



## **“Social Media in Digitalized era and its consequences in the eye of law”**

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### **ABSTRACT**

The Internet is an enormous network of computers which has worked for millions of life either as a shelter or as destroyer. In one side where life made easier from shopping to cooking to playing games etc, on the other hand it had devastated the life of people by making them dependable to such source and many cyber offenders lay hold of such circumstances. Moreover, social network is a platform where users get connected to other people with indistinguishable interests and background. Well liked applications like Facebook and LinkedIn sites enable a person to create their own web pages which connects them to their friends and family and permit them to share content and communication. The very move in communicative power has brought forth better efforts to restrict and control the use of the internet for information and communication on political, moral, cultural, security and other grounds. Such actions has led to legal and regulatory initiatives to alleviate risks associated with this new medium, ranging from privacy of users, intellectual property, national security, to frauds, pornography and hacking. In this backdrop the current research endeavor is entitled to pragmatically analyze the Usage of Social media and Its Legal Implications. Exploratory and analytical research methodology for data collection and analysis was used in current research study on 100 respondents (Students of Universities in Assam, India) who are regularly using social media tools for successful functioning of their day to day life. Respondents opinion were statistically analyzed with One Way ANOVA with the help of SPSS Software and the obtained ‘p’ value was highly significant therefore the results concluded in rejection of null hypothesis and acceptance of alternate hypothesis which states that  $H_1$  - There is a significant relationship between uses of Social Media in Digitalized era and its consequences in the eye of law. Research is also supported by two relevant case studies. It can be concluded that more stringent laws should be made and implementation of these laws should be the main concern. There is lack of awareness among many individuals using the social networking websites and more often than not they are hesitant to take action against the offenders committing the offence.

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**Key Words:** - ANOVA, Facebook, Legal, Law, Case study, Assam, Students SNS.

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## **1. INTRODUCTION:**

From last decade the considerable gift of god from the scientific family had led to the discovery of Information technology and its linked communication technologies. This technology is of such monumental importance that it has been rightly termed as InfoTech revolution. Such mammoth technology has turned the life of utter human community on a rapid pace by introducing unprecedented speed in information & communication via social media. Users can easily express themselves publicly through social media thus impacting the whole political dynamics on a global stage. The very move in communicative power has brought forth better efforts to restrict and control the use of the internet for information and communication on political, moral, cultural, security and other grounds. (*Anderson. H., 2009*)

Academic and industry researchers are been entranced by the social network sites (SNSs) because of its reach. Indeed, social media is simply a system, a communication channel; it is not a location that you visit. In contrary, social networking is a two -way communication, first to start the conversation as its foundation and then developing relationships through such basis. Additionally, social media play as a principal to unite all parts of the world including subcultures and minority groups who otherwise never get the physical means and space to practice their views and beliefs. (*Levi L, 2012*)

Social media comprises of variety of internet based communication mediums which are as follows:

- Social Networking Websites (i.e. Facebook, MySpace, Google + etc.)
- Micro blogging websites (i.e. Twitter, Weibo, Yammer etc.)
- Video sharing websites (i.e. Youtube, Flickr, etc.)
- Macro blogging website (i.e. Wordpress, Blogger, Blogspot etc.)
- Podcast

Social Media law does not refer to a uniform body of law but is rather a collection of a variety of laws and ethical standards that influence the work of the media. Furthermore, different forms of media are subject to different regulations. Nevertheless, there are universal rules that need to be respected by all journalists when practicing their profession. (*Rylich J, 2008*)



This effort of controlling the internet has led to legal and regulatory initiatives to mitigate risks associated with this new medium, ranging from privacy of users, intellectual property, national security, to frauds, pornography and hacking. Regulatory challenges of social media can be broadly addressed under two heads namely (*Sachdeva A, 2007*)

- Legal Regulation
- Moral and Ethical Regulation in the form of guidelines by various statutory authorities like election commission.

*This situation led to a necessity to study the usage pattern of social media especially by university students of Assam and there legal implications, thus the current research endeavor is been formulated.*

## 2. REVIEW OF LITERATURE

A detailed Literature has been reviewed to make the study relevant. Few key observations obtained from Literature cited are elaborated below:

*Budak. R.K etal (2010)* examined the use of social media in the Presidential Elections, 2008 and pointed out that the victory of Barrack Obama was described has the triumph of new media in politics. The study revealed that Facebook and Twitter had played a major role in the political process by voting. The implications for this manifest themselves both in political strategy as well as campaign finance reform laws. The scholar concluded that in an examination of new media and the 2008 Presidential election, the rhetoric simply did not match the quantitative reality.

*Flannery Z. etal (2010)* examined the use of social media by youth and reported that about 93% of teenagers were active users of the Internet. The study revealed that about 70% of the users had used the Internet resources daily. The scholar noted that text messaging had increased most dramatically, along with media multi-tasking. The scholar suggested that youth should be educated about the positive and negative effects of social media.

*Ahn. K. etal (2011)* evaluated the effect of social media on adolescents' social and academic development and observed that youth spent a considerable portion of their daily life interacting through social media. The study revealed that social media had affected the social



capital, privacy, youth safety, psychological well-being, and educational achievement. The scholar dealt with high-profile concerns and controversies that surround youth participation in these online communities, and offer ripe areas for future research.

*Alsenoy et al.* (2015) explored the role of social media in corporate advertising and found that the Facebook's opt-out system for advertising did not meet the requirements for legally valid consent. The study revealed that Facebook combined data from an increasingly wide variety of sources. The scholars emphasized that Facebook gained a deeper and more detailed profile of its users and offered an opt-out system for its users in relation to profiling for third-party advertising purposes.

In all that, more recently, social media have begun to play a more and more important role. (Ruder et al. 2011, Elphinston & Noller 2011) Facebook, Twitter or Myspace are known worldwide; on national level there are also millions of users. They may be general (Facebook, Twitter) or targeting a specific group (e.g. students) or designed to present an opinion and review.



*This led o the research gap to study the legal implications of usage of social media among students.*

### 3. RESEARCH METHODOLOGY

RESEARCH METHODOLOGY	
Objectives of Research	<ul style="list-style-type: none"><li>• To elucidate legal framework of Social media usage in India.</li><li>• To analyze Students significance to legal infringement of sites. .</li></ul>
Hypothesis of Research	$H_0$ : - There is no significant relationship between uses of Social media and its legal infringements.
Research Design	Exploratory – To know the parameters and formulate the hypotheses. Analytical – To analyze the parameters found out.
Selected Universe	Students of various universities of Assam, India.
Sampling Design	Stratified Random sampling Method
Sample Size	100 university students.
Data collection Techniques	Primary Data collection – A framed set of questionnaire Secondary Data Collection – Research reports of Legal implications, SNS Companies, Annual reports, Computer, Law books, journals, research papers etc.
Analytical tools For Pilot Study	Cronbach's alpha for reliability and Kaiser Meyer's Rank Test for Variability
Statistical Analysis for hypothesis testing	Chi Square Test, Multivariate ANOVA, Students't' test.

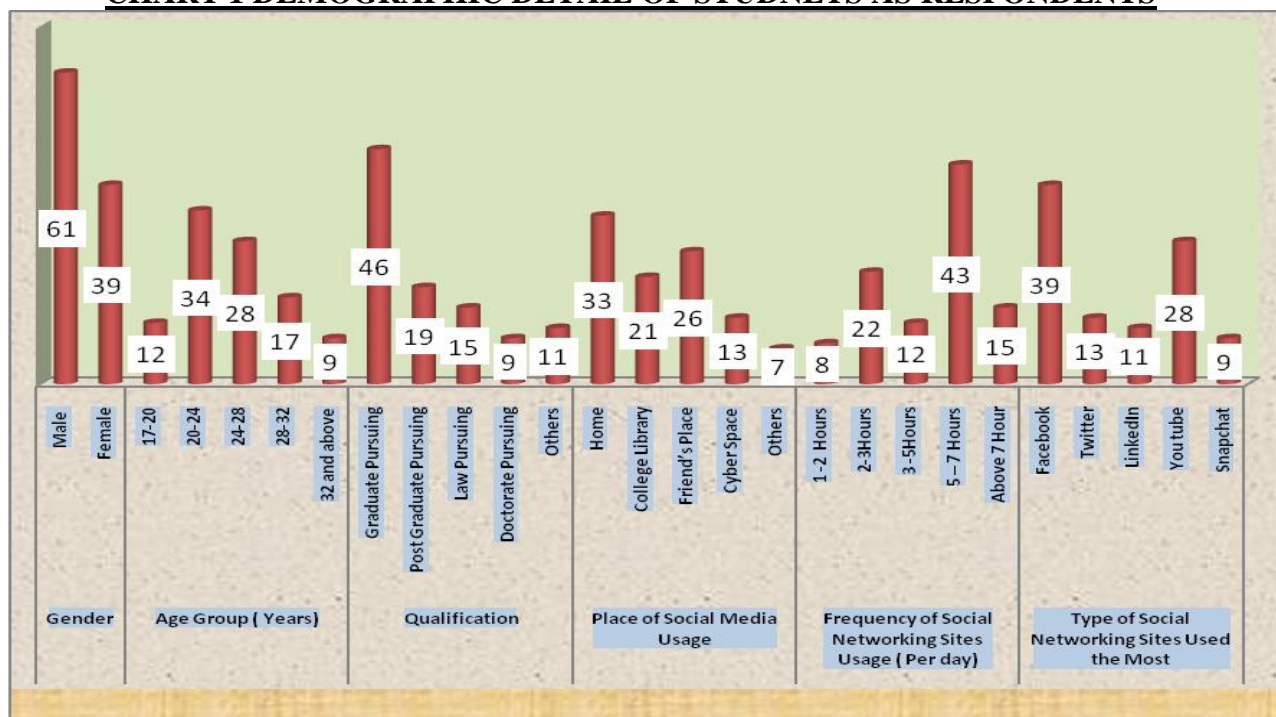
## 4. RESULTS AND ANALYSIS

### 4.1 DEMOGRAPHIC DETAILS OF RESPONDENTS

Demographic study means study of both quantitative and qualitative aspects of selected human population. Quantitative aspects include composition, age, gender, size, and structure of the population. Qualitative aspects are the research specific factors such as usage of Social media etc. Demographic variables of current research study are evaluated in table 1 below.

**TABLE 1 DEMOGRAPHIC DETAILS OF STUDENTS AS RESPONDENTS**

Sample characteristic	Category	No of Respondents ( N=100)
Gender	Male	61
	Female	39
Age Group ( Years)	17-20	12
	20-24	34
	24-28	28
	28-32	17
	32 and above	9
Qualification	Graduate Pursuing	46
	Post Graduate Pursuing	19
	Law Pursuing	15
	Doctorate Pursuing	9
	Others	11
Place of Social Media Usage	Home	33
	College Library	21
	Friend's Place	26
	Cyber Space	13
	Others	7
Frequency of Social media Usage ( Per day)	1 -2 Hours	8
	2-3Hours	22
	3 -5Hours	12
	5 – 7 Hours	43
	Above 7 Hour	15
Type of Social media Used the Most	Facebook	39
	Twitter	13
	LinkedIn	11
	You tube	28
	Snapchat	9

**CHART 1 DEMOGRAPHIC DETAIL OF STUDNETS AS RESPONDENTS**

From the above table demographic details of 100 respondents' studying in Universities in Assam, India can be obtained. In the first parameter the gender of respondents were analyzed. Maximum respondents 61 were males whereas the minimum respondents were females.

In the next parameter the age group of students studying in universities of Asaam was evaluated. Maximum respondents 34 were between then age group of 20 to 24 whereas minimum respondents 9 respondents were above the 32 years of age. The remaining 12 respondents were between the age group of 17 to 20 years of age and 28 respondents were between 24 to 28 years of age. In another significant parameter the qualification of respondents were analyzed in which maximum respondents 46 were pursuing graduation whereas minimum respondents 9 were pursuing doctorate. The remaining 19 respondents were pursuing pot graduation and 15 respondents were pursuing law. The remaining 11 respondents were categorized into others.

In the next parameter respondent's place of social media usage was examined. The maximum respondents 33 were using social media at home whereas minimum respondents were





using it in other places not mentioned in the table. The rest 21 respondents were using social media in college library whereas 13 respondents were using it in cyber café.

In another important parameter the frequency of social media usage by respondents were analyzed. Maximum respondents 43 were using social media for 5 to 7 hours daily whereas minimum respondents 8 were using it only for 1 to 2 hours. The rest 22 respondents were using social media for 3 to 5 hours whereas 15 respondents were using it for more than 7 hours. In the last demographic parameter the type of social media networking sites which are used by the respondents the most was evaluated. It can be noted that maximum respondents 39 used facebook whereas the minimum respondents 9 used snapchat. The remaining 13 respondents were using twitter whereas 11 respondents used LinkedIn. The rest 28 respondents used youtube the most.

#### **4.2: LEGAL IMPLICATIONS OF SOCIAL MEDIA**

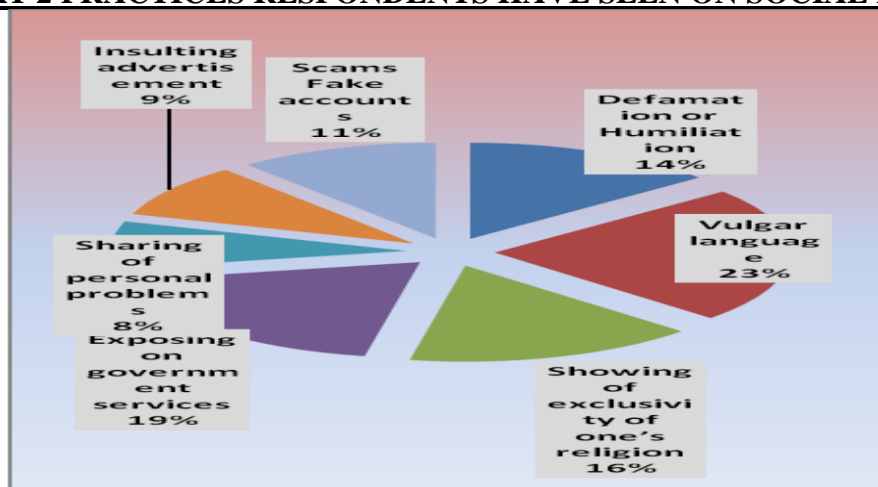
In the first statement of analysis i.e Statement 1, research deals with the practices respondents have seen on social media. Their responses are interoperated in frequency table 2 below

**:TABLE 2 PRACTICES RESPONDENTS HAVE SEEN ON SOCIAL MEDIA**

<b>Contents on Social Media</b>	<b>Frequency</b>	<b>Percentage (%)</b>
<b>Defamation or Humiliation</b>	14	14%
<b>Vulgar language</b>	23	23%
<b>Showing of exclusivity of one's religion</b>	16	16%
<b>Exposing on government services</b>	19	19%
<b>Sharing of personal problems</b>	8	8%
<b>Insulting advertisement</b>	9	9%
<b>Scams Fake accounts</b>	11	11%



**CHART 2 PRACTICES RESPONDENTS HAVE SEEN ON SOCIAL MEDIA**



In the above table no 2 responses of respondents were analyzed on the contents on social media and their legal implications. Maximum respondents 23% believe that vulgar language is shown in social media whereas minimum respondents 8% believe that sharing of personal problems has been greatly seen in the social media. The rest 14% respondents believe that Defamation or Humiliation is the major content in social media whereas 19% feel that exposing on government services has become a trend in social media. Also, 9% respondents feel that social media shows insulting advertisements whereas 11% respondents believe that social media has scams fake accounts.

Another statement 2 deals with the involvement of in such practices as stated above. Respondent's responses are recorded in table 3 below:

**TABLE 3 RESPONDENT'S INVOLVEMENT OF IN ILLEGAL PRACTICES**

Have you been involved in such practices as stated above	Frequency	Percentage (%)
Yes	43	43%
No	57	57%

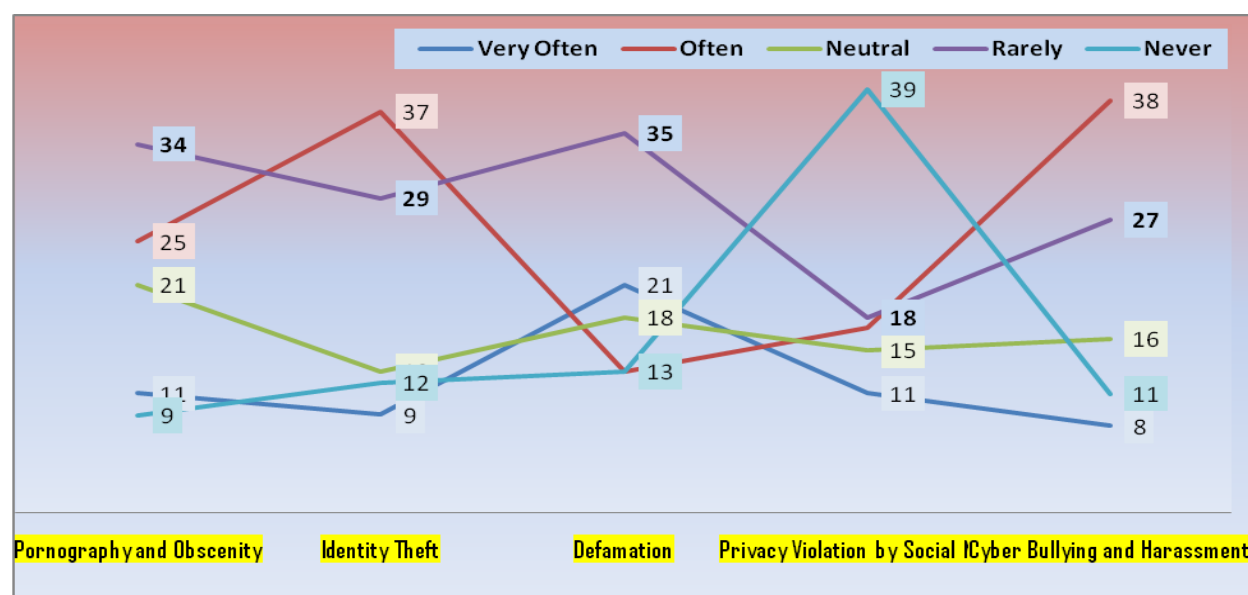
The above table no 3 evaluates the involvement of respondents on above showed practices on social media. Maximum respondents 57% had disagreement to the statement whereas 43 respondents agreed that they were involved in such practices.

Next statement of current research endeavor is very important and helps in statistical findings of the research. These statement 3 records respondents' legal infringements while using social media. Responses of this statement are analyzed in frequency table 4 below

**TABLE 4 RESPONDENT'S LEGAL INFRINGEMENTS WHILE USING SOCIAL MEDIA.**

S. No	Legal Infringement of Social media	Respondents Opinion				
		Very Often	Often	Neutral	Rarely	Never
1	Pornography and Obscenity	11	25	21	34	9
2	Identity Theft	9	37	13	29	12
3	Defamation	21	13	18	35	13
4	Privacy Violation by Social Media	11	17	15	18	39
5	Cyber Bullying and Harassment	8	38	16	27	11

**CHART 3 RESPONDENT'S LEGAL INFRINGEMENTS WHILE USING SOCIAL MEDIA**



The above table no 4 examines the responses of respondents on legal Infringement of social media networking sites. In the first statement 25 respondents agreed that they often find Pornography and Obscenity while using social media whereas 34 respondents believe that they rarely find such contents in social media. In the second statement 37 respondents feel that they often find identity thefts on social media whereas 29 respondents rarely find such things on internet. In the third statement 21 respondents believe that they very often find defamation on social media whereas 35 respondents rarely find them on internet. In the fourth statement 17 respondents find Privacy Violation by Social Media whereas almost 39 believe that social media

never violates the privacy of an individual. In the last statement 38 respondents often find cyber bullying and harassment on social media whereas 27 respondents rarely find such harassments on social media. From these statements it can be concluded that most of the respondents from the study have found legal infringements while using social networking site.

## HYPOTHESIS TESTING

In current research study on table above correlation parameters and legal implications of students social media usage of respondents values were statistically analyzed above Likert's scale values with one way ANOVA by using SPSS and results are as mentioned :

ANOVA							
GROUP			Sum of Squares	df	Mean Square	F	P Value (Sig)
Social Media Usage by Students and Legal Implications	Pornography and Obscenity	Between Groups	1.472	5	.294	1.010	.023
		Within Groups	58.610	5	.292		
		Total	60.082	5			
	Identity Theft	Between Groups	5.322	5	1.064	3.746	.003
		Within Groups	57.118	5	.284		
		Total	62.440	5			
	Defamation	Between Groups	.580	5	.116	.546	.071
		Within Groups	42.710	5	.212		
		Total	43.290	5			
	Privacy Violation by Social Media	Between Groups	1.493	5	.299	.947	.051
		Within Groups	63.364	5	.315		
		Total	64.858	5			
	Cyber Bullying and Harassment	Between Groups	4.422	5	0.089	.785	.008
		Within Groups	43.118	5	.354		
		Total	47.538	5			

Respondents opinion were statistically analyzed with One Way ANOVA with the help of SPSS Software and the obtained P value was highly significant therefore the results concluded that null hypothesis  $H_0$ : - There is no significant relationship between uses of Social media and



its legal infringements is rejected and alternate hypothesis which states that  $H_1$  : There is a significant relationship between uses of Social media and its legal infringements is accepted and proved.

## **5. CASE STUDY ANALYSIS**

**Case Study 1:** In the case of Godfrey v. Demon Internet Ltd. Someone unknown posted on the defendant ISP's newsgroup, squalid, obscene and defamatory of the plaintiff who was residing in England. The posting was on 13th January, 1997 whereas the plaintiff sent a letter by fax on 17th January, 1997 and the posting remained until the expiry on 27th January, 1997. Morland, J. ruled that whenever the Defendants transmit postings (including those defamatory postings) from the storage of their news server, publication of that posting takes place to any subscriber who uses the ISP and accesses the newsgroup which contains that posting. Thus every time any of the Defendants' customers accesses 'soc.culture.thai' newsgroup and sees the posting defamatory of the Plaintiff there is a publication to that customer.

**Case Study 2:** In 2012, two girls were arrested from Maharashtra for posting comments criticizing the bandh after Shiv Sena leader's death. The girls were taken into custody under section 66A for sending unpleasant message by computer resource. Such This arrest was highly condemned as it the girls were neither disrespecting anyone nor were they promoting hatred towards any community, was just expression of an opinion. This did not make a proper case for the arrest of two girls under IPC section 295A {later changed to IPC Section 505(2)} and the IT Act Section 66(A). These arrests led to curbing the freedom of speech which is fundamental right. The Maharashtra Government told the Supreme Court 18 (1999) 4 All ER 342 (HC). that the arrest of the two girls was in haste and unwarranted.

**Case Study 3:** Pakistan had filed a case against Facebook, Twitter and other social networking websites, for posting "blasphemous materials". This material was posted as groups on these social networks encouraged users to submit their caricatures or depictions of Prophet Mohammed. The court observed that the content was uploaded in Pakistan itself and these websites should remove the content with immediate effect.

**Case Study 4:** Parle Agro Pvt. Ltd has filed a case against social networking websites Facebook Inc., Twitter Inc. and online search company Google Inc. for a user post that alleged its mango



beverage Frooti was “contaminated”. Parle Agro accused the social networking websites and online search engine of promoting the “defamatory” statement. The court is still to hear the matter on record in the Bombay High court and give a decision on the same

## **6. CONCLUSION AND RECOMMENDATIONS**

Attributable to various social media misconduct, society of India was turned to serious havoc. Starting from blend of issues, issues relating to social media reveals the legislative and regulatory gaps in India. Some of the prominent cases which became the headlines have been taken as the purpose of the current study. This research endeavor correlated the facts/reasons of incidences and role of social media in exaggerating these incidences.

The current research’s attempt was entitled to pragmatically analyze the Usage of Social media and Its Legal Implications. Respondents opinion were statistically analyzed with One Way ANOVA with the help of SPSS Software and the obtained ‘p’ value was highly significant therefore the results concluded in rejection of null hypothesis and acceptance of alternate hypothesis which states that  $H_1$  - There is a significant relationship between uses of Social media and its legal infringements. Two case studies supported the research thoroughly.

It can be culminated from the study that strict laws must be taken into action for the wellbeing of the society. A serious note of concern nowadays is the absence of awareness people have in accordance of the usage of social media networking sites and many a times people get scared to take an action against the felon committing the misdemeanor.

The study concludes that the punishment against cyber crimes through legislative provisions must be thoroughly implemented and practiced. The vague and ambiguous provisions of certain laws should be interpreted liberally and in accordance with the norms of the society. While construing the provisions of section 66A of the Information Technology Act, 2000 a lot of controversy has been generated towards the violation of Freedom of Speech given under Article 19(1) of the Constitution of India, which is fundamental to India’s democracy.

The examination of legal and regulatory issues indicates that the challenges posed by the social media are unlikely to be solved merely by adapting and extending existing legal concepts. Innovative ways of communicating through the social media raised legal questions which are fundamentally different for one of the two reasons. Firstly, the concept of freedom of speech and



expression in online era is entirely different in contrast to offline world. Secondly, the online world demands new set of rules to be governed.

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