

Impact of Social Media on Indian Democracy

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Abstract

The evolution of Internet in the early 1990's has led to the global expansion of internet network throughout the world. This has given us the opportunities to the exchange of opinions, ideas and beliefs, thinking and expression more readily and effectively that ultimately lead to easy accessibility to various public platforms and democratization of expression on local and global affairs. Social media has become an important part of our daily life. A life without social media become, a day without having a glass of water. Social media has created inclusive participation of people in our democratic system, from electing their representative to addressing their grievances it had played a vital role in our society. The paper tries to discuss some of the major aspects of social media such as its impact on our political system, its impact on the constitutional freedom of expression and some of laws pertaining to social media and presents some observations regarding its use and implication in our future for sustainable governance.

Keywords: Social Media, Democratization Of Expression, Constitutional Rights, Freedom Of Expression.

Introduction

Communication is a vital part of human's life. From drawing on stone to writing an email it has always been an important part of every human being. And, these days the foremost valuable tool for communication is social media that has become a distinguished part of each one's life that, nearly 50 per cent of people on our planet has an account on social media (Kemp, 2020). It has been planted in our society to such an extent that it's nearly impossible for folks to take any person seriously if they do not have any account on a social media platform.

It can be seen that social media has made from two words i.e. social and media, where the term *social* is related to the aspect of society and human relationship network, and *media* is considered as an instrument of communication like a newspaper or a radio, so social media would be considering as a social instrument of communication. It includes both i.e. web-based and mobile-based technology that allows users to create and exchange content-based communication where people talk, share information, participate and network through technologies such as blogs, web-based communities, online forums and social networking sites and convert a casual communication into interactive dialogue. ('Boundless Marketing', n.d.). So, "very broadly social media can be defined as any web or mobile-based platform that enables an individual or agency to communicate interactively and enables the exchange of user generated content" (GOI:6). Social media can be divided into the following categories:-

1. Social networking
2. Blogs
3. Microblogs
4. Blogs and Video Sharing sites
5. Wiki
6. Social Bookmarking
7. Social News
8. Media Sharing

Social media has become a platform to connect people from all over the globe. On this platform different people having different culture can share their knowledge, ideas, and thoughts with others.

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Social media also help the government to know about the thought of different people their idea of good governance, their condition, their demand and many more. Which help the government to act according to the requirement of the people. In this way social media act as a bridge between the government and the people.

But on the other side if it is not used in a proper manner it can cause "unimaginable disturbance" in our democracy, therefore there must be proper check and balance "between individual rights and nation's integrity, sovereignty and security".

Objective of the Study

The study focuses on two major goals firstly, it tries to discuss how social media does impact our democracy and constitutional rights of freedom of expression. Secondly it seeks to explore background and purpose of laws pertaining to social media have been introduced in recent past. Lastly the papers presents some observations regarding social media use and implication in our future for sustainable governance.

Review of Literature

The debate on social media and its impact on various aspect of our society has been gaining more and more interest in the minds and works of academicians since the last decade. The few studies that have been published very recently to take account of some of the recent issues and debate related to social media and democracy, has been put forwarded to gain more understanding of social media impact.

In an empirical cross-section study of over 125 countries around the world, Jha & Kodila-Tedika (2020) discussed whether social media does promote democracy? They have found that there strong evidence and a positive correlation between Facebook penetration (a proxy for social media) and democracy. They have further shown that the correlation between social media and democracy is stronger for low-income countries than high-income countries.

Jennings et al. (2020) have studied how a social media video about the environment can spark political deliberation and participation. An experimental design was used to assess the influence of the video in engaging people in the political process and promoting interpersonal conversations, both online and in person, based on normative democratic theory. Individuals are motivated to address the problem and act to protect the world from the danger of single-use plastics, which is at the centre of these normative democratic outcomes. The results have revealed that social media have the potential to have a positive democratic influence.

Lôbo & Morais (2021) have discussed in their article '*New technologies, Social Media and Democracy*' about the impact of new technologies in the Brazilian elections of 2018 and questioning about the possibilities of its prominent use with social networks to directly connect citizens and candidates, without the traditionally customary practices of political parties and traditional media and also analysed the role of fake news in the electoral

process and the means to fight it. They have discovered that the latest technologies used during the Brazilian elections forced a reorganization of political communication and the amending of major paradigms, but also allowed for the exploitation and manipulation of voters through fake news and hate speech, necessitating the establishment of markers for responsible technology use and control. So that it does not denature the free thought formation practice of citizenship in the new digital age.

Goyanes, Borah & Zúñiga (2021) in their study of 'Social Media Filtering and Democracy' have tried to examine whether social media news use is associated with exposure to uncivil political discussions, and also explored the ways in which both constructs causally affect users' unfriending behaviour. They have discovered that citizens' uncivil discussions and unfriending are directly triggered by social media news use, while uncivil political debate directly triggers unfriending activity and significantly contributes to the impact of social media news consumption on citizens' unfriending levels.

Impact of Social Media on Democracy

Being the citizen of the world's largest democracy we do not have only rights but we are also bound by the laws and duties to maintain the stability of the nation. The word democracy was beautifully defined by Abraham Lincoln in the Gettysburg Discourse in 1864 "Democracy is the government of the people, by the people and for the people" (Yaşar, 2017). This shows that democracy is not only the form of government but it is the way of life.

The person of republic India has not only power to make the government but also has the power to break the same, both in the state and the Centre. The fundamental right not only empowers us with knowledge but also authorized us to mould our opinion so that we can take proper decision. But if this information is not propagated among each and every individual residing in our country, then this information will become otiose. Therefore there is a vital role of social media as it is the most simple and efficient mode through which information can be easily delivered to individuals which help them to make a better choice for the amelioration of our own life, his family, his society and ultimately his nation. Social media also act as a watchdog and whistle-blower as it not only informs us about the day to day happenings in our country but also keeps us inform about each and every action of the government.

A person cannot live peacefully if he is not living in a politically stable state, and the country or a state is considered to be politically stable when democracy is successful prevailing there. In a democratic country people is authorized to elect their leaders with a majority. Therefore politician and political party run different campaigns to promote themselves and their agenda to win the heart, vote and the trust of the people. For this purpose, they use different means or ways but the most popular means which is used by politician now a day is social media, where they share their thoughts, plans and ideologies for the advancement and development of our country. They also encourage the people to share their

thoughts, ideas, views and requirements so that, they could act in the nation's interest. So social media plays a huge role in creating a good and faithful image of the politician in the eyes of the people. Therefore, many political leaders have their account on this platform, in fact, our Prime Minister Narendra Modi is the most popular and influential politician on this platform.

Social media has made Indian politics more inclusive as it has provided the opportunity to the citizen to take part in the political process that was traditionally excluded from the politics due to their geography and demographic structure. Therefore it is impossible to imagine a democratic government without social media as it plays a crucial role in deepening democracy. But on the other hand, it can also act as a sword which can destroy democracy by spreading misinformation or trolling those people who disagree with government actions.

Impact of Social Media On Constitution

India is one of the paradises on the earth where one can speak of their heart, without fearing from anyone as article 19 of our constitution provide us the freedom of speech and expression. According to which each and every individual have right to express his opinion freely by words, writing, printing, picture or through any other mode. And the most valuable means through which we exercise our right is social media. So through social media one can share their ideologies, opinion and thoughts, and for this, no one can gun anybody down. The medium through which we use social media for enjoying our rights is the internet. So, ultimately right to access the internet is also our fundamental right. Even the Kerala High Court in *Faheema Shirin V. The State of Kerala*, AIR 2019(Kerala High Court, 2019) declared that "right to access internet is our fundamental right as it forms a part of right to privacy and right to education under Article 21." After this judgement, Kerala became the first state which declared that the right to use internet is a fundamental right.

The Supreme Court also in the case of *Anuradha Bhasin V. Union of India*, in 2020 gave its judgement on internet shutdown in Jammu and Kashmir, and upheld "The right to access internet" (Supreme Court of India, 2020).

Article 19 of Universal Declaration of Human Right and Article 19(2) of International Covenant on Civil and Political Right also provide for freedom of speech and expression (UN, 1966) in the case of the internet and social media. Therefore, freedom of speech and expression has been considered as a fundamental right in whichever mean it is being exercised. So, if any attempt is being made for suppressing the voice of the people, other than the ways or procedure which has been provided in Article 19(2) our constitution will lead to a situation of a constitutional violation.

Judiciary being a guardian of our constitution has always played a vital role in protecting our fundamental rights. This can be seen from the recent order of the Tripura High Court were, "it ordered the police officer to refrain from prosecuting the activist who was arrested over a

social media post when he had online campaign in support of Citizenship Amendment Act (CAA) 2019 and also warned the police against" (Ali, 2020).

The order of the Tripura High Court had widened the scope of Article 19, as they declared that "Posting on social media is virtually the same as a fundamental right applicable to all citizens, including government employees." Therefore, it can be seen that the recent order of the Supreme Court and High Court has made the social media a prominent platform where we can enjoy our right that has been provided in Article 19(1) of our constitution.

Laws Regulating Social Media in India

The Constitution of India under its Article 19, talks about, Freedom of Speech and expression which is guaranteed to all its citizens, which demarcates a limit that State shall not make any law which is contrary to this Article, but these freedom are not absolute in nature and are subject to reasonable restrictions as provided under Article 16(2). Further, there is an Act that completely focused on regulation and censorship concerning to social media and its content. Section 66A of Information Technology Act prohibits, that any content including video, audio, e-mails or any electronic content which could be transmitted through electronic devices which could spread hatred or violence in the society should be prohibited and the person can be prosecuted for it.

In the leading case of *Shreya Singhal v. Union of India* in 2015, the Supreme Court struck down Section 66A of IT Act and declares it Unconstitutional as it was violating freedom of speech and expression (Supreme Court of India, 2015). Besides this, there are various other penal provisions in the Indian Penal Code which deals with those laws which are violated due to the social media activities some of them are; Section 124A: sedition; Section 153A: Promoting enmity between different groups on ground of religion, race, place of birth, residence, language, etc., and doing acts prejudicial to maintenance of harmony; Section 295A: Deliberate and malicious acts intended to outrage religious feelings of any class by insulting its religion or religious beliefs; Section 499: Defamation and punishment for defamation under Section 500; Section Punishment for criminal intimidation; Section 509 Words, gesture or act intended to insult the modesty of a woman; further Section 292-293 of IPC gives punishment in obscenity (including pornography)(Vidyasagar & Kumar, 2018).

Committee Reports Related to Social Media Rajya Sabha Ad hoc Committee

An adhoc Committee was chaired by Mr. Jairam Ramesh to study the problem caused by pornography on social media and its effects on society.

The Committee in its report suggested for expanding the scope of the POSCO Act to save children from pornography and other electronic material including audio and visual contents to protect young children from cyberbullying and other forms of offences. The further committee recommended for promoting campaigning, training, and awareness programs against cyberbullying and other sexual

exploitation through online platforms. The committee suggested for the setting up of National Commission on Protection of Child Rights in each state under the State Commission on Protection of Child Rights.

Rajiv Gauba Committee

This committee was made in order to probe mob lynching which happened due to a fake post on social media platform in which around 30 people killed due to fake rumours. This committee submitted its reports stating that such fake post must be blocked immediately and if they aren't blocked within 48 hours, the FIR must be registered against them. The further committee emphasized on making a National Portal for registering grievances as lack of law enforcement leads to non-registration of these complaints, so after registering these complaints on National Portal they shall be forwarded to National Crime Record Bureau (NCRB) and to the state where the offence has been committed. Committee also recommended for setting up of Special Task Force to closely monitor the objectionable content on Social Media.

After the recommendation of Ad hoc committee of Rajya Sabha and by the recommendation of Supreme Court, Government of India brought a regulation for Over the Top (OTT) platforms which come under the Ministry of Information and Broadcasting.

The New Rules for OTT Platforms and Digital Media are:

Self- Classification of Content

The publishers on these platforms shall classify the content on five age group basis category – U (Universal), U/A 7+, U/A 13+, UA 16+, and A (Adult).

Parental Lock Facility

Parents are advised to use parental lock facility for the content category as U/A13+ or higher and there must be a verification of age for the content of A (Adult) group.

Display Rating Requirement

Content must prior to the program, display about its content, its nature and about advising on viewer description so that person can have an overlook prior to viewing the full content.

New Information Technology (IT) Rules 2021 Related to Social Media

The government of India recently notified IT (Intermediaries Guidelines and Digital Media Ethics Code Rule 2021). Before discussing these new rules, it is preeminent to understand the term "Intermediaries", "any person, who on behalf of another person, receives stores or transmits any particular electronic record or provides any service with respect to that record." ('Intermediary Liability', 2019).

The government had widened the scope of this term as earlier, Section 79 of the IT Act, act as "Safe Harbor" provision for these intermediaries against any liability for Information, data or communication made available by a third party. The government issued guidelines which made it clear that in order to avail these safe harbour provision

intermediaries shall follow the guidelines made by the government.

These Social Media intermediaries are restricted from publishing any information which is unlawful or against the sovereignty and integrity of India. If such information are published then it shall be removed within 24 hours from the notice given by the government. The government can direct any Social Media messaging platform to track the originator of the message in order to tackle the spread of fake news or unlawful contents. Further IT Rules, 2021 directs all the Social Media companies to publish their Monthly Compliance Report. The IT Rule 2021 classifies the Social Media platforms into Two Categories:

1. Social Media Intermediaries- Social Media platforms that have limited users.
2. Significant Social Media Intermediaries- includes Social Media platforms having large number of users such as Facebook, Google, and WhatsApp.

Apart from it, Significant Social Media platform shall follow some additional measures like:

These platforms should have a physical contact address in India, appoint a Chief Compliance Officer, there shall be a Nodal Contact Person, and a Resident grievance officer in India, he shall acknowledge the complaint within 24 hours, and resolve it within 15 days of receipt (Malik, 2021).

Some Observations

Social media has given us the freedom to migrate without going anywhere, as it helps us to connect to other people without physically present. It is true that it is a platform where we can enjoy our right but if there will be no exhausted National Law to deal with this platform then we will not be able to maintain the balance between the individual freedom and reasonable restrictions that have been enriched in article 19 of our Indian constitution.

As the propagation of false baseless and ambiguous message can adversely affect our society at large so it is very essential to digitally literate the country otherwise there can be a situation of communal riots and false propaganda.

The youth being the future of our country, should not only be taught about their rights which they can exercise on social media but they must be aware of their responsibility especially in rural areas so that they cannot be easily manipulated and spread the sense of communal harmony and Patriotism and peace among the nation.

On the other hand, the government should also not makes such laws which could influence the right of the people, the people should have right to criticize the government, their policies, their agenda and all laws so that the government take criticism in a positive way and make laws for the betterment of our country this will lead to effective participation of people in the law-making process.

The government has already announced certain measures that are to be followed in social media platform like Election Commission of India has announced certain measures so that they can cut fake news and information on social media platform at

the time of election it also asked the country date to disclose their social media account and all expenditure that has been used in social media campaign. This shows the fate of social media will be very bright and it will become the safest platform where one can enjoy their right without fearing from anyone.

Conclusion

It is impossible to measure the contribution that has been made by social media in making our country democratic stable, but as the coins have two sides, social media also has, where one side, it has enhanced the participation of people in decision making, while on the other hand, it has become a foundation of communal and caste riots by spreading misinformation and baseless fake propaganda's.

It has indeed played a prominent role in awakening the people against Evil practices that were prevailing in our country like dowry, child marriages, child labour, female feticide, etc. which has enhanced the quality of democratic process and it has also become the platform where people can enjoy the fundamental right of freedom of speech and expression but it has also become a reason for the violation of our fundamental right i.e. right to privacy.

So this can be seen that people instead of exercising their right on social media and taking part in democratic process they are misusing this which has caused a serious threat to our democracy and in future this platform will become responsible for making democracy as a mobocracy.

So, before things get out of our hands, the government has to make certain laws regarding it otherwise social media will become merely a platform of exploitation corruption and nuisance.

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