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THE DARK SIDE OF SOCIAL MEDIA

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Abstract

Social media is a platform that continues to evolve, change, and enhance very actively. With the unrestricted use of the internet, social media has become a part of everyone's lives. The gazillion amount of data the users continue to generate is insurmountable and is often accessible to tampering, damage, and misuse. The paper focuses on highlighting the unprecedented use of social media, crimes that take place using/through social media, and the legal provisions that are available to the victims. In addition to this, we also discuss certain landmark judgments concerning the laws regulating the use of social media.

Keywords: Social Media, Cyber Crime, Technology, Internet, Legal Provisions

Introduction

With the unprecedented growth of technology and immeasurable use of the internet, the real world of humans has transitioned to a more validated, widely used, and extremely engaging virtual world. The virtual world has somehow become more important, relevant, and need of the hour. This virtual reality of ours mostly subsists on a platform that is known as a social media platform or channel. There are many of these. The most widely popular of them are Instagram, Facebook, TikTok, YouTube, Snapchat, and X (formerly known as Twitter).

Social media can be referred to as a medium of interaction between users and exchange of information in any format, i.e., audio, video, text, images, etc. Social media is a virtual space that facilitates the users in the creation of information, and sharing of such information, ideas, or content and also makes monetary benefit from such activities. The higher the number of followers, the higher power such an account wields on the channel. Like, share, comment, and

subscribe have become the most commonly heard words of this generation. Social media was initially created to stay in touch with friends and family and keep them updated about your life but as years progressed and technology improved, this vital essence of maintaining connection has been long lost. Social media has now become a number game and a dangerous one. People have started depending their self-worth on the number of likes and comments they receive on a post. They have forgotten the reality and have completely immersed themselves in the dark world of social media which is tacitly consuming the generation.

In this research paper, we will explore the dark virtual realities social media has raised and the threats the extensive use and mindless scrolling can cause to our personalities, thoughts, and feelings. How the extraordinary use of social media is gradually shaping a generation who is willing to cross all boundaries in the name of virtual fame and followers.

The Negative Impact of Social Media

1. **Attention Seeking**: Social media makes people hungry for attention seeking. They want the maximum number of likes, comments, and followers. People become obsessed with wanting attention and validation. The recent social media stunt pulled up by actress Poonam Pandey faking her demise by cervical cancer left the netizens furious, disgusted, and shocked. Many celebrities criticized Pandey for her cheap publicity stunt for the sake of attention and fame and demanded a boycott of her and her PR team. Impressionable minds may get influenced by such kind of cheap acts and try them. The repercussions of these acts can be grave in nature. Countless FIRs have been lodged against Poonam Pandey for creating public unrest in the name of awareness for the above-mentioned disease. However, users of social media focus more on the act itself than understanding the consequences of the same.
2. **Addiction**: Things usually seem way better on social media than in the real world. The most ordinary of things, events, or pictures look too good for the eye, making us want to believe the superficiality of it to be true. The more we look at it, the more we want to keep looking at it. This leads to an unhealthy pattern of using social media as a way to skip reality and get addicted to it.
3. **Unrealistic Expectations**: Looking at flawless people with flawless bodies, and flawless lifestyles we start setting such unrealistic expectations for ourselves. We want to achieve such perfection in our own lives which only leads to more disappointment and misery.

We stop believing in the ordinary beauty of life and start expecting things that look good only on the screen. We overlook the façade social media perpetrates to gain more likes and followers.

4. Depression and Anxiety: As the line between the virtual world and the real world continues to evaporate, our minds keep getting bluffed by the idea of achieving the unachievable. We start losing control of our own lives as we get more involved in keeping tabs on the lives of others. The constant comparison between oneself and the others we scroll on the screens makes us feel weak, insignificant, and irrelevant.
5. Waste of Time and Potential: To seek validation for our lives, our emotions and our need to be seen, we spend countless hours posting one picture. We begin to associate the prettiness of the face and body with the potential to be successful and famous. We are forgetting about values, standards, and kindness. We would rather want to be heard, seen, and recognized for the things we post on social media than be appreciated for being our real authentic selves.
6. Crime: Bullying, Harassment, Stalking, and Sextortion are some of the most common cybercrimes that take place through social media platforms. Some notorious minds take dubious advantage of hiding behind the screen and trolling people, harassing them, and commenting words that can force some victims to even end their lives. Ex-partners extorting women with the threat of exposing their private pictures and chats to the world. Some crazy freaks use social media only to keep an online watch over the activities of innocent teen girls and women. The list goes on and the danger keeps getting elevated, more serious, and advanced. India saw over 400 million cyber threats across approximately 8.5 million endpoints, averaging 761 detections per minute¹.

Further, in this paper, we shed light on the various crimes mentioned in the above point.

Cyber Crimes

²India witnessed a growth of 24 percent in cybercrimes registered in the year 2022 compared to the previous year 2021. As per the report titled, '*Crime in India*', 65,893 cases were registered under cybercrime, highlighting an increase of 24.4 percent compared to 52,974 cases in 2021. Overall, cybercrime has increased from 3.9 in 2021 to 4.8 in 2022. According to the report, in the

¹ [India saw 761 cyber threat detections per minute in 2023: Report, ET CISO \(indiatimes.com\)](#)

² [24% rise in cybercrime in 2022. 11% surge in economic offences: NCRB report | India News - The Indian Express](#)

year 2022;

64.8 percent of cybercrime cases registered were for the motive of fraud – 42,710 out of 65,893 cases,

This was followed by extortion with 5.5 percent – 3648 cases,

Followed by sexual exploitation with 5.2 percent – 3,434 cases.

The above-stated figures could be much higher. We can only imagine the number of incidents that go unreported. This is a frightening situation. The cybercrimes that particularly thrive on social media platforms are the following:

Cyber Bullying and Harassment: When bullying takes place in the virtual world with the use of technology and the internet, it is termed cyberbullying. It can range from harassing a person through incessant trolling and threatening a person to sending them rude and aggressive messages or commenting filthy words on their social media account. Cyberbullying can butcher a person's confidence and cause major damage to their mental health. It creates constant fear and anxiety and can even lead to depression. Cyberbullies harass people without the fear of facing any grave consequences. They hide behind the anonymity of their computer screens and have cheap thrills at ruining people's lives. Almost every social media creator, especially women, gay and queer creators are a victim of this crime. They are constantly made to feel disgusted, dirty, and disgraceful only because they dare to choose to share their life and art with the world. The treatment these communities of creators receive is highly disturbing and damaging. They are targeted and body-shamed, fat-shamed, trolled for the kind of clothes they wear, the accessories they use, the make-up they apply, the vacations they afford, and the list goes on and on. Few of them get so deeply impacted by the words directed to them in their virtual spaces that they choose to end their lives in the real world. This is the dark side of the social media. The impact the virtual presence has on our real one is profound and it only gets darker and darker as each day goes by.

Cyber Stalking: ³Stalking is an offense under Section 354D of the IPC (Indian Penal Code). When a man is trying to communicate with a woman without her interest over the internet via email, instant messages or any other electronic communication is the offense of stalking. Many young girls and women are unaware victims of cyberstalking. The ones who do become aware of it feel an extreme form of fear, stress, and trauma. They feel seen, heard, and exposed non-consensually. Social media offers a great way for the offender to keep a watch on a woman's

³ [Cyber Stalking - Staysafeonline](#)

online activities. What she does, where she works, her favourite restaurants to eat at, and the people she hangs out with. They can extract the smallest of details like even her favourite ice-cream flavour. The stalker can use the information against the victim to scare them, manipulate them, and even torture them. Things become more dangerous when this leads to him physically stalking her. This is why one should be extremely careful about the information they share about themselves, especially their locations on social media. It is a word of advice for everyone to never reveal their present location. Some form of secrecy must be maintained regarding this. In the case of cyber stalking, ⁴section 500 of IPC that deals with defamation can be applied if the stalker forges the victim's personal information to post an obscene message or comment on any electronic media.

Sextortion: It is a form of sexual exploitation, that resorts to non-physical forms of harassment and intimidation to extort sexual favours from the victim. The offender threatens the victims to release explicit images, videos, or information about the victim in the public forum. Online sextortion often is done by someone the victim may know in real life. It could be a former partner, a one-sided admirer disguised as an unknown follower on a social media channel, or an obsessive male friend. The offender can coerce the victims to share explicit content with them using threat, fear, and power. They may threaten to share some secret information about themselves or their romantic or sex life with the world in return for online sexual favours. This crime is as disturbing as it can. Young girls, women, and even children become victims of such abuse. Even homosexuals are not spared from the ambit of this crime. ⁵Section 292 of the IPC incriminates any person who distributes or threatens to disperse any intimate and compromising images of someone through any electronic means, including apps and social media platforms.

Laws Regulating the Use of Social Media

With the excessive use of the internet, perhaps social media, the need for proper rules and regulations became cardinal. The central government has legislated several promulgations to modulate and administer the use of social media.

1. **Information Technology Act, 2000:** This enactment is a principal law in the country for overseeing matters that are related to e-commerce and cybercrime. The key objective of this legislation is to accord penalties to different kinds of cyber fraud involving networks

⁴ [Stalking Laws in India - Legal Articles - Free Law](#)

⁵ [How to take legal action against sextortion - iPleaders](#)

3. **Indian Penal Code, 1860:** IPC is the formal and official criminal legislation of India that is aimed at encompassing all dimensions of criminal law. Various chapters of the IPC deal with offenses relating to property, the human body, and conspiracy, though the provision for social media is not perspicuously mentioned,⁹ the IPC has sections that counter the offenses committed on or through the use of social media. The following are the sections:
- **Sedition 124A** - Any social media post or message that aims to perpetrate hatred, rebellion, or contempt against the government will fall under the ambit of Sec. 124A.
 - **Promoting Enmity between Groups on Grounds of Religion, Race, etc. Sec. 153A** – This section penalizes those who promote enmity between different groups on grounds of religion, race, place of birth, residence, language, etc. Any social media content that does or attempts to cause any such discord falls within this section. The offenders are liable to be punished with imprisonment of 3 years, or with a fine, or with both.
 - **Intentionally Insulting Religion or Religious Beliefs Sec 295A** – Punishes those who intentionally defame religion or religious beliefs.
 - **Defamation Sec 499** – Legal consequences for those who make defamatory comments verbally or in writing about someone.
 - **Statements Conducive to Public Mischief Sec 505** – Anyone who makes statements inciting any community to commit an offense against another community. Punishment includes imprisonment for up to 3 years, or fine, or both.
 - **Criminal Intimidation Sec 506** – If someone tries to intimidate the other person physically or with the help of electronic means will be liable for this offense. Punishment includes imprisonment for up to 2 years, or fine, or both.
 - **Insulting the Modesty of a Woman Sec 509** – Offense of insulting a woman's modesty on social media through words or infringing her online privacy. The punishment includes imprisonment of 1 year or a fine or both.

The laws that aim to protect the rights, ensure the safety and security of data, and the reputation of the users of social media, will only prove to be useful when the users are aware of the same. Also, strict implementation of these laws is extremely important and necessary. Apart from this, people on the internet shall be extremely careful about not infringing upon the rights of other

⁹ [Social media offence. Appropriate Legal actions to take. \(ipleaders.in\)](https://www.ipleaders.in/social-media-offence-appropriate-legal-actions-to-take)

people and not publishing, displaying, or spreading content that leads to violation of the laws of the nation.

CASE LAWS

¹⁰In the case of Arnab Manoranjan Goswami v. The State of Maharashtra, Arnab Goswami was sued for defamation after he condemned a Congress party member for his statements about the COVID-19 testing methods and the mob lynching death of three individuals in Palghar. Arnab alleged that these statements made by the party member were provocative. In his defense, he argued that his statements did not promote social or racial unrest and that they had very little chance of inciting any violent incident, he, therefore, filed a defamation suit against Arnab.

¹¹Shreya Singhal v UOI, the court struck down sec 66A of the IT Act, 2000 on the ground that it restricted the provision of art 19(1)(a). The Supreme Court had grounded the decision of this case on three rationales; incitement, advocacy, and discussion. He ruled that mere discussion on any matter represents the true essence of freedom of speech and expression.

In the case of ¹²Shankar v State Rep., the petitioner had approached the court under sec 482 of CrPC for the quashing of the charge sheet filed against him. The petitioner had obtained the unofficial ingress to the protected system of the Legal Advisor of the Directorate of Vigilance and Anti-Corruption was booked under sec.66, 70, and 72 of the IT Act,2000. The court noted that it cannot quash the charge sheet filed against the accused about the law as per the non-granting sanction of prosecution under sec. 72 of the IT Act.

Conclusion

As the world of social media continues to grow, the growth of crime and the innovation of cybercriminal activities exponentiate. In the present scenario, what people do online matters more than what they do offline. The online activities of people have taken center stage and are being scrutinized every minute of every day. In times like these, it is extremely important to be very vigilant and alert about what information we put out about ourselves, our friends, and our family on the internet, especially social media. No matter how secure the social media applications claim themselves to be, the notorious minds always find a loophole to exploit technology and networks

¹⁰ [Social Media Laws and Their Implications on Social Media \(ipandlegalfilings.com\)](http://ipandlegalfilings.com)

¹¹ [Landmark Cyber Law cases in India | Famous cyber crime cases in india \(enhelion.com\)](http://enhelion.com)

¹² [Landmark Cyber Law cases in India | Famous cyber crime cases in india \(enhelion.com\)](http://enhelion.com)

for their fun and pleasure. Many young people become poor victims of cybercrimes every single day and this number is only ever increasing if we do not start becoming aware of the threats social media poses and is capable of posing to our safety and security.

The present legal provisions are there to solve certain types of issues but the world of cybercrime is so wide that they are not sufficient to cater to all the needs. Therefore, a more appropriate and comprehensive piece of legislation is presently required to fight the evil of cybercrimes more actively and stringently. The current laws may be good but we need better laws if we want to protect our online identity and make social media a better and safer place for all age groups, communities of creators, and common people.

