

SOCIAL MEDIA vs. GOVERNMENT CONTROL: NEW IT RULES

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Abstract

Social media has emerged as a transformative tool in shaping public discourse, enabling individuals to voice opinions and mobilize communities. However, its unregulated use has also facilitated the spread of misinformation, hate speech, and defamatory content. To address these concerns, the Government of India introduced the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, aimed at ensuring accountability of social media intermediaries, online news portals, and OTT platforms. These rules mandate the appointment of grievance redressal officers, compliance reports, and content classification systems, with a specific focus on safeguarding women and children from online harm. While the government views these reforms as essential for protecting national security, sovereignty, and public order, critics argue they risk enabling state overreach, censorship, and infringement of constitutionally guaranteed freedoms. Major technology companies, including WhatsApp and Twitter, have challenged certain provisions, citing privacy violations and operational concerns. This paper critically examines the debate between government regulation and digital freedom, analyzing the constitutional, social, and technological implications of the IT Rules, 2021. It concludes with recommendations for balancing citizens' rights with the need for responsible digital governance in a rapidly evolving information ecosystem.

Keywords: *Social Media, IT Rules 2021, Freedom of Speech, Government Regulation, Privacy*

Introduction

In today's interconnected world, social media has transcended its role as a communication tool to become a central force in shaping political narratives, cultural movements, and public opinion. Platforms such as Twitter, Facebook, Instagram, and

WhatsApp offer unprecedented opportunities for expression, mobilization, and civic engagement. The instantaneous and borderless nature of these platforms enables individuals to voice their perspectives on pressing issues, mobilize support for causes, and challenge dominant narratives. This democratization of information flow, however, comes with significant challenges.

The anonymity and reach of social media have also facilitated the proliferation of misinformation, hate speech, cyberbullying, and defamatory campaigns, sometimes with serious consequences for public safety and social harmony. These risks have sparked global debates on the necessity of regulating digital platforms to prevent abuse while preserving fundamental freedoms.

In India, this tension between freedom and regulation crystallized with the introduction of the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021. Framed by the Ministry of Electronics and Information Technology (MeitY), these rules impose obligations on intermediaries to ensure transparency, accountability, and timely grievance redressal. Supporters hail them as necessary safeguards in an era of digital disinformation, while critics warn of potential censorship, privacy breaches, and suppression of dissent. This paper explores these competing perspectives, situating the debate within India's constitutional framework and global regulatory trends.

Social Media:

In the present times, social media plays a very pivotal role in framing public opinion. Social Media has the power to either enhance or damage the reputation of famous personalities. Various social media platforms like Twitter, Instagram, Facebook, Snapchat, Whatsapp and many other are very popular among people these days. One reason for their popularity is the anonymity of social media. The anonymity of social media gives people the freedom to express their opinions and to articulate their voices regarding various burning issues of the world. Whether social media is a boon or a bane- this debate is never-ending. The pros and cons of social media are being discussed in every corner of the world. However, we need to accept the fact that social media has

become an important part in the present times. Therefore, it is important to understand that social media must be used responsibly. The freedom of speech and expression on social media must be used in a positive manner and should not be detrimental to others freedom. Thus, it becomes important to regulate social media through various rules and punishments should be given in case of violation of these rules so as to address the grievances of the aggrieved party.

It Rules:

The Information and Technology Rules, 2000 specifies the role played by the intermediaries and their liabilities in various instances. The Information and Technology Rules are dynamic in nature and are constantly changing with the advancement of technology in order to adapt to the new changes. The Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules 2021 have brought a drastic change in the nature and working of the IT Rules 2021. These were introduced by the Ministry of Electronics and Information Technology (MeitY) in February 2021 and the Social Media Intermediaries were given a period of three months to comply with the new rules. The main objective of the IT Rules 2021 is to provide a speedy redressal to the citizens and to address their grievances with the assistance of a Grievance Redressal Officer (GRO) who should be a resident of India. The main focus of these rules is on women and children and to ensure their protection against various sexual offences, pornography, and misinformation, fake and illegal news. The salient features of IT Act, 2021 are as follows:-

- According to the IT Rules, 2021 a Chief Compliance Officer who shall be a resident of India needs to ensure that there is a compliance with the new IT Rules, 2021. He shall have to submit a monthly compliance report mentioning the complaints received and a necessary action to address the complaints is mandatory.
- The new IT Rules, 2021 have been formulated to tackle various news pieces and information that could harm the sovereignty, integrity of India.

- Various OTT platforms like Hotstar, Netflix, Amazon Prime Video and various online news portals, digital media entities need to comply with a Code of Ethics. Under the Code of Ethics, the OTT platforms shall be referred to as “publishers of online curated content.”
- Various OTT platforms are supposed to classify content into five categories on the basis of age.
- Parental locks are supposed to be used for content suitable for those above 13 years of age.
- It is mandatory for OTT platforms to use age verification mechanism for ‘Adult’ content.
- For addressing the grievances, a three-level mechanism has been used which includes- Grievance Redressal Officer, Self-Regulatory bodies that have been registered with Ministry of Information and Broadcasting, MIB (Its purpose is to look after the Code of Ethics) and a Charter which is there for self-regulatory bodies formulated by Ministry of Information and Broadcasting.

These are some of the salient features of the Information Technology Act, 2021.

Social Media vs. Government Control:

The Information and Technology Act, 2021 have created a lot of buzz in India. Many sections of the society have applauded the BJP government for the new reforms to tackle the misuse of social media, fake news and misinformation which could be a threat to India’s sovereignty, integrity and could be detrimental to India’s foreign relations. However, the opposition parties along with several other sections of people have criticised The Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules 2021. They consider that the main aim of this move is censorship of press. It is being considered as infringement of freedom of speech and expression. Freedom of speech and expression could be curtailed through the new reforms. Freedom of speech and expression are essential features of a democratic setup which is guaranteed to the citizens of India by the makers of the Constitution of India through Fundamental

Rights. The government asserts that this move is by no means an attack on the freedom of speech and expression of the citizens of India. Rather, the Information Technology Rules, 2021 have been formulated to combat hate speech, discrimination, abusive language which could threaten the peace of the country and could turn into incitement which is a threat to public peace and could disrupt the functioning of the country.

It Giants vs. Government of India:

After the introduction of the Information Technology Rules, 2021, various online news portals and social media giants like Whatsapp, LiveLaw, The Quint and The Wire have challenged the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules 2021 before the judiciary because they consider these rules to be an attack on the freedom of speech and expression of the citizens as well as curtailment of freedom of press. Whatsapp has filed a case against the Government of India before the Delhi High Court because they consider these new rules as an attack on the privacy of customers. The tussle between Twitter and the Government of India is creating a lot of buzz these days. Twitter has agreed to comply with new rules but needs more time to comply with the new rules.

Conclusion:

The Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules 2021 has created a lot of controversies in India as well as several other countries. Some consider these new rules as an attack on the freedom of press, exploitation of the privacy of users and infringement of freedom of speech and expression whereas the government claims that these new rules were necessary to prevent the abuse of social media which is rising at an alarming rate because of the anonymity of social media. The use of automated filter systems by the intermediaries to remove hate speech, defamatory remarks and abusive language is error-prone. It can filter out legitimate speech and comments that are not defamatory. Therefore, it must be ensured that no rules should be introduced which can violate the fundamental rights of the citizens as they would be considered as a blot on the democracy of India. Also, it must be ensured that adequate measures need to be taken to tackle the issue of hate speech.

The Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 represent a significant attempt to regulate the rapidly expanding digital ecosystem in India. On one hand, these rules address legitimate concerns about the misuse of online platforms for spreading false information, inciting violence, enabling cyber harassment, and circulating harmful content. By mandating grievance redressal mechanisms, compliance officers, and content classification systems, the government seeks to create a safer and more accountable digital environment, particularly for vulnerable groups such as women and children.

However, the implementation of these rules raises complex constitutional and practical concerns. Critics argue that vague provisions on content removal, coupled with the requirement for traceability of messages, could lead to overbroad censorship, undermine user privacy, and erode press freedom. Automated content filtering systems, while effective in some cases, risk silencing legitimate expression, especially in politically sensitive contexts. The legal challenges mounted by technology giants highlight the global tension between platform governance and state authority.

For India's democracy to thrive in the digital age, regulatory frameworks must strike a delicate balance—curbing harmful online behavior without stifling dissent or infringing on fundamental rights. This requires transparent enforcement, independent oversight, and regular consultation with stakeholders, including civil society, media organizations, and technology companies. Ultimately, responsible governance of social media should complement, rather than compromise, the democratic values of openness, pluralism, and free expression.

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