IMPACT OF SOCIAL MEDIA ON GLOBALISATION: A BOON OR A BANE IN INDIA

By Shrishti Dutta and Devika Kishore
LLM in Law, Policy and Good Governance
From Symbiosis Law School, Pune

Abstract

Social media is a platform where people can exchange their feelings, thoughts, or just communicate at their own pace. According to research conducted by the Telecom Regulatory authority of India almost 164.81 million Indian students and teenagers are spending countless hours on social media. As the use of social media is increasing rapidly it has contributed to globalization, by connecting the people globally and helping them outsource their ideas and experiences all over the globe. The positive impacts are numerous but its also very pertinent to address demerits of the same. The question that arises due to the drawbacks of the explicit use of social media by the public is whether social media should be regulated or not? If yes, then what is the extent of the regulation that has to be imposed on the citizens, that it does not violate the freedom of speech and expression which are granted by our constitution?

This paper is a critical analysis of how social media tools and movements have been used in the process of globalization, where such movements have been advantageous, and how they play a vital role in civic and political participation. We intend to answer the most debatable question as to whether the social media movements are trivializing the local issues by glorifying the international topics or is the social media providing a platform for exposure to the local businesses. Further, it will also examine how social media has favored the citizens of India, also how on the other hand it has adversely affected the local and indigenous groups of India and certain recommendations on how to curb such looming issues.

Keywords: Globalization, Rule of law, Constitution, Accountability, Supremacy of Law, Social Media, Right to Speech and Expression.

Introduction

As we all know social media has spread like an aggressive forest fire and its impact has been felt throughout the world. The influence of social media on the public life can’t be ignored by any governmental authorities, higher institutions and global industries. Governments all over the world are trying hard to keep up with the growing social media presence so as to stay active with the activities happening in and around their countries and also globally. Globalization mainly deals with interchanging and exchange of ones ideas and cultural prospects with different geographical locations, in fact social media plays a major role in aiding such globalization processes.

It is pertinent to note the link between social media and good governance. There has been greater participation of citizens in political discussions and debates through social media platforms, also various governmental conference of the international communication association. Dresden, Germany, June 2006.

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1. N. Ellison, C. Steinfeld, C. Lampe, “Spatially bounded online social networks and social capital: The role of Facebook” In Proceedings from the annual
authorities have given opportunities to the public in reporting crimes, or in expressing about policy reforms or to file petitions for the change they need to be implemented in certain legislations.

On the other hand, globalization is often treated as a negative factor on the freedom of governmental institutions as it often tends to restrain on the redistribution power of the same. Globalization is also treated as an obstruction to social justice because of the limitations imposed on the government, also for a reason that it elevates income inequality because of the unfair trade practices in global markets.

The rule of law was warmly praised by our constitution's framers. The preamble promises equality of position and opportunity for all, as well as promotion among them. It ensures that its residents have access to the most vital fundamental rights. The Supreme Court of our country must preserve Articles 12 through 35 of Part III of our constitution. The state shall not deny equality before the law to any person inside the territory of India, according to Article 14 of the Constitution. As per Article 361, the President or Governor of a state is not liable to any court for the exercise of his office's powers and duties, or any act performed by him in the exercise of those powers and duties, provided that the President's behaviour may be investigated. According to Article 20 (1) of the Constitution, no one can be convicted of a crime unless they broke a law that was in effect at the time the conduct was committed. Article 21 emphasises that no one's life or personal liberty can be taken away from them unless they follow the legal system. Article 14 states that no criticism of any judge of the Supreme Court or High Court's conduct in the exercise of his responsibilities shall take place in Parliament until a motion is presented to the President requesting that the judge be removed. The rule of law is viewed as an integral aspect of the constitution's core framework, and as such, it cannot be repealed or modified. The Rule of Law regulates and controls every organ of the state. Our constitution is an excellent example of how the rule of law has been adopted to protect citizens' rights and liberties.

When it comes to the rule of law in India, it hasn't produced the desired effects, whether because of deeply ingrained principles of constitutionalism or because adherence to the Indian Constitution hasn't taken root in the society. Corruption, terrorism, bribery, extortion, and other forms of lawlessness are all antithetical to the rule of law. For e.g. the discrimination of Dalits based on their class and caste makes the community one of the most disempowered groups in Indian society. Dalits are still finding it difficult to be accepted by the society as equals among others in many prominent parts of our country. Recent incidents shows us clear picture about how casteism, discrimination and the crimes against the particular caste is still prevalent in our country and how they are denied with the basic fundamental rights guaranteed by our constitution. There is a long way ahead for our country to see a system without corruption or a government following rule of law as per its definitions, because when it comes to its practical execution there will be inherit flaws attached to it, but nonetheless rule of law as a whole cannot be discarded at any cost.

Effects of Social Media on Globalisation
Social media can be often termed as a common platform which virtually brings a large part of the society together which includes people from varied cultural and social backgrounds who often share the common interest in discussing or debating their subject of interests. We could easily trace back to CompuServe days which was actually sensational during 1960s. CompuServe had incorporated dial up technologies to establish connections to any network.

After the first email in 1971, Bulletin Board System was invented by two technology enthusiasts, describing it as a virtual community was majorly alerted friends about any events, or it posted announcements and information. In the year 1993, European Council for Nuclear Research (CERN) which is a provisional body founded in the year 1952, had donated the World Wide Web technology to the entire world, and also in the very same year Mosaic the first graphical server was also launched. It gave rise to several web pages and gave a new dimension to internet space. After 1994 the internet users were able to create their own desired models of websites following which blogging and platforms for online chatting were developed. Google had established itself in the year 1998 which was initially a internet search engine and also index. Later, Wikipedia was also established around 2001 which is the world’s largest online encyclopaedia.

We are experiencing a year where everything is being digitalized because of the global pandemic, and we couldn’t find a better solution other than Internet in these testing times. In the last couple of years we have seen many social networking sites for example YouTube, LinkedIn, Facebook, Twitter etc. among others giving opportunities and paving path for the citizens to become global. The world is just a click away from even seemingly insignificant or the most rural areas in the world. The advent of smartphones have helped people to be informed about the global issues from anywhere and everywhere in the world. The changes brought forth in social media has helped to bring about innovative changes in the field of education, business. Politics, employment, entertainment and also human to human interactions.

Social media platforms are often used as an important tool for expressing different ideologies. It’s used as a tool by economic, social or human rights activists to share their opinions and reforms virtually for bringing about certain changes in the ideologies and perspectives of different governmental systems or to inform sensitive issues to the world which may be otherwise suppressed by the concerned authorities. Often technological advancements can be a threat to authoritarian states, which in fact leads the authorities to try and impose restrictions by way of monitoring, manipulating or filtering such social media platforms for their own good. It would be pertinent to say that Social Media have become an indispensable part of ones lives as it provides various amenities to people especially in expressing their opinions and to bring about changes in civil rights for people around the globe, which would have been a far-fetched dream if no social media platforms existed, because political authorities never would pave path for its citizens to malign their agendas.

India has lately seen protests happening in the borders of the capital city where the protest is
primarily aimed against the set of laws which aims at liberalizing farm trade laws also opening up of agricultural markets. Social media has aided in globalizing the protest worldwide to an effect that the Canadian Prime Minister Trudeau had expressed his opinions while taking part in a Facebook Video Conference organized by Canadian MP Bardish Chagger on the occasion of 551st birth anniversary of Guru Nanak. He had expressed his solidarity with the peaceful protests, he had expressed the importance of dialogue and the rights of citizens to engage in peaceful protests. This is just one among other thousands of examples on how social media had tried to put light on local issues which eventually opens up platforms for discussions in the global scenario.

Social media platforms like Twitter had helped Syrian refugees like Abdul Halim al Attar, who was seen selling pens on a Beirut street along with his four year old daughter who was draped over his shoulder. This particular scene was photographed by Gissur Simonarson, who had posted this particular photograph on his twitter account. Later the photograph gained huge momentum globally leading to the hashtag Buy Pens which eventually became a campaign to raise funds for Attar and his family. The campaign had raised approximately 200,000 dollars for Attar and his family. Later, with the amount raised Attar had opened up other businesses in Lebanon and also helped other displaced Syrians with employment.

We all have read on how Humans Of New York page, a popular page on Facebook with more than 20 million likes, has raised awareness on the critical conditions of Syrian refugees by featuring Syrian refugees like Refaai Hamo on their Facebook pages. After his story was posted on the page Actor Ed Norton had started his campaign to help Hamo and his family. The campaign was a massive success, later he had also received an invitation as a honored guest to President Obama’s address on his final State of Union. There is general consensus between academicians and researches that social media has a huge role to play in setting the foundation for a healthy democratization process also in improving the quality of government, also in ushering the process of good governance, for improving the quality of economy and also for curbing corruption. Social media can be roughly defined as communication platforms which mainly provides information to larger sections of audiences of diverse geographies. Social media platforms provides key information which can be easily disseminated to the public. Information’s about governmental, administrative and business activities can be easily critiqued by the public at large which in turn allows the most powerful authorities to be accountable for their misappropriate activities. By exposing and further educating the public at large about the political agendas of the governing and opposing parties, also getting the public to realise the hazardous effects it may cause to the democracy, media actually exposes the tension in political parties which in turn will safeguard and foster the awareness in a civil society. Social media plays an effective tool as to curb corruption, its mainly because of media freedom prevalent in most of the democratic countries in the world. For a healthy democracy and for good governance to sustain in a society one of the most important prerequisite is the freedom of media. There must be no restraints on the part of the government on the use of social media platforms, no other external controls or restraints over the
freedom of speech and expression of its citizens and also the governmental authorities should lay down certain frameworks and conditions for dissemination of ideas and opinions which does not trigger unwarranted issues in the society as no regulation over media can also have its bad effects.

**The law and Justice Aspect**

**Is Social Media Contributing In Good Governance**

Good governance is basically an unsettled connotation which basically explains on how the public institutions and its authorities should conduct public affairs and handle its public resources. Governance basically denotes the structure of decision making and the processes through which such decisions are to be implemented or how not to be implemented. So good governance explains on how such processes should be implemented and the manner by which governance should be imparted to the public at large. It’s always not the accurate or the best decisions but it’s about the precise processes for the decision making initiatives that should be kept in the process of good governance. The whole idea of good governance reflects on responsible governance where such governments must respect the needs of the whole society and not just be partial with any select groups in the society. That is equals should be treated equally and unequal’s should be treated unequally. There is no legal validation or position for social media platforms in implementing the laws or it doesn’t play a role in Governance. It doesn’t have the legal sanctity or the power to make amendments or bring about a change in any policy making, but it does have the power to amplify the opinions of larger sections of the public in the society thus indirectly effecting the decision or the law makers to be more responsible.²

**Equal Participation:**

Equal and greater participation of the public at large helps for more transparent and accountable governance, as it allows the governments to make decisions in a way which will be best suited to the public. Also with greater participation of public there will be increase in democratic legitimacy as well. The role of social media platforms in fact helps the public in communicating their opinions and ideologies which will also foster participation of people to a great extend as participation of people in social media has indeed helped voices of people to reach the governmental agencies which in turn has compelled the governments to take better decisions. Freedom of citizens to express their opinions in Social media platforms can help in the formation of public groups for easy discussions and debate on various perspectives to be represented. One of the major examples that can be quoted for greater public participation will be the Arab Spring. Social media platforms like Facebook, Twitter and other major social platforms had played a key role in promoting the interest of Egyptian and Tunisian activists. In a survey conducted nine out of ten Egyptians and Tunisians used Facebook as medium to organize protests and spread awareness about the horrific crimes that took place in Arab countries to a global audience.

**Human Rights**

All human beings have certain basic inherent, inalienable and unassailable rights to which

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they are entitled to since birth according to the Universal Declaration of Human Rights. By publicizing human rights violations via major online international news portals, it actually creates a sense of awareness among the audience about the violations that’s being happening in and around their countries also outside their countries. Through such information’s major civil society organizations and concerned authorities can work towards bringing down such inhuman actions. Even though certain rights of free speech and expression lack in certain jurisdictions, efforts are being made for upliftment of such rights by major international organizations and NGOs.

Amnesty International has posted on the horrific and inhuman encounters of Syrian detainees in Syrian prisons who were subjected to constant torture and other inhuman treatments by the Syrian Intelligence authorities. According to the report published by Amnesty International “It Breaks the Human: Torture, disease and death in Syria’s Prisons” (2016), approximately 17,723 prisoners have succumbed to death in custody since March 2011. The report talks about the experiences of the detainees who survived the torture, abuse and the inhuman conditions. For decades the Syrian Government have used torturing as a weapon against its citizens who raised any opposing views against the Syrian Government. Due to the applauding works conducted by the Amnesty International, Developed countries like USA and Russia have co-chaired in peace talks with Syria for curbing down the in human activities that has been executed by them for the past decades. Amnesty international has also conveyed their strong desires for the prisoners to be freed, to end illegal detentions, also to try the prisoners according to the established international fair trail standards and for independent agencies to have access and to monitor the places of detentions and prisons. Thus, this is a pertinent example on how social media can play a pivotal role in bring about good governance for protecting the rights of the people globally.

Rule of Law

The rule of law is the basic foundation of any democracy, for the working of any public offices or organisations the basic principles of rule of law is applicable. Rule of law is very important for the smooth functioning and stability of the society. When rule of law is preserved by the public authorities then comes a sustainable development in the society. Arbitrary practises, corruption and other illegal elements emerge when there is no rule of law in the society. The social media has played a major role in creating awareness to the public about the concepts of rule of law and informing the public that the same should be respected by the governments and also educating each other about their rights. Also the opinions of the judiciary are criticized by the public in such platforms to inhibit openness of court, also legislative and administrative actions are criticised and also creating awareness among people in accessing the public documents through various government sponsored sites. Thus, governments play a major role in ensuring and fostering such rights to the public with the aid of social media platforms.

In Kerala there has been an amendment in the Police Act by recommending the addition of Section 118-A to the act. The new amendment provided for either imprisonment for up to five years or a fine of up to Rs,
10,000 or both to those who produced, published or disseminated any content through any means of communication with an intention to intimidate, insult or defame any person through social media. But after such an amendment was signed by the governor of the state there has been a huge public outcry because it mainly tried to suppress the fundamental rights of its citizens especially the freedom of speech and expression, and also the Police authorities were given arbitrary powers on arresting any person who according to the government disseminated a offensive content without any prerequisite or existing parameters. Due to the public unrest the amendment has been stayed and have not been enacted as of now. This is a strong example on how social media had influenced good governance.

**Social media: Should be regulated or not?**

The Internet nowadays has become one of the most indispensable parts of our life. A large number of people are some way or the other dependent on the internet today. It is one of the greatest evolution and development done by technology. The main objective of regulating the social media platforms is to make the public spaces that connect people all over the globe digitally more professional and trustworthy. These platforms won’t work properly if it is not guided or controlled by a higher authority or some norms. The regulation on the social media platforms helps in maintaining a healthy and lively digital space for the public.

The public only decides how social media platforms should function. Social media has three major functions apart from connecting people globally. Firstly it helps the public to take out their creative sides like art, dance, or drama. It gives a platform to people to participate. Secondly, it helps in communication and public relations and lastly, it creates an opinion on the public’s minds about a particular issue or happening. Social media helps in making and conveying stories that convince the public’s judgment. The online platform is a kind of mirror portraying what is the current situation of the society. The mirror theory under journalism is a theory used by the mass media which includes web series, films, and others which are a reflection of the current happenings and culture of the society. The primary objective of journalism or social media is supposed to reflect and promote awareness about the current situations of society. However, social media is only reflecting the stories or happenings which are favorable to the majority of society. For example in the suicide case of an Indian actor named Sushant Singh Rajput, the social media was all about his case and trying to investigate the case themselves by joining the if’s and but’s. The media was trying to convince the public with their hypothetical stories that it was some kind of a planned murder. The public was convinced and it was the most talked-about topic at a particular time. This was leading in overshadowing the other aspects and global issues which are of or more importance. This is what is known as the mirror theory or effect, where the social media or the mass media shows and reflects what they want to show. Mass media is known to be one of the greatest influencers in India. Today's youth is usually spending most of the time on social media applications like Twitter, Instagram, Facebook, Linkedin, and so on.

Before the boost of the social media platforms, media platforms such as
newspapers, radio and televisions went through a proper editing process, after the whole process, the events were conveyed to the public. Which meant that the content which reached the public was constructed and purified. Similarly, the books publishing house had their own norms to follow which often limited their content they wanted to address the public.

Nowadays, every digital platform has its own rules and regulations. To ensure the safety of the for example Instagram and Facebook limit nudity and remove all those posts which are obscene or against their norms. Recently the government in India has thought of regulating the online news content providers such as Instagram, Twitter, Facebook, Netflix by the authorities of the Ministry of Information and broadcasting. This is the initial first step taken by the government to control and regulate the digital content available on online platforms. The movie which includes all the Bollywood films are regulated by the Central Board of Film Certification (CBFC), However, the online portals like Amazon Prime, Netflix, Zee5, and so on were not regulated by any legislation.

But, after the guidelines which gave them control of the social media platforms in the hands of the ministry of information, the decision was criticized by many. As it was said that the online platform is already controlled and regulated by the law of the land and all the law which apply on media such as defamation and others, adding a layer to the control the social media which is already regulated by the law of land is not a healthy sign of democracy. In a democratic country like India where people have the freedom to speech and express, it is important to give people a free platform where they can share their views. This will help in cultural, political growth and spread of democracy

The Principle of Rule of Law in Evaluating the Legitimacy of Social Media Platforms

There is an intense relationship between the rapid growth of technology and human rights. Science and technology are essential for the development of the country. The recent changes in technology, particularly in telecommunications and automation, have accelerated both economic and social development throughout the world, and in the process, have allowed many countries to realize significant growth. In short, we can say that advancing technology has helped in managing the organization of a large number of people and in our society, resulting in proper decision making.

A.V Dicey first coined the term Rule of law in the book “An Introduction to the study of the law of the constitution”. The book had different interpretations and editions before the death of the author. However, other authors invented the concept before Dicey’s book. But the thought of Dicean’s book brought a lot of influence on the society. The term Rule of law is influenced by the of a famous principle phrase in French “de legalite”, which refers to the direction of legality. The concept is also known as Supremacy of law, which reduces the arbitrariness in the society. The idea of this fundamental to all judicial courts for making any judgments, also helps in maintaining dignity of law. It is a global moral practice which contributes to the upliftment of human civilization.
The expression the “Rule of law” means that law is superior to every individual, including governmental actions. The concept of the Rule of law is based on the supremacy of law where the government, as well as the individuals, are obligated to the law of the land. The Rule of law is a concept which helps in maintaining harmony in the society. During any conflicts in the society, rule of law is given the utmost importance. The expression “the rule of law” came into light from a book written by Professor AV Dicey, “An Introduction to the Study of the Law of Constitution”, in 1888. In this book, Dicey focused on how the law is superior to all men, and this concept plays a vital role in building a peaceful environment in society. The Dicean concept includes three features under the idea of the Rule of law. Firstly he writes that no individual should be punishable without any breach of the law which will be established by the courts of the land. By this, Dicey meant that no men should be penalized without breaking any rule of the land and the individual needs to be proven guilty. Secondly, he stated that no individual is above the law. The concept of the rule of law is based on the principle of supremacy of law. According to Dicey, no one is above the law, and every individual is subject to the same law. Thirdly, he mentions the unique characteristics of the English institutions that establish the predominance of legal spirit. These three principles given by Dicey in his book is are the fundamentals of every democratic society. Still, as there were other significant changes that brought development in the society, the Dicean principle was also criticized by many liberals. The question related to the meaning and application of the term the rule of law was always in debate.
The Indian Constitution authorizes powers and duties to the three wings of our modern democratic society, i.e., the legislature, the judiciary, and the executive. The authorities and powers of the legislature and executive are derived from the Constitution of India. Article 13 of our Constitution mentions that if a law is incoherent with the laws stated in our Constitution, the law will be held invalid. Social media has played a major role in protecting human rights. The human rights violations that have been taking place all over the globe have been coming to the bigger picture through social media. Social media has aided several human rights activist and public-spirited individuals to highlight the atrocities, thus letting the concerned authorities to take cognizance of the same. For example, the #MeToo movement which started in one part of the world had rapidly spread across many countries, which in turn had helped many victims to open up about their stories and helped the victims to bring about the perpetrators in the eyes of law.

Further, Article 21 is one of the most important provisions under the Constitution of India, which provides fundamental human rights to each and every citizen. This means no person shall be deprived of personal liberty, integrity, dignity, and the right to live freely. Dr. Jennings quoted that equality before the law means that all the citizens should be provided with equal laws and administrative procedures should be carried out in the same manner. Article 14 states two things, first is equality before the law. This implies that the state shall not deny any person with equal treatment before the law. Second, every citizen should be provided with equal protection of law within the territory of India. Article 14 prevents the citizens of the state from being discriminated on the grounds of sex, religion, caste, place of birth, or any other reasons by the state itself. Article 14 also corroborates the principle of separation of powers, where the powers are separated between the executive, legislature, and judiciary; where the judiciary doesn't interfere in the working of the legislature and executive.

In Kesavananda Bharati v. State of Kerala, the landmark case of our Constitution, the Supreme Court laid down the principle that law is an essential ingredient that forms the basic structure of our Indian Constitution. The basic structure, which is the foundation of law, cannot be amended by any other Act passed by the legislature, making the law of the land above all the authorities. Therefore, the ideology of the rule of law is the fundamental principle.

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3 AIR 1973 SC 1461
on which the Constitution of India is based on.

And finally, the due process, which is the last component of the concept Rule of law. It is the basic element to bring justice and fairness. The concept of rule of law in India originated from the British legal system, which worked to deliver justice to the people. According to the concept given by Dicey, the ideology of the rule of law and natural justice is enough to keep a check on the arbitrariness in the government. In India, there are legislations which is keeping an eye on digital activities. The information technology act which was passed in the year 2000 is a regulating and controlling authority. It looks after the illegal activities with respect to the use of digital platforms. Section 66A is one the most important section under the Indian legislation it manages and regulates the issues related to the digital platform. This is section provided by the legislature to keep an eye on illegal and fraudulent activities. Social media is a platform where people connect to each other globally, they send messages, post pictures, stories. Hence, these laws act as regulating authorities acting as a watch guard.

Conclusion
There is a significant impact of social media in creating awareness about the abuse faced by human beings all around the globe. For example, the racial discrimination and brutality by the police towards the African Americans in the United States of America, which led to a global movement of #blacklivesmatter all over the globe. In this era, social media provides a platform to each and every citizen to have their own voice and stand for their rights. I won't disagree with the fact that social media is also exploited to a certain extent. Still, it majorly provides a way through which a culprit who abuses the rights of others can be easily tracked. Till date, social media has provided access to justice to a lot of citizens around the world. Technology has changed the ways of socio-economic, ecological and political systems, which have further altered the environment and framework of the society. Technology has made the life of people all around the globe easy and convenient.

The framers of the Constitution established the Indian Constitution on the fundamentals of Rule of law. Still, now people and government officials must implement the same concept in their working. The citizens of India should use their rights to the fullest and fulfill their responsibility as honest citizens of this country. I believe that the rule of law should first start at home, and later it will automatically emerge in society. Also, the concept of supremacy of law should be accepted and implied by everyone at a personal level.

Moreover, the rules and regulations to control the action of the public on the digital platform should be left in the hands of these platforms only. The government should also help and encourage social media platforms to redefine the norms and define standards. The platforms should be liable if they violate the law of land. The online platforms are just a reflection of what’s happening in the society. Hence, an efficient and effective rule of law will help the society with freedom of expression and will lower down the need to regulate the digital platforms.

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