

INTERNATIONAL LAW
JOURNAL

**WHITE BLACK
LEGAL LAW
JOURNAL
ISSN: 2581-
8503**

Peer - Reviewed & Refereed Journal

The Law Journal strives to provide a platform for discussion of International as well as National Developments in the Field of Law.

WWW.WHITEBLACKLEGAL.CO.IN

DISCLAIMER

No part of this publication may be reproduced or copied in any form by any means without prior written permission of Editor-in-chief of White Black Legal

– The Law Journal. The Editorial Team of White Black Legal holds the copyright to all articles contributed to this publication. The views expressed in this publication are purely personal opinions of the authors and do not reflect the views of the Editorial Team of White Black Legal. Though all efforts are made to ensure the accuracy and correctness of the information published, White Black Legal shall not be responsible for any errors caused due to oversight or otherwise.

WHITE BLACK
LEGAL

EDITORIAL TEAM

Raju Narayana Swamy (IAS) Indian Administrative Service officer



Dr. Raju Narayana Swamy popularly known as Kerala's Anti Corruption Crusader is the All India Topper of the 1991 batch of the IAS and is currently posted as Principal Secretary to the Government of Kerala . He has earned many accolades as he hit against the political-bureaucrat corruption nexus in India. Dr Swamy holds a B.Tech in Computer Science and Engineering from the IIT Madras and a Ph. D. in Cyber Law from Gujarat National Law University . He also has an LLM (Pro) (with specialization in IPR) as well as three PG Diplomas from the National Law University, Delhi- one in Urban Environmental Management and Law, another in Environmental Law and Policy and a third one in Tourism and Environmental Law. He also holds a post-graduate diploma in IPR from the National Law School, Bengaluru and a

professional diploma in Public Procurement from the World Bank.

in Public

Dr. R. K. Upadhyay

Dr. R. K. Upadhyay is Registrar, University of Kota (Raj.), Dr Upadhyay obtained LLB , LLM degrees from Banaras Hindu University & Phd from university of Kota.He has succesfully completed UGC sponsored M.R.P for the work in the ares of the various prisoners reforms in the state of the Rajasthan.



Senior Editor

Dr. Neha Mishra



Dr. Neha Mishra is Associate Professor & Associate Dean (Scholarships) in Jindal Global Law School, OP Jindal Global University. She was awarded both her PhD degree and Associate Professor & Associate Dean M.A.; LL.B. (University of Delhi); LL.M.; Ph.D. (NLSIU, Bangalore) LLM from National Law School of India University, Bengaluru; she did her LL.B. from Faculty of Law, Delhi University as well as M.A. and B.A. from Hindu College and DCAC from DU respectively. Neha has been a Visiting Fellow, School of Social Work, Michigan State University, 2016 and invited speaker Panelist at Global Conference, Whitney R. Harris World Law Institute, Washington University in St.Louis, 2015.

Ms. Sumiti Ahuja

Ms. Sumiti Ahuja, Assistant Professor, Faculty of Law, University of Delhi, Ms. Sumiti Ahuja completed her LL.M. from the Indian Law Institute with specialization in Criminal Law and Corporate Law, and has over nine years of teaching experience. She has done her LL.B. from the Faculty of Law, University of Delhi. She is currently pursuing Ph.D. in the area of Forensics and Law. Prior to joining the teaching profession, she has worked as Research Assistant for projects funded by different agencies of Govt. of India. She has developed various audio-video teaching modules under UGC e-PG Pathshala programme in the area of Criminology, under the aegis of an MHRD Project. Her areas of interest are Criminal Law, Law of Evidence, Interpretation of Statutes, and Clinical Legal Education.



Dr. Navtika Singh

Nautiyal



Dr. Navtika Singh Nautiyal presently working as an Assistant Professor in School of law, Forensic Justice and Policy studies at National Forensic Sciences University, Gandhinagar, Gujarat. She has 9 years of Teaching and Research Experience. She has completed her Philosophy of Doctorate in 'Intercountry adoption laws from Uttranchal University, Dehradun' and LLM from Indian Law Institute, New Delhi.

Dr. Rinu Saraswat



Associate Professor at School of Law, Apex University, Jaipur,
M.A, LL.M, Ph.D,

Dr. Rinu have 5 yrs of teaching experience in renowned institutions like Jagannath University and Apex University. Participated in more than 20 national and international seminars and conferences and 5 workshops and training programmes.

Dr. Nitesh Saraswat

E.MBA, LL.M, Ph.D, PGDSAPM

Currently working as Assistant Professor at Law Centre II, Faculty of Law, University of Delhi. Dr. Nitesh have 14 years of Teaching, Administrative and research experience in Renowned Institutions like Amity University, Tata Institute of Social Sciences, Jai Narain Vyas University Jodhpur, Jagannath University and Nirma University.

More than 25 Publications in renowned National and International Journals and has authored a Text book on Cr.P.C and Juvenile Delinquency law.



Subhrajit Chanda



BBA. LL.B. (Hons.) (Amity University, Rajasthan); LL. M. (UPES, Dehradun) (Nottingham Trent University, UK); Ph.D. Candidate (G.D. Goenka University)

Subhrajit did his LL.M. in Sports Law, from Nottingham Trent University of United Kingdoms, with international scholarship provided by university; he has also completed another LL.M. in Energy Law from University of Petroleum and Energy Studies, India. He did his B.B.A.LL.B. (Hons.) focussing on International Trade Law.

ABOUT US

WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal providededicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

WHITE BLACK
LEGAL

MEDIA LAW AND ITS IMPLICATIONS

AUTHORED BY - AFIFA SHERIN H

In the contemporary landscape of technology, social media has seamlessly woven itself into the fabric of everyday life. A predominant choice for communication among the youth, it serves as a dynamic platform for the expression of ideas, thoughts, and opinions. Various social media channels, such as Instagram, Twitter, and Facebook, offer users effortless access to a diverse array of content, ranging from social news to blogs and vlogs.

These platforms transcend geographical boundaries, fostering connectivity and enabling users to share information seamlessly through written words, music, and images. While the advantages of social media in enhancing communication and connectivity are undeniable, a critical gaze reveals areas of concern that demand attention, particularly in the realms of privacy and security.

In this age of instant information dissemination, the impact of a single piece of inaccurate or false information circulating on social media can be profound, affecting individuals and society at large. As such, the media's role becomes pivotal in ensuring the dissemination of truth, transcending cultural and religious diversities. It is imperative to address the challenge of false information dissemination, which can fuel hatred and communal problems.

This exploration delves into the dual nature of social media, acknowledging its benefits in fostering connectivity while underscoring the pressing need for responsible use to safeguard privacy, security, and the integrity of information shared on these platforms.

Requirement of social media laws

The escalating prevalence of crimes facilitated by the extensive use of social media platforms underscores the imperative need for Social Media Laws. These laws play a crucial role in addressing both civil and criminal aspects, offering remedies to safeguard against prohibited content. Notable

legislations such as the Digital Millennium Copyright Act and the Communication Decency Act serve as essential frameworks for tackling cybercrime and addressing challenges in the cyberspace domain.

The inherent anonymity and unrestrained nature of social media have given rise to a surge in online violence that adversely affects individuals across all age groups. To curb social media-related crimes, including stalking, harassment, bullying, and threats, the establishment of robust social media laws becomes paramount. A stark example is the recent spate of riots in certain Indian states, fueled by the circulation of fake news and violent content through platforms like Facebook, YouTube, and WhatsApp, resulting in severe consequences.

In light of such incidents, it becomes evident that the absence of stringent social media laws can lead to significant harm.

Therefore, a comprehensive legal framework is essential to mitigate the risks associated with the misuse of social media platforms and ensure accountability for those who engage in criminal activities through these channels. The call for strong social media laws resonates as a necessary measure to maintain societal harmony and protect individuals from the adverse effects of online malfeasance.

Establishing a robust Grievances Redressal Mechanism is essential for addressing concerns related to content published by individuals. The process involves a structured sequence for resolution, emphasizing transparency and timely communication. The key steps in this mechanism are outlined below

Initial Publisher Response:

The aggrieved individual submits their grievance through the designated mechanism. The publisher, responsible for the content in question, is obliged to address the grievance.

A decision on the grievance should be communicated to the complainant within 15 days of registration.

Escalation to Self-Regulatory Body:

If the publisher fails to communicate a decision within the stipulated time, the grievance is escalated to the self-regulatory body.

This body typically comprises members, including the publisher, who participate in the self-regulation process.

Appeal to Self-Regulatory Body:

If the complainant remains dissatisfied with the publisher's decision, they can appeal to the self-regulatory body within 15 days of receiving the decision.

The self-regulatory body thoroughly reviews the grievance and conveys its decision, in the form of advisory or guidance, to the publisher within 15 days.

Simultaneously, the complainant is informed about the decision made by the self-regulatory body.

Further Appeal to Oversight Mechanism:

Should the complainant still find the resolution unsatisfactory, they have the option to appeal to the Oversight Mechanism.

The appeal to the Oversight Mechanism must be initiated within 15 days of receiving the decision from the self-regulatory body.

The Oversight Mechanism reviews the case independently, providing an additional layer of scrutiny to ensure fairness and justice.

This Grievances Redressal Mechanism ensures a structured and accountable process for addressing concerns related to published content, fostering transparency, and providing avenues for resolution at various stages.

The Information Technology Act, 2000 (IT Act) is a significant legal framework in India, providing remedies for various aspects of cybercrime, including offenses related to social media. Here are some key sections of the IT Act and their implications:

Section 66A:

This section empowers authorities to arrest individuals for sending offensive messages or posting content on social media that may be deemed offensive.

Offenses include spreading false information with the intent to cause annoyance, inconvenience, danger, enmity, insult, or criminal intimidation.

The penalty for such offenses is imprisonment for up to three years and a fine.

Section 69A:

Grants the government the authority to monitor, decrypt, or intercept any information that is not in compliance with the provisions of the government.

Empowers authorities to block internet sites following a prescribed procedure.

Recent instances of banning certain Chinese applications were carried out under Section 69A. Non-compliance with this section can lead to imprisonment and a fine.

These sections within the IT Act serve as crucial tools for regulating and addressing issues arising from social media use. They provide legal mechanisms to curb offensive content, false information, and actions that may pose a threat to public order or safety on online platforms. It showcases the Indian government's commitment to maintaining a secure and regulated digital environment.

Constitution of India

The Constitution of India serves as the foundational legal document, guaranteeing fundamental rights to its citizens and establishing the framework for governance. The rights enshrined in the Constitution

act as safeguards for citizens' essential interests, and when these rights are infringed upon, the document provides avenues for redress.

One pivotal aspect of these rights is articulated in Article 19, which addresses the Right to Freedom of Speech and Expression. This constitutional provision ensures that every individual has the right to articulate and communicate their thoughts freely. It empowers citizens to voice their opinions, share information, and speak out against any perceived wrongs or injustices, whether experienced personally or witnessed.

The Right to Freedom of Speech and Expression is a cornerstone of democracy, allowing individuals to actively participate in civic life, contribute to public discourse, and hold those in authority accountable. The Constitution, with its explicit recognition of this right, reinforces the principles of democracy, pluralism, and the rule of law in the Indian context. The availability of such constitutional provisions reflects a commitment to protecting individual liberties and fostering a society where diverse voices can be heard. The Indian Penal Code (IPC) stands as the official criminal code of India, encompassing a broad spectrum of criminal laws. Offenses related to property, the human body, conspiracy, and contemporary issues like social media fall under the purview of the IPC. Noteworthy sections within the IPC address crimes concerning social media, providing a legal framework for their prosecution:

Section 124A:

Deals with sedition, targeting acts that incite opposition against the government.

Section 153A:

Aims to punish acts that promote enmity between different groups based on religion, race, place of birth, residence, language, etc.

Section 295A:

Targets intentional acts aimed at defaming religion or religious beliefs.

Section 499:

Addresses defamation, encompassing verbal or written statements with the intent to harm an individual's reputation.

Section 505:

Focuses on making statements with the intent to incite public annoyance or create fear or alarm.

Section 506:

Deals with criminal intimidation, covering physical or electronic means used to threaten another person.

Section 509:

Addresses the offense of insulting the modesty of women, prescribing punishment in the form of imprisonment or a fine.

These sections of the IPC serve as vital tools in regulating behavior on social media platforms, ensuring that actions online are subject to legal consequences when they violate established norms or harm individuals or groups. The inclusion of these provisions reflects the adaptability of the IPC to contemporary challenges, including those posed by the digital age and social media.

Certainly, the duties of social media intermediaries play a crucial role in maintaining a responsible and ethical online environment. Here are the key duties outlined in the context of the provided information:

1. Information Disclosure:

- Intermediaries should inform users about the responsible use of their computer resources. This includes refraining from publishing, displaying, updating, modifying, storing, or sharing information that belongs to another person without consent.

2. Content Standards:

- Social media platforms should set and communicate standards for content posted on their platforms. Content that is defamatory, obscene, paedophilic, pornographic, or infringes intellectual property rights should be restricted or removed.

2. Avoiding Harmful Activities:

- Social media intermediaries have a duty to prevent online activities that pose a threat to the unity, integrity, defence, security, or sovereignty of India. This involves actively working against the spread of misinformation, hate speech, or any content that may incite harm or violence.

3. Respect for Intellectual Property:

- Platforms should ensure that users respect intellectual property rights. This includes preventing the unauthorized sharing or use of copyrighted material.

4. National Security:

- Duties extend to avoiding online activities that may compromise national security. Social media platforms should actively work against the dissemination of content that poses a threat to the nation's security.

5. International Relations:

- Intermediaries should contribute to maintaining friendly relations with foreign states. This involves preventing the spread of content that could strain diplomatic ties or cause international discord.

By adhering to these duties, social media intermediaries can contribute to fostering a safe, responsible, and respectful online environment that aligns with legal and ethical standards.

Living in a world where technology is ubiquitous brings both advantages and challenges, notably the pervasive threat of cybercrime. While existing laws offer protection to victims of cybercrime and social media-related offenses, the dynamic nature of technology necessitates continuous legal adaptation.

Introducing a concept like the “Right to be Forgotten,” as implemented in some European countries, could empower individuals with control over their personal data. This right enables individuals to request the removal of personal information from online platforms, fostering a balance between privacy and the digital landscape.

In tandem with empowering individuals, there’s a critical need for strict actions against wrongdoers in the realm of cybercrime. Robust legal measures can act as deterrents, mitigating the consequences of cyber offenses. These actions may include penalties, fines, or other legal consequences to ensure accountability.

By embracing new legal frameworks and reinforcing punitive measures, governments can enhance cybersecurity, protect individuals from potential harm, and foster a digital environment that respects privacy and security. It’s a proactive approach to address the evolving challenges posed by technology in our interconnected world.

