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# Does Media need to be Regulated: If Yes, How?

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## ABSTRACT

*Social media need to be regulated with some rules and regulations. Nowadays, Cybercrimes has been increased enormously in society. People's right to privacy is being violated, and most of the personal information that belongs to the people is being disclosed anonymously. Many cases have been filed in the court of law regarding this matter. Things are happening because of the rules that are not strictly implemented. This paper outlines a few things, such as its significance and the need to implement rules and regulations which ought to be implemented to lessen Cybercrimes and which amount to protecting people's privacy.*

## I. INTRODUCTION

The meaning of 'media' is something that is public and where every person can access it in different ways, such as to post something, view something, or share it. The first time the entire world got to know the meaning and the term 'media' was in 1841. The original meaning of this word is medium, which we use to communicate with society. It acts like a mediator to communicate a piece of the particular information to all. The first thought one would get is using applications such as Facebook, Instagram, and Twitter. Media is just for sharing information and sharing it, but there is so much more to know behind this word. Things just happen that we do not imagine or which we do not think of. For instance, several cybercrimes happen just because of this factor. Our personal information would be shared unknowingly without our consent, leading to our privacy intrusion. All the cyber crimes happening in society are because of this media. Media is the main factor and the main lead for such commission of crimes. We shouldn't think that media only relates to the apps but also includes the press, which is considered the 4<sup>th</sup> of the government. This is what media means to me. Now I would like to state by mentioning the reasons for using media.

## II. REASONS FOR USING MEDIA

**1. Communication:** Most of us use social media to get information about issues or incidents

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<sup>1</sup> Author is a student in India.

around us. This social media is beneficial in sharing information to the communities at large without delay or taking much time. One video is enough to make people understand a situation. Within a fraction of seconds, a video can be shared with millions of people. This is a great advantage of using social media.

**2. Status:** We use social media to inform others about our whereabouts, way of living, and present stay. It's nothing but providing updates about our life to others.

**3. Purpose:** Social media is useful for specific purposes such as sales. Most retailers use this social media to share information about the products people can purchase, as many people would be using any social media accounts. It would be easy for them to look for some products they have been searching for.

**4. Opportunities:** Social media is useful in informing others about the opportunities provided outside. Many people of the younger generation look for jobs that suit them based on their resume or curriculum vitae. Information can be uploaded easily with the help of social media. Nowadays, the sharing of information regarding the jobs or services that various institutions or organisations provide has made people understand and making them get those jobs became a piece of cake because of this factor.

**5. Entertainment:** Social media is mostly used for entertainment. These days everyone is using social media to kill their time. The younger generation is becoming completely addicted to using, such as Instagram and Facebook. Many succumb to social media. It's leading to great distraction from studies. Entertainment must be there in every life, but it shouldn't be the only world for all of us. Along with it, there are other things too which one needs to focus on. This can be said as the main objective of using. These are the different purposes for which people use social media.

**6. Education:** Social media is quite useful for educational purposes. Nowadays, in several apps, such as Instagram and Facebook. We could find many educational services which are being provided to the students in the form of advertisements which helps the students in making them aware and get the availability for the top-notch courses they are offering and it's quite helpful for the students to have an idea about the courses. As most of the younger generation uses this social media. With the help of the media, many entrepreneurs who want to succeed by offering the best quality education to the students have taken this media as a great advantage in reaching out to the students. If this weren't there, it would be very hard for the students to avail themselves of the services. I can consider this one of the uses we can derive from social media.

### III. INFORMATION ABOUT THE CYBERCRIMES

#### What is meant by Cybercrime?

According to my understanding, Cybercrimes are crimes that take place with the help of technology. Cybercrimes are not petty; these crimes can be heinous as well, which causes a great threat not only to the people but also to the nations. Nowadays, these crimes are happening enormously. Every day thousands of cases are being reported. The main reason is social media usage by the people at large. There are different kinds of crimes that are categorised by law. There are two types of cybercrimes. Those are :

1. Crimes that target the people who are called the users.
2. Crimes that target the computers to retrieve some useful information.

These are the two categories which made. Crimes are classified in many ways: Morphing, Phishing, Stalking, Grooming, Sextortion, Vishing, Smishing, Sexting, Spamming, Data breaching, Online drug trafficking, and many more. To explain every term.

- **Morphing:** The meaning of morphing is the misrepresentation of a person's face to another or changing one's face with the use of a computer or any device.
- **Phishing:** The meaning of phishing means sending fraud emails or SMS to gain the user's personal information. Users are mostly cheated by some notifications that change their passwords, and the hackers will track those passwords. This is called phishing.<sup>1</sup>
- **Stalking:** Stalking means observing a person's activities continue with the help of a system.
- **Grooming:** This Act is done especially to make children get exploited sexually by making the children get invited to some meetings that are made <sup>3</sup> online. This is called Grooming.
- **Sextortion:** This is a kind of heinous crime. It includes threatening a person to send pictures of their private parts. This is meant by it.<sup>2</sup>
- **Vishing:** Vishing is a kind of activity which is quite fraudulent. Phone calls or calls which we receive from anonymous people to disclose our personal information such as our bank details, etc., is called Vishing. One shouldn't believe any information shared by a person we never know. This kind of activity happens to us quite often. We would be receiving texts and even calls that we needed to ignore. Sometimes, our government of India warns us about these fraudulent activities.

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<sup>2</sup> Kinds of cybercrimes

- **Smishing:** Smishing is just like Vishing, but there's a small difference. Smishing only includes messages in the form of texts or emails. The message will be in written form electronically. Vishing includes calls and voice notes. This is about Smishing.
- **Sexting:** It is a kind of conversation related to sexual intercourse. It's a dangerous activity, and one shouldn't participate in this conversation. It also includes nude photographs and disturbing videos. This is meant by Sexting.
- **Spamming:** Spamming means fraud messages and fraudulent calls. Spamming is a kind of activity which is based on false information. We would be receiving messages from unknown numbers such as - We got a secured job from a company which is providing the salary of 50000 or 60000 and some messages such as - 10 lakhs would be credited to our bank accounts if we provide bank details to them. We shouldn't believe this kind of message at all as it leads to greater risk and if one person then definitely they would be under the threat of falling into a trap and all the current <sup>4</sup>amount which is in his back will be drawn by the respective person who has sent that message.
- **Date breaching:** This is a kind of activity that mainly deals with the data. Most hackers target some companies or some institutions, or they might be individuals. They try to breach the data and make use of it and later threaten that they would disclose the information which shouldn't be disclosed at all. To prevent this, <sup>3</sup>most companies and institutions would be under great care and precautions to make their systems secure. This is meant by data breaching.
- **Online drug trafficking:** This deals with drug business activity. Where people online will be sending some information regarding the availability of drugs in a few places. This is a heinous crime; if the police authorities find out, all the members involved in this kind of activity would be at risk and be held liable. There will be punishment imposed on them as well. This is meant by online drug trafficking.

These are the different kinds of cybercrimes that are categorised. To prevent all these, the regulations stated need to be implemented.

#### **IV. REASONS FOR THE OCCURRENCE OF CYBERCRIMES**

There are several reasons behind this occurrence of cybercrimes. One of the reasons is to demand money by threatening the users of the social media accounts with their morphed pictures, which is quite disturbing to see. Most cyber crimes happen in our country because of the huge population, and nearly most of the population in our country are the account holders

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<sup>3</sup> [www.legalbites.com](http://www.legalbites.com)

in any one of the social media accounts. When we observe outside, every person would be using any of the social media accounts. Most children are becoming quite addicted to using social media, especially the apps such as Tik Tok. With this app, Tik Tok, many started uploading their videos publicly, and many of their pictures and videos got morphed. Many incidents have taken place. To gain more followers on Instagram and Tik Tok. Most people started making their accounts public instead of keeping them private. This would be quite an advantage to the people outside to threaten the users with the information posted in their accounts. To share my personal experience, When I was in my 10<sup>th</sup> standard. I have installed the app 'Twitter'. I didn't know how to use it then. I got a message from a person to share my details with him. I didn't understand why he was asking for my details. After a few seconds, he started sharing some disturbing pictures and videos. Immediately I took the action of blocking him right away, and it made my mind completely disturbed for a while. I have deleted my account. I do not mean to state that the app is unsafe to use. I wasn't aware of how to use it then. If this happens to anyone else who is unaware and that individual shares his personal information without knowing, then it would lead to greater risk.<sup>4</sup> Many outsiders aren't aware at all. Based on all these, we could find the reason that people who are hackers want our personal information to threaten us. This can be considered a kind of enjoyment to them. We do not know how the mindsets of the people out there would be. One individual seeks enjoyment differently. One does this kind of thing to make themselves satisfied. This could be considered a reason. Many incidents happened like this, resulting in the commission of crimes such as suicides. Many have committed suicide because of threats from others who misled their personal information. To make the point stronger, some news has been collected that happened to others because of this and who have incurred so much damage. A woman from the state of Bhopal has committed suicide as there was a threat from an anonymous person who demanded the amount of 5 lakhs. Another happened to another girl who was just the age of 17 years old and killed herself because of the harm done by the person who leaked her personal information. A case has also been filed, and judgement has also been declared by the court, which resulted in the punishment to that person who performed that act, and he was held liable. Some case laws are mentioned in which the court states the reasons for the occurrence of these cybercrimes. In the case of **Shreya Singhal Vs UOI AIR 2015 SC 1523**, Two women were arrested because of their comments on an app such as Facebook. They have made rule comments against an issue quite political, and they were held under section 66 A of the IT Act for behaving rudely against an issue in a rude manner. The arrested person raised a petition before the supreme court

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<sup>4</sup> State of Tamil nadu Vs Suhas Kutti CC No.4680

that led to violating their rights, such as Article 21, which describes the right to personal life and liberty. The court agreed with this point of view and later removed the section from the Act that section and also stated though the court a section is inapplicable in this matter, the sections of the Indian penal code will apply for their act, and punishment will be imposed basing on the code and not based on the section which got removed. Based on this case, one can know that the reason behind their comments is to spread hatred and a negative message to the people based on an issue. This could be a reason which we can consider based on this topic.

The other case which reflects the reason for the commission of cyber crimes is the **State of Tamil Nadu Vs SuhasKatti CC No. 4680** of 2004. In this case, a man started harassing a woman online by creating a fake Gmail account in the name of the victim and started posting information which is quite obscene just to get married to him after she went through a divorce with her prior husband. He took advantage of the network, and later a case was filed against him, and the court declared rigorous imprisonment to him and even charged him with sections 469 and 509 of the Indian Penal Code, 1860 and Section 67 of the IT Act by Additional Chief Metropolitan Magistrate. He was punished with a Rigorous Imprisonment of 2 years along with a fine of Rs. 500 under Section 469 of the IPC, Simple Imprisonment of 1 year along with a fine of Rs. 500 under Section 509 of the IPC, and Rigorous Imprisonment of 2 years along with a fine of Rs. 4,000 under Section 67 of the IT Act. Based on this case, we can understand the reason behind this act: to force and threaten a person. By all these, one can clearly understand the reasons behind the commission of these crimes.

## **V. REGULATIONS WHICH ARE TO BE IMPLEMENTED IN MEDIA**

There should be regulations imposed on social media mandatorily. Nowadays, the content posted on social media is fake, and most people rely on it and share the news more. Illiterate people blindly follow the news, and others are fooling them up. This sharing of fake news has spread more since the pandemic started. Everyone has begun sharing information about what they know without any clarification or confirmation. Everyone started taking advantage to share the information they weren't sure of. This sharing of fake information creates many problems in society. Some people follow things that are being said by others. The author opines that regulations should be imposed mandatorily, and all such fake news being spread must be stopped suddenly. These kinds of activities shouldn't be entertained at all. Not only this but also there should be the implementation of rules and regulations in posting content or pictures on the applications such as Instagram and Facebook. A few Instagram pages post ridiculous content and images that are quite disgusting, and most viewers would feel so disturbed by the

posts. These days, everyone is using social media irrespective of age factor. Though there is an age restriction, people create false accounts by adding imprecise information. The regulations which can be imposed based on the author's opinion are :

1. There should be a full age restriction in using the accounts. It should be linked with the information of Aadhaar, and age should be verified with the date of birth mentioned.
2. On Instagram, there should be posts based on age, and children shouldn't <sup>5</sup>get access to content that is not up to the period. Especially in this app, we could find defamatory information about famous personalities such as celebrities and politicians. Such content needs to be expunged, and because of the defamatory statements, there would be some issues that arise among the people who are admirers of such personalities, and there are some incidents that happened as well. In the matter of **Rajagopalan v. State of Tamil Nadu**, The court made a statement that an individual has the right to privacy and that no one has the right to publish anything about another person without his consent, regardless of whether the material is factual or false, critical or laudatory unless it is part of the public records. I opine that screenshots shouldn't be allowed in saving a picture. Suppose there are posts that include vigorous statements or consists of images that convey a negative message to the people. Then those posts cannot be screenshotted or shared to anyone. This kind of feature can be seen in the app Facebook where there is a restriction on capturing pictures on the phone in personal accounts. This should be considered one of the regulations to be imposed mandatorily.
3. The above two points should be imposed not only the Instagram but also on all other social applications.
4. In applications like Whatsapp, False information should be prohibited if anyone tries to share miscellaneous imprecise information with others. There should be a trigger warning to be added to that information. However, the person on the other side receives it. Then they need to know that it's false with the help of that warning disclaimer.
5. There should be a check on the pages which makes other people believe in their fraud services, such as advertising the products and making people think and receiving the cash from them. Many incidents have occurred to the people who believed and made the payment by accepting just because of the fraud accounts. So this action must be taken seriously, and proper regulations should be imposed based on this point.
6. There should be some messages such as some warnings to be shared on the social media

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<sup>5</sup> Case law - Rajagopalan Vs State of Tamil nadu



apps, which helps to alarm people not to believe fake news.

7. To the people sharing irrelevant content, they need to be charged with a fine, and punishment should also be imposed on such people. There are already some legal provisions, but those are applied only for heinous offences. The action needs to be taken seriously by the authorities for every fallacious post that's there on social media.

8. In the apps such as youtube, the indecorous and mendacious videos need to be removed. Millions of useless videos are posted, and the videos are meant to share perfidious content. There are movies with adult content, and there is no age restriction, and everyone can access those. Of course, there is a restriction in which the viewer should only approve by giving a tick to the information displayed, and the video gets accessed automatically. If there's such kind of restriction which is quite simple to avoid just by putting a tick, then what's the use of such restriction that is displayed. Every person knows how to access the video. These are the possible things that could be implemented and would be quite beneficial. Once these get implemented, the incidents would lessen automatically in the economy. Social media usage would be useful and also safe at the same time for the users out there. There are many legal provisions regarding this topic which is mentioned in the Indian penal code, and also there is an Act separately, which is the Information Technology Act, 2000, which consists of several provisions, especially on technology. There are several amendments with the up-gradation of technology from the year the Act was introduced. A few sections, such as Section 63 of the Indian penal code and sections, give us a detailed explanation of the imposed punishments and penalties. There are many cases referred to those case laws mainly dealt with the importance of the regulations in social media. The name of the case law is **Kharak Singh v State of UP** - In this case, the court has held that tapping phones lead to an individual's invasion of privacy, which indicates a breach of privacy. The court has held that sharing information through What's app or Facebook leads to users' privacy breaches in such a way that if unwanted information is shared with someone without their consent. Then definitely, there is the privacy intrusion on the user's side. While the court has stated this, we need to understand in such a way that regulations need to be imposed to control these activities of greater risk.

9. This kind of regulation should also be on if we receive any kind of call from unknown numbers. Then the call should be recorded automatically if the call were from anonymous people who called to share fraudulent information. Then that kind of call should be traced by the police authorities, and actions must be taken immediately. If this rule is implemented, no one will step forward to do these kinds of activities, and no one will dare to share fraudulent information.

10. If these regulations are imposed, then the usage by the children would become less, and the regulations act as an obstruction in deviation that is resulting amongst the <sup>9</sup> students from their studies.

The author would like to state a practical example to justify the points. The example is associated with one of the social media applications, namely Tik Tok which got recently banned in our country because of its great threat, exploitation and harm, especially to children - In the previous year, the social media platform TikTok belonging to the parent company ByteDance the application was also banned for a short period as the content it hosted was deemed inappropriate by the Madras High Court, especially concerning the minor children who were getting subjected to obscene content depicting pornography, due to which India's Ministry of Electronics and Information Technology ordered for the app to be removed from the app stores. Which was later on lifted, but Tiktok, in the meantime, lost almost \$500,000 and about 2 million followers. Now once again, the ban of TikTok is in question because of the recent video posted by one of its users, Faizal Siddiqui, which seems to be encouraging acid attacks on girls and another video of Mujibur Rehman promoting and glorifying rape, though both the videos and accounts of the respective users have been taken down for violating community guidelines, it has again put the application in a position to get banned. Based on this, we can know the impact which the app did. Even though the app got banned, some mischievous content still prevails in other media applications. There should be a strict ban on such kind of content.

These are the regulations that the author strongly believes should be impounded on social media, which would be a great advantage for safe usage.

### **What happens if there are no regulations at all in the media??**

As stated, the importance of imposing regulations in the above paragraphs. If there were no regulations, media use would be quite risky, and there wouldn't be any change in the number of cybercrimes happening. There wouldn't be any decrease, but there would be chances of increasing the numbers. Especially children get exploited more with social media usage, which creates a great distraction from studies and co-curricular activities that children most need to focus on. If there is no restriction, everyone can get access to all sorts of things irrespective of age and rules. If there is no rule restricting false information from being shared, many people would succumb and start believing those things that result in risking their lives. The people create a great threat amongst the nations. Situations would go worse.

## **VI. CONCLUSION**

Based on what the author has expressed before regarding the regulations, regulations must be

imposed within a short period. If the regulations aren't imposed, there will be more cases that will be reported. The reason for stating this is that some cybercrimes must happen to the user based on their account details. These regulations need to be imposed immediately to protect such kinds of users. Children are mostly being exploited because of this as they do not know any of this. One more suggestion is that there should be a new subject related to cybercrimes or based on the technology or a few chapters introduced in the school education. If these are done, students will become quite aware of this and will not use any social media accounts at an early age. Most children create social media accounts at an early age because of the enthusiasm to know what's in it and they won't be aware of all of the cybercrimes happening around. They are in a state to believe anything, such as some messages that are sent to their accounts, and also, most people who commit these crimes focus on these accounts, which are created by people who are less than the age of 18 years. Because it would be quite easy for the hackers to trace the information and hack their accounts. The pictures the children have posted on their social media accounts unknowingly and without complete awareness will be traced by the hackers, and their images will be morphed by them, which results in the demand made by the hackers to the children. This creates a kind of mental torture and harassment in the mindsets of the children. Because of the fear, children commit to doing several things, which results in a kind of trauma in their lives. To avoid all these kinds of situations, these kinds of regulations need to be imposed, saving up several lives of people, especially the lives of children.

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