

# Is Social Media Regulation Need of the Hour?

**Dr. Rakesh Chandra**

Free Lancer

## **Abstract**

There is no denying the fact that social media has become a way of life for humans in modern times. If a person is away from it, he or she is considered to be an outcast. Indeed, social media is a great source of socialization which enhances social bonding and shortens the distances between two human beings. Apart from social intercourse, social media helps us increase our awareness about our surroundings and the world, in a larger sense. That way, social media brings us together as a part of expanding social fabric. However, as happens so with almost every scientific and technological invention and discovery, unscrupulous persons with a criminal mindset leave no opportunity to misuse the new invention or discovery for their ulterior motives. That is widely happening in the case of social media where such persons are spreading misinformation, disinformation, false and fake news and canards for their personal gains. To check this growing menace, there is no potent and specific law in India. Not only this but also, there is no check of any kind in the form of editorial board etc., as we find in the print media. As a result, any person using social media can easily manipulate this virtual medium to harass somebody with impunity. All kinds of anti-national activities are also possible through social media platforms. Such incriminating posts on social media have devastated so many people, socially, financially and morally. Unfortunately, this trend is increasing day by day. If it is not checked in time, the strong rubric of society will go berserk leading to the state of anarchy. Recently, the trash served by two stand-up comedians on virtual platforms has drawn the ire of civil society and the court alike. The Supreme Court of India has also urged the central government to frame proper and specific laws to regulate social media. This paper explores various dimensions of the problem and tries to come up with possible solutions.

**Keywords:** Social Media, Misinformation, Fake News, Disinformation, Social Media Regulation.

## **Introduction**

The use of social media has increased exponentially during the last few decades in the world, including India. It has become the addiction of a large segment of the population, be it youth or old-age people. Their mornings start with browsing social media apps like Facebook, WhatsApp, Instagram, Twitter handle 'X' and many more on the digital scene. It seems that their lives have been converged around these virtual platforms. That way, social media has become a potent tool for social interaction in a number of ways. Making and breaking friendships, consulting with anyone on crucial matters with the people concerned, receiving and disseminating all kinds of knowledge, viewing films and television programmes, including sports, etc. are some of the major examples of the intensive use of social media platforms. Lately, social media is being used in judicial processes also, like sending summons to parties and witnesses to the suit. Slow but steadily, the use of social media is spreading its tentacles far and wide. However, like other good things in life, some black spots are beginning to appear on otherwise socially beneficial social media's face. It so happens that whenever a good invention or discovery is

made by the scientists and technocrats, the Peeping Toms just get into the fray and take the advantage by using unfair and unethical means. Sometimes, their maneuverings prove to be detrimental to the common public. This can be seen in case of growing and menacing trend of cyber bullying, cyber-crimes, and terrorist activities, to name a few. They are impacting human life so much that a new branch of crimes and criminology is termed as cyber-crimes and cyber laws. Presently, the whole world is afflicted with such crimes which tend to shatter any person, both mentally and financially. The latest trend is the cyber frauds which directly steal the hard-earned money of the social media users as well as the corporate houses, including small and medium business classes. Besides all these areas, arguably the worst aspect of social media misuse is related to spreading of fake news, false propaganda, misinformation, disinformation etc. which in certain cases, incite communal frenzy also. Not only this but also, they try to disrupt the democratic process of elections in the country by influencing voters to make wrong choices. The 2016 Presidential election of the U.S. and the Brexit referendum in Great Britain are some of the leading examples of this trait. It needs to be emphasized here in this regard that all such false narratives were created, by and large, with the use of social media platforms. One more dirty aspect of the social media misuse was witnessed in the form of false narrative leading to mass lynching in many States during the last three-four years. Rumours were spread through social media platform WhatsApp that certain people clad in the robe of mendicants were roaming in a locality. They were really the band of child lifters. This message travelled with a lightning speed causing mass murder of so many innocent people who were just passing through a certain area on pilgrimage. Lastly, the total misuse of social media was done by several terrorist outfits from India and abroad, who became successful in unleashing a tirade against the Indian government to propagate the terrorists' agenda, particularly in the State of Jammu and Kashmir. It was the social media which came to them really handy in the turbulent times of insurgency in the State.

At this juncture, it would be worth mentioning here some of the illustrative examples of social media misuse in different fields:

- (i) An FIR was lodged by the Lucknow police against a Twitter handle for sharing an image of a song from an upcoming Bollywood movie, 'Pathan', with a picture of chief minister Yogi Adityanath's face morphed into an actor's body.<sup>1</sup>
- (ii) A YouTuber Manish Kashyap allegedly sharing a fake video of an attack on the migrant workers in Tamil Nadu was surrendered before the Bihar Police in West Champaran district on March 18, 2023. He also runs a channel "Sach Tak News".<sup>2</sup>
- (iii) In Kolhapur district of Maharashtra, local police resorted to lathi charge and teargas shelling on the stone pelting mob seeking action against some objectionable social media posts on June 7, 2023. The alleged social media status messages showed an image of 18th-century Mysore ruler Tipu Sultan accompanied by an objectionable slogan in the form of an audio, said to be posted by some youths. The police registered the case and started a probe into the matter.<sup>3</sup>
- (iv) The police in Srinagar registered a case over the alleged social media post on the Prophet by a student under IPC sections. Students protest against the post was organized at the National Institute of Technology, Srinagar.<sup>4</sup>

<sup>1</sup> H Correspondent, Hindustan Times, Dec 12, 2022.

<sup>2</sup> Avinash Kumar, YouTuber who shared fake video of attack on migrants surrenders, Hindustan Times, Mar 19, 2023.

<sup>3</sup> Express News Service, The Indian Express, Jun 8, 2023.

<sup>4</sup> Bashaarat Masood, Social media post on Prophet: More Protests in Kashmir, The Indian Express, Nov 30, 2023.

- (v) Tension prevailed in Bareilly district of U.P. in August 2023 over an “objectionable” remark made by a 14-year-old boy against the religion of the protesters on social media. The boy, who belongs to a different community, allegedly made the remark amid an online argument with his classmate. The police detained the two boys, both aged 14.<sup>5</sup>
- (vi) The then Minister of State for Electronics and Information Technology, Government of India, Rajeev Chabdrasekhar, was booked by Kochi police for making provocative comments on social media following IED blasts at a convention centre in Kochi's Kalamassery in the last week of October 2023 that left three dead, including a 12-year-old girl.<sup>6</sup>
- (vii) In November 2024, The Telugu Desam Party-led NDA government in Andhra Pradesh launched a crackdown against social media activists and sympathizers of the opposition YSR Congress Party, claiming that they “crossed a line” by posting derogatory content about “wives and daughters” of TDP leaders. Between November 6 and 12, the State police issued 680 notices, registered 147 cases and arrested 49 people.<sup>7</sup>
- (viii) An FIR was registered against a Samajwadi Party's social media coordinator Manish Jagan Agrawal in Lucknow for allegedly making “derogatory” remarks against a woman on social media platform ‘X’ on August 17, 2023.<sup>8</sup>
- (ix) In Kerala, a 26-year-old woman ended her life in Kottayam district after alleged cyber bullying by a former friend who is alleged to have started insulting Athira by sharing their pasts chat history and her photos on social media. Police have registered a case against the accused.<sup>9</sup>
- (x) A businessman from Matunga, Mumbai was duped of Rs.63 lakhs by cyber frauds after investing in the share market via an application “F Win T”, an advertisement he saw on social media. According to the police, the 27-year-old complainant lives in Matunga East and runs an advertising firm with his brother. The complainant claimed that he had come across an advertisement while using his Instagram account about the stock market and clicked on a link that connected him to a WhatsApp group. A person claiming to be Saurabh Mukherjee added him to the WhatsApp group ‘F Win T’ investor Club. Thereafter, the fraudster slowly tricked him to his tune and his account was freezed. The fraudster demanded an amount of Rs.5 lakh to unfreeze the amount. Then the victim lodged a complaint against the fraudster for duping him to the tune of Rs.53.50 lakhs. The police have started an investigation into the matter.<sup>10</sup>
- (xi) The Election Commission of India (ECI) has ordered in, April 2024, the social media platform ‘X’ to withhold some posts containing political speech by elected politicians, parties and candidates for the remainder of the election period, though it disagreed with the order.<sup>11</sup>
- (xii) Kannada actor Chetan Kumar alias Chetan Ahimsa was arrested by Karnataka police in Bengaluru on March 21, 2023, for hurting religious sentiments with his tweet on Hindutva. This is the second time he has been arrested in the last one year over controversial tweets.<sup>12</sup>

<sup>5</sup> Manish Sahu, Communal tension in Bareilly; 2 minors held, The Indian Express, Aug 20, 2023.

<sup>6</sup> Express News Service, MoS Chandrasekhar booked over Kerala blasts remark, The Indian Express, Nov 1, 2023.

<sup>7</sup> Sreenivas Janyala, Naidu govt goes after Opp:680 notices, 147 cases, 49 arrests over social media posts, The Indian Express, Nov 14, 2024.

<sup>8</sup> Express News Service, SP leader booked for ‘derogatory’ remarks against woman online, The Indian Express, Aug 20, 2023.

<sup>9</sup> Express News Service, ‘Cyber bullying: Kerala woman ends life, former friend booked, The Indian Express, May 3, 2023.

<sup>10</sup> Manish K Pathak, Matunga bizman duped of Rs.63L by cyber frauds, Hindustan Times, Jan 29, 2024.

<sup>11</sup> Express News Service, On EC orders X takes down posts of parties & leaders, but says disagree, The Indian Express, Apr 17, 2024.

(xiii) On March 11, 2025, Hyderabad police arrested two YouTube journalists over a video critical of Telangana Chief Minister, A Revanth Reddy. The complainant, a state secretary of the Congress Media Cell, had alleged that a video was being circulated on 'X', a social media platform, where a provocative and derogatory statement was spoken against the Chief Minister. It amounted to a deliberate attempt by the channel to defame and spread false propaganda.<sup>13</sup>

(xiv) A Committee to consider blocking requests under the Information Technology (Procedure and Safeguards for Blocking for Access of Information for Public Rules, 2009) met 53 times in 2022, as per the averment of the Ministry of Electronics and Information Technology. The government issued orders directing the "blocking of a total of 2,799; 3,635; 9,849; 6,096; and 6,775 URLs during the years 2018, 2019, 2020, 2021, and 2022, respectively." This information was given in a written reply, in response to a question by Congress MP Karti P. Chidambaram in the Parliament. In 2020, the government blocked several posts on social media that were critical of its handling of the pandemic and also advised social media platforms to curb posts that called the Delta variant of the SARS-CoV-2 virus an "Indian" one. It came to notice through an RTI, filed by the Commonwealth Human Rights Initiative (CHRI), that half of the 6,775 posts and websites were on Twitter. That implied that, according to the NGO, the blocking orders passed as recommended by the review committee under Rule 7 at an average hundred per month.<sup>14</sup>

(xv) Shankar, a YouTuber and suspended Tamil Nadu government employee, was arrested by the Cybercrime Wing of the Coimbatore Police over certain derogatory remarks made by him against woman police personnel in a recent YouTube interview.<sup>15</sup>

## The Legal Regime

### 1. The Information Technology Act, 2000

- a. Section 67: Deals with penalties for publishing obscene or harmful information.
- b. Section 79: Deals with the offences related to computer crime.

### 2. The Bharatiya Nyaya Sanhita (BNS), 2023

- a. Section 111: Punishment for committing organized crimes including cyber-crimes.
- b. Section 61(2): Punishment for criminal conspiracy to do an illegal act or not illegal act by illegal means.
- c. Section 353(2): Punishment for publishing false information, rumours or alarming news, including electronic means.
- d. Section 352: Punishment for intentionally insulting or provoking someone that is likely to break public peace or to commit any offence.

### 3. The Information Technology (Intermediary Guidelines and Media Ethics Code) Rules, 2021

The Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 is secondary or subordinate legislation that suppresses India's Intermediary Guidelines Rules, 2011. The 2021 rules have stemmed from Section 87 of the Information Technology Act, 2000 and are a

<sup>12</sup> Express News Service, Kannada actor held over tweet on Hindutva, The Indian Express, Mar 22, 2023.

<sup>13</sup> Rahul V Pisharody & Nikhila Henry, Telangana arrests two women journalists for video critical of CM, The Indian Express, Mar 12, 2025.

<sup>14</sup> The Hindu Bureau, 6,775 URLs blocked in 2022, panel met 53 times, The Hindu, Feb 9, 2023.

<sup>15</sup> Arun Janardhanan, TN YouTuber held for 'defamatory remarks' about police women, The Indian Express, May 5, 2024.

combination of the draft Intermediaries Rules, 2018 and OTT Regulation and Code of Ethics for Digital Media. Its key provisions are as such:

- a. Under the IT Rules, users are prohibited to create, upload or share content that threatens the unity of India or public order, is pornographic, violates copyright or patent, or contains software virus. Intermediaries must inform users about these restrictions.
- b. Intermediaries must establish a mechanism to address complaints from users.
- c. Social media intermediaries with over 50 lakh registered users in India must appoint a Chief Compliance Officer.
- d. Social media platforms must use technology to identify the originator of information.
- e. Intermediaries must obtain consent before collecting sensitive personal data.
- f. An amendment in the above Rules in 2023 give the government the power to decide what information is false and compel intermediaries to take down posts.
- g. Intermediaries must ensure their services are accessible to users with disabilities and diverse linguistic backgrounds.

This is evident from above that its provisions mainly apply to the intermediaries to exercise control over social media discourse which is unethical and wrapped in falsehood and malicious content.

### Apex Court on Social Media

The Supreme Court in a 2024 case, (Aminul Haque Laskar v. Karimuddin Barbhuiya, 2024 LiveLaw (SC) 292), has raised a serious alarm over the misuse of social media platforms, denouncing the spread of factually incorrect and unfounded statements regarding pending cases. The Double Bench of Justices Aniruddha Bose and Bela M. Trivedi held that

“It is a matter of serious concern that nowadays there has been a profuse misuse of social media platforms on which the messages, comments, articles etc. are being posted in respect of the proceedings pending in the court. Though our shoulders are broad enough to bear any blame or criticism, the comments or posts published in respect of the matters pending in the Court, through social media platforms under the guise of the right to freedom of speech and expression, which have the tendency of undermining the authority of the Courts or of interfering with the course of justice, deserves serious consideration.”

The Court Initiated a contempt proceeding against Assam legislator Karimuddin Barbhuiya for his misleading Facebook post regarding a case reserved in verdict.

Chief Justice of India D.Y. Chandrachud had shared an incident of the recent past in which he was the target if “trolling” and “vicious” abuse on social media for just moving his seat during a hearing of the electoral bonds case. The video widely shared on social media platforms claimed that he walked away in the middle of the ongoing hearing of the case.<sup>16</sup>

### A Step Ahead by the Govt. of India

On November 11, 2024, the government urged the Parliamentary Standing Committee on Information Technology to take up the issue of vulgarity on social media platforms “as a priority”. In response to a question in the Lok Sabha, Aswini Vaishnav, minister for Information and Broadcasting, said that “The cultural sensitivities of India vastly differ from those of the regions where these platforms were created.

---

<sup>16</sup> Utkarsh Anand, SC voices concern over ‘profuse’ misuse of social media platforms, Hindustan Times, Apr 11, 2024.



This makes it imperative for India to make existing laws more stricter and he urged everyone to come to a consensus on this matter.” He also stated that ‘the democratic institutions and traditional forms of the press that once relied on editorial checks to ensure accountability and correctness of content had diminished over time with the emergence of social media.’<sup>17</sup>

### **Conclusion**

Social media in recent times has shown its grey areas in ample measures. Conceived as a medium to foster mutual friendship and enhancing social discourse through virtual medium, it is persistently being misused by the unscrupulous and pervert minds ruining the lives and career of so many people. There is no inbuilt system of checks and balances for social media platforms-any user can upload any post of any nature without caring about its consequences for the others. Any such post reaches far and wide in a jiffy. There is no one to edit or fact check the contents of the uploaded posts. Social media has made inroads into every walk of life and its victims too, belong to every field, including children, teenage girls and ladies, businessmen, politicians, film and television celebrities, and the most gullible common citizen who is totally unaware of its misuse. However, the necessary laws to restrict its misuse are not available in most of the countries including India. There are only Media Ethics Code Rules for the intermediaries in India to check the menace. Without robust legislation, these rules lack teeth. Moreover, there is no direct control of the government over social media platforms. Social media platforms like WhatsApp have challenged the government's take down orders from time to time in the courts. The encryption policy of such platforms is still in vogue making it difficult for the enforcement authorities to nab the real culprit-the person who originated the misinformation or concocted post. A large number of girls, ladies and common people have lost their lives on account of obscene and derogatory posts uploaded on these social media platforms. Even the Supreme Court of India has repeatedly urged the government to make suitable laws to check the growing menace. But no such steps have been taken by the government yet. This is high time to move in the right direction and make appropriate laws for the betterment of society. The regulation of social media is the need of the hour.

---

<sup>17</sup> Our Bureau, Vaishnav for Stricter Laws to Curb Vulgar Social Media Content, The Economic Times, Nov 28, 2024.