

## Social Media Regulations: A Comparison of IT Rules of India & France

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### Abstract

From the first day of the introduction of ‘The Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021’, it became a matter of discussion and disagreement in India. Almost one year back, France also introduced “Lutte Contre La Haine Sur Internet (Fighting hate on the internet)” on May 13, 2020, to regulate social media. And the same sort of uproar was observed over there. Both countries have been advocates of free speech for a long and have a strong association with democratic values. Hence question emerges what led the government to frame these rules? Are those rules on the same line, or do they differ in nature and intent? It is important to know whether the challenge is being presented before social media or if social media has become a threat to society in certain cases. Some similarities and differences have been seen in both countries' laws related to social media. However, it was found that both countries used these laws more to control terrorism and hate speech.

**Keywords:** Hate Speech, Digital Media, Freedom of Speech and Expression, Media Control, and Media Freedom.

### Social Media and Society

Social media is completely different from mainstream media, such as radio, television, or newspapers. Social media has created a virtual world through the Internet. It includes various media platforms such as Facebook, Twitter, Instagram, Koo, etc. The common person has been given real freedom of expression through this medium.

Social media means a platform of media, which could be used equally by all people in the society like common people, students, politicians, or other opinion leaders. Common people can equally participate in content generation as well as content consumption. Anyone from society can freely publish their thoughts (messages, audio, and video) on this new digital media platform. On this platform, everyone can create their account and create content. There are some social networking sites like Facebook, Twitter, LinkedIn, WhatsApp, etc. Apart from this, there are other types of social media like YouTube and TikTok, etc., which are very famous in India.

Scholars have classified social media into the six broad categories, which are as follows: -

1. Video hosting sites
2. Community blog
3. Podcasting sites
4. Discussion blog/forum
5. Images sharing sites
6. Social review sites

As we know, whatever social media has many benefits, it also has a few disadvantages. Social media can be used for online fraud. Social media could do hacking. People waste their valuable time on social media, and it also affects their health and daily routine badly. People's private data can be leaked through social media. There are many fake people or fake accounts present on social media. The world of social media isolates its users from the real world, which is very dangerous.

Misinformation refers to false information that is deliberately created and disseminated intentionally or unintentionally to mislead people. Misinformation also refers to propaganda. It is broadcast with the wrong intention on the social media platform. Disinformation refers to unverified information which can be true or false. It refers to irrelevant information like the spam sent to many Internet users. People share disinformation without any bad intentions. Internet users do not know whether the information they are sharing is right or wrong. They pass on information because they have some faith in that information (Morstatter, Carley & Liu, 2019).

In this new medium, there are some merits and demerits. It is being propagated that newly accepted social media rules are against the freedom of speech and expression. Social media is very quick to spread information around the globe in just a few seconds. But this speed of spreading information gave birth to a new disaster called fake news. Controlling fake news is a challenge for the government (Machova et al., 2021). The role of media is to spread positivity and unite society. New communication mediums could disseminate information in a very less time. Social media platforms such as Twitter have emerged as the most prominent medium. Unfortunately, such a well-packed genuine mass media is currently used as a rumor-spreading tool (Sharma & Goyal, 2018).

As we discussed earlier, people are spreading misinformation on social media. Now time to check the types of misinformation. Text classification is a very important method of detecting misinformation. Disinformation, fake news, rumor, urban legend, spam, and trolling fall under misinformation (Morstatter, Carley & Liu, 2019).

### **Social Media and Terrorism**

Social media has turned the whole world into a village. Now anyone can generate information and transmit it to the whole world within a few seconds. However, there are several disadvantages to communicating information globally without gatekeeping. A major disadvantage is the unethical use of these information-sharing tools by terrorists. Many researchers have clarified that social media is being

used to promote terrorist activities. Terrorists use social media to propagate their fragmented ideology. Now a new generation of terrorists is being prepared through social media.

Along with this, social media is also used as a tool of communication to carry out terrorist incidents. The origin of social media platforms such as Facebook, Twitter, and YouTube has created new opportunities for terrorist organizations. At the same time, new types of challenges are also emerging for law enforcement and intelligence agencies. In the growing menace of 'domestic' terrorism, the role of social media has become very crucial (Dean & Bell, 2012).

The use of social media in terrorist activities has become one of the prime concerns worldwide. Both home-grown terrorist groups and international terrorist organizations play a central role in accelerating the situation. Terrorist groups use social media to recruit, train, and communicate with their supporters and donors. Terrorists are spreading their ideological thoughts, propaganda, and activities using social media (Hossain, 2015).

### **Comparison between social media rules**

Social media rose almost two decades ago in India. In France, too, social media began to flourish around this period. The period of a real communication revolution in India is around the year 2000, when telecom companies started the facility of pocket internet. After this, the development of social media seemed to have started in a big way. As per the report of Statista in 2020, the number of social media users in India is around 518 million (Basuroy, 2022). First, Orkut, then Facebook, Google Plus, and Twitter opened new doors for individual and group communication on social media platforms. The generation and the dissemination of information have become the commoner's power. It was not possible before the rise of social media. According to a survey, there are about 40 major social media platforms available in both India and France. Both countries are also becoming dependent on social media for information and news. However, like the mainstream media, social media is still under doubt about its credibility.

In India, 'The Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021' was notified on February 25, 2021. One year back, France also introduced "Lutte Contre La Haine Sur Internet (Fighting hate on the internet)" on May 13, 2020, to regulate social media. And the same sort of uproar was observed over there. Both countries have been advocates of free speech for a long and have a strong association with democratic values.

During COVID-19, Farmer's agitation, and *Shaheen Bagh* agitation, a lot of misinformation or disinformation has been shared on social media. So, there was an urgent need for a proper mechanism to control fake news spread on social media intermediaries. As per The Week (2021) report, India is not only the first country in the world that opted for some regulation to fight against fake news and 'objectional content.' Many others like Australia, South Korea, and European countries have already applied some regulations to control fake information and harmful activities on social media. Although, some countries like the United States and the UK opted for liberal policy. In contrast, Russia and France applied cryptology services.

Terrorism hit India and France have similarities in the social media rules. Both countries are facing the same problem. Chandler (2020) stated that the France Govt. passed an internet law to grab social networks to remove hateful/fake content within 24 hours. If social media companies refuse to act against harmful content, they must face a fine of \$1.47 million. It is an attempt to protect people against hate speech on social media. The similarities between Indian and French social media laws are that both protect social media users and their right to be informed freely. Both laws have the same plan to control social media companies from spreading false or harmful information. Tworek (2019) pointed out that social media networks could be harmful to society and be dangerous and misleading. So, the influential power of social media can't be ignored.

Kaur (2021) posited that as per the New IT Rules-2021, social media companies must acknowledge the user's request for unlawful, misleading, and violent content within 24 hours and solve it within 15 days. Gold, Wang, & Berteau (2021) pointed out that the French Govt.'s controversial hate speech law commands that social media companies must remove hateful and harmful content within 24 hours of the complaint given by the users. At the same time, Terrorist and child pornography-related content must be deleted from the social media platform within one hour of the complaint being logged. If we compare both laws, it is found that French social media rules are more strict than Indian rules.

As per the penalties for non-compliance, there is a fine of \$1.36 million in French law which can be exceeded for 2<sup>nd</sup> time. While in Indian law, the fine is not fixed. Bhardwaj (2021) pointed out that the Indian Govt. is not the sole authority to control the social media intermediaries. In case of non-compliance by the social media intermediaries, people can go to court for justice. The case of non-compliance with Indian IT Rules will be listened to by the court and the decision taken by the judge and not only by the executive branch.

Few social media intermediaries propagate that Indian IT Rules-2021 are against social media users and intermediaries. But it is mentioned in the act that these rules are for keeping the trust of social media users on social media intermediaries. There is a provision for self-regulation for social media intermediaries. As per the report of PIB (2021) based on a Tweet from Union Home Minister of India Amit Shah, new IT Rules-2021 will empower social media users. Intermediaries will follow the redressal mechanism and ensure the resolution of their grievances. Bhattacharya (2021) stated that social media platforms must have prepared mechanisms for timely redressal and grievance of social media users' problems. Social media intermediaries must develop self-regulation mechanisms. Social media users are accountable for their expression.

On the other hand, French social media law is very strict compared to Indian law as per the regulations. According to the BBC (2020), French social media law protects children from harmful activities. A member of the French parliament, Mr. Studer, who is not satisfied with the new social media act, exclaimed that children's rights must be protected.

Indian IT rules-2021 are more focused on social media and online media, while French social media law is focused only on social media and the protection of youth from social media. Mathur (2021)

pointed out that the new IT Rules-2021 is mainly for digital media platforms in a news report. It includes the continuous monitoring of social media content, publishing monthly compliance reports, and developing self-regulation mechanisms for social media content. In a report, Weedy (2020) posited that France's new regulation for social media is an attempt to save the youth.

India and France are both terrorist-hit countries. Both countries need to keep an eye on social media as terrorist incidents also happen due to untrue and misleading information spread on social media. Mallet & Murphy (2020) pointed out that after the killing of a teacher in France by a young boy in October 2020, the question marks started rising on social media. After that French Govt. decided to bring social media under control. According to a report by Press Trust of India (2019), Indian Govt. officials are concerned about using social media apps for terrorist recruitment and the radicalization of society. India is facing attacks by Pakistan-based terrorist groups and Maoist extremists.

### **Conclusion:**

Indian and French social media rules allow self-regulation and self-accountability. Indian IT rules attempt to make social media users and social media intermediaries (companies) more responsible and accountable. Although, social media intermediaries and users have some disagreements with Indian IT rules-2021. Both India and France would like to keep an eye on social media to control terrorist activities in their country. Social media is a powerful and popular global communication tool; there is an urgent need for a gatekeeper who crosschecks the validity of information spread on social media. New IT/Social media regulation will prove a milestone in this direction.

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