popularity. One such movement is the #Metoo movement, which attracted a lot of attention to the point where celebrities and some notable figures began sharing their own Metoo moments throughout their careers. This movement grew to be so widespread that many people had to deal with the legal repercussions of past crimes they had committed that had an adverse effect on someone. As a result, it is clear that social media can be both a blessing and a curse. On the one hand, they enable people to stay in touch with their loved ones, but on the other, they also increase the likelihood that individuals may experience various online problems, such as cyberbullying and other similar problems. As a result, in order to prevent misuse, the government works tirelessly to enact strict rules in this area and develop new laws that are successful in providing fair judicial judgement in a variety of social media-related issues.