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## LEGAL FRAMEWORK FOR SOCIAL MEDIA IN INDIA

~ *Shivansh Saluja*

### Introduction

The world today has gone digital and with the introduction of cheaper data packages in India which was introduced by Jio in 2015-2016, the whole dynamics have changed, the internet is available to almost every nook and corner and with the easy availability of the internet at cheaper rates, another person is having access of all the things at the click of his finger. With the widespread adoption of social media platforms which it is used very less for productive tasks and real information, a major chunk of the population uses it for, or rather misuses to spread hate, toxicity, and more of an unacceptable behavior in a society. Under the garb of the right to freedom of speech and expression, a fundamental right, it is being used in a way that is rather a threat to society. The cases of cyber threats, online harassment, cyberbullying, causing damage to mental health, and many more such cases have seen a rise in the past two to three years. This raises serious questions on the right to freedom of speech and expression and issues like regulation of social media posting, social media addiction, and cyberstalking.

### Rules made by the government-

**The Information Technology Intermediaries Guidelines Amendment Rules 2018** has laid down that if there is any report of any unlawful substance floating on the Internet if given recommendation to the intermediary, would be taken into cognizance within 24 hours and the originator and the platform would be held liable for the unlawful act.<sup>1</sup>

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<sup>1</sup> Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, Acts of Parliament, 2021

The Indian government has been very strict over hate speeches and unlawful substances in the past few years. Although the law provides us with the right to freedom of speech and expression, under Article 19 two restrictions are also provided concerning such rights and restrictions must also be adhered to, when we talk about social media and online platforms. using the comment section on social media apps for fairly criticizing someone and giving fair opinions is not taken into account unless giving such opinions the users forget their limitations and in the way, violate the constitution and the basic structure of the constitution by speaking or writing such things which are not acceptable in the territory of India, which may further lead to internal disturbances and more crime situations between two communities or groups.

### **The Information Technology Act 2000**

This act serves as a bedrock in order to go on the activities online, which includes cyber crime, online harassment, hates speeches, and cyber bullying.<sup>2</sup>

### **Current Scenario**

Opinion of the people have all been divided into two groups the one which says that yes, there should be a regulation on the content and speeches, which are floated online through speeches, videos and post on social media, and there must be regulation which restricts the power and write to freedom of speech and expression to a reasonable extent however, the other group says that right of speech and expression. The government is trying to put censorship on the opinions views and perspectives of person.

Although the policy makers, industry and supervisors are Irving, the behavior of the changed society, and therefore making recommendations for new regulations about the social media controversy.

under the current scenario, it has been seen that under the garb of making these memes and trolling people online people have forgot the basic manners and etiquette to live in the society and kind of vulgarity in the mindset of people is clearly visible through the comments section, which are made under the video post and reels. videos with explicit content and obscenity are being floated on these apps, casually without any regulation and being distributed through channels post videos, and without any control these types of videos which are restricted for the use of adults are being

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<sup>2</sup> The Information Technology Act, 2000, Acts of Parliament, 2000

accessed by underage and minors, ultimately loses the essence of being adult contains if it is grossly used by the young and minors. there must be a content control on the social media apps and a strict organisms must be taken off, not only as putting down of the post or the video in violation of the constitution but also punishing the person who is making such post and videos. The apps must have respective supervisor and the regulators must act as per the guidelines given under the statutes for the content control and abuse, only then can be the rules made by the government and the act be properly executed and implemented to punish the offenders