
Rise of Fifth Estate: Challenges and the Way Ahead

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I fear the day when technology will suppress human interaction and the world will have a generation of idiots.

—Albert Einstein

From news to social media, from net banking to e-commerce, online gaming to ordering food at home, technology has paved its way into our lives. Technology has become our nervous system and any disruption to it can cause paralysis to an individual's life. The individual's personal information, which one never shares in physical space, has moved to cloud, and is sold for a few bucks in the market. Technical gadgets have become so advanced that one can get a real feel of a war zone, a robbery scene, terrorist attack or a high-speed jet inside a room wearing suitable gaming kits. The physical meetings have moved to virtual space. Technology is virtually 24x7 with us knowingly or unknowingly. Technology is an enabler and at the same time it has enhanced the potential of lawbreakers. The biggest challenge, as the technology advances, remains that of security and legality in virtual space, because in virtual space there are no boundaries, limited laws can be applied and illegal activities continue through the dark web, albeit in a legal way.

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Introduction

A decade ago, we typed on computers. Now we talk to them. We used to call for taxis from taxi stands, now an app—an acronym for software application—picks a stranger’s car for us to ride. We used to meet people in public places and socialise, now we swipe on photos of their faces. The smartphone is where we communicate with family, do work, record memories and find entertainment. Software literally tells Uber, Ola and other app-based taxi drivers which route to take. Algorithms now make decisions that shape the daily life of any person with a smartphone. Just by searching Google, using a map or talking to Alexa, we feed computers personal data that trains artificial intelligence, and fuels businesses that have made us into a product. Robots are our new human model and social media is our new meeting place. This article analyses how the social media shaped up in the last two decades, its impact on our daily life, its legal challenges and future.

Connecting People

The websites and applications that enable users to create and share content or to participate in social networking form social media—the fifth estate. Facebook was launched in the year 2004 by Mark Zuckerberg with his college roommates and fellow Harvard University students. Since then social media has revolutionised the way we connect, bringing the communities closer. Socio-political changes in society have ensured that the social media has become our new family connecting millions and providing information about one and all in our social circles. A lot in social life today becomes social media first. The status of an individual is now judged by an individual’s social media standing. There are a total of 4.5 billion users on social media worldwide out of which 700 million are from India. Facebook, the most popular social media site, has 2.4 billion active users monthly. YouTube, WhatsApp, WeChat and Instagram have over a billion users each. Twitter is yet another social media platform

wherein either you follow or are being followed by someone. Social media has a word or an emoticon for all our feelings. Data—the new oil—from one’s consumption pattern helps predict what we want in the future. Consolidated data coupled with Artificial Intelligence has revealed more than what one knows about oneself.¹

Moulding Public Opinion

Social media has revitalised public debates bringing people together in the virtual space to agree or disagree on a subject. A well coordinated media campaign was launched against corruption in the past. There were war cries against discrimination and scaled up demand for action over climate change. Hashtags broke the silence of sexual harassment. The protests flared up online before hitting the screens and eventually led to clamour by protesters. The Cambridge Analytica—a political consulting firm—employed by the Trump campaign, proved how the Facebook data of millions was used to target and wage a war of misinformation on US electorate in the build-up to the 2016 presidential elections, by micro targeting and influencing its core supporters with ads that were customised to suit individuals. In another western democracy, social media targeted ads, successfully shaped a referendum campaign. Closer home, India witnessed an aggressive social media campaign in its 2019 general elections.

Harnessing social media, data and technologies smartly to activate its core base was the well known game plan of the political parties and its leaders. The political parties use their own data, social media data and Government data to analyse and strategise its politicking. Never before has India seen a political leader so popular on ground as well on Facebook, Twitter, YouTube and Instagram to name a few social media platforms. Through NaMo app and “Mann ki Baat,” the PM has connected to the masses cutting through the usual bureaucracy. From promoting Government schemes to attacking the opposition and disseminating

news, social media platforms are now the preferred mouthpiece, perfectly delivering tailored messages targeting specific goals. Social media has played a role of surround sound like an echo chamber, especially for the Millennials, to build communities in support of major parties. Rallies are boosted by online forums. Political and geographical boundaries have shrunk making the world flatter. Manipulation of public opinion and amplification of polarisation has taken over social media platforms. Fake news, watered down stories and propaganda can easily be passed around at lightning speed without check and it would be consumed in large volumes. Human nature, which is to react at times without reflection kicks in which is further accelerated by anonymity of the Internet. Opinions about movies or even gender are enough to catch the troll's attention. Internet blockage to halt dissent and prevent ground forces from galvanising is the latest tool to quell protests. In 2018, 67 per cent of documented Internet shutdown took place in India. Communication was blocked in Jammu and Kashmir UTs as the government revoked the region's special status. Protests were fuelled against the Constitution Amendment Act through social media and the government once again shut down the Internet where and when it felt the need.²

Technologies and Products Enhancing Reach of Social Media³

Social media is about sociology and psychology more than technology.

—Brian Solis

From the launch of an iPad to the 5G spat between the US and China, technology has never had a more avant-garde, yet tumultuous time in recent history. The app ecosystem has exploded with over 5.5 million apps from a mere 0.14 million in the App Store when Steve Jobs unveiled the iPad in 2010.⁴ App explosion coupled with cheaper,

smarter handsets amped up online interactions over a decade, making users connect to even their immediate environment through the mobile phone. In this ecosystem, social media firms like Facebook and Twitter have propped up individuals on digital pedestals built on algorithms driven by engagement, building customised worlds driven by user data. Almost free and quick access to 4G technology has introduced social media to the masses.⁵

YouTube: Internet could be one's launch pad to fame. YouTube was once delimited to watching songs and video clips online. Nowadays, stars are born on YouTube. Some of the individuals rose to fame overnight. YouTube is considered a social media platform because it enables interactions from users by liking, replying, sharing and commenting on each video. Dabbu ji's dance and moves gave Govinda a run for his money. The video of dancing uncle went viral overnight attracting more than four million hits. One wink and the entire country was hooked. Priya Varrier, dubbed as national crush of India, instantaneously became most searched woman in India. Closer home, a heartwarming speech by the mother of a bride, wife of an ex-Army officer, Mrs. Sonia Relia, became viral attracting more than seven million views. Seventy per cent of millennials watched YouTube in the past year to learn how to do something new or learn more about something they are interested in.

Front Facing Cameras and Selfie: "Selfie" was added to Oxford dictionary in the year 2013. The culture of taking pictures of oneself became popular with the rise of front facing cameras in mobile phones, picture sharing and social media apps. This technology—originally conceived to make video calls—opened up a new way of self-expression, enabled by image editing and filtering options provided by popular photo and video sharing apps. This was the part of pre-app ecosystem, a time when most of the online social interactions were on the desktop or laptop and not on mobile. Very soon, with the launch of smartphones, selfies were instantly posted on social media, awaiting likes.

Messaging Revolution: WhatsApp is not a social network but is one of them with its social features like conversations, sharing video, images with friends and groups of like-minded people and much more. It has fundamentally changed the way we interact because of an SMS-like experience without the fees that mobile operators charge and end-to-end encryption. By 2014, when WhatsApp had reached over 1.6 billion users, Facebook bought the company for \$19 billion. In recent times the company has come under scrutiny as the platform enabled fast dissemination of fake news.

Digital Payments: Advancing technology has paved the way for digital payments to grow. Today, digital payment solutions dominate almost all industry sectors, and soon, we will witness the exponential growth in mobile-based payments worldwide. The mobile app development companies are integrating the future trends in the digital payment system to make it more secure, quick and user friendly. Future trends of payment are based on emerging technologies like Internet of Things (IoT), Artificial Intelligence (AI) and Block Chain. Most of the digital payments platforms now have an integrated access through social media websites to not just the gaming websites but also e-commerce.

Social Commerce: Use of social network for e-commerce transactions aims to assist companies in engaging customers with their brands according to the customer's social behaviour. It provides an incentive for customers to return to their website and a platform to talk about their brand on their website. It also provides all the information customers need to research, compare, and ultimately choose a product over its competitor. Examples of social commerce include customer ratings and reviews, user recommendations and referrals, forums and communities, social media optimisation, social applications and social advertising. Technologies such as Augmented Reality have been integrated with social commerce, allowing shoppers to visualise apparel items on themselves and solicit feedback through social media tools.⁶

Blessing or Bane^{7, 8}

With Social Media you learn the hard way.

—Cameron Dallas

Usage of social media primarily depends upon individual interests. Whether this incredible power of the social media is a blessing or a bane is a big question. The networking websites have given power to the people to invent their own creativity.

Connect with Family and Friends: Social media is an important tool for communication between family and friends who live across the world. Of late this interaction has increased because of social media's free messaging and calling features. People have been able to find their childhood friends and connect with them.

Digital Marketing: It is a huge opportunity for the companies, especially the start-ups who do not want to invest a large amount in marketing initially. Start-ups can now initiate advertising their businesses with less cost or no cost at all. Social media also gives an opportunity to understand customers well and helps boost brand name, enhancing the reach to more and more people simultaneously. Optimisation of the search engine has begun to extend rather localised ads enhancing the reach of businesses.⁹

Public Expression: Expression of public opinion has helped individuals to join for a particular cause. In one such case, in Tamil Nadu, when traditional game Jallikattu was banned, an online campaign was started against it, and soon many joined the protest through social media, which pushed the Government to pass an ordinance to lift the ban completely. Social media helped during a crisis like "Super storm Sandy," which occurred in the US. Social media platform was used by victims to inform their families about their safety and details of destruction for the Government to take note of.

Understand Mood of the Masses: Government and the law enforcing authorities are closely monitoring all online sites to know the mood of the masses and to catch the criminals in physical as well as virtual space.

Virtual World or Real World: The boundaries between the real world and virtual world are diminishing. Individuals, especially the Millennials, are so involved with the social media that they spend more time in the virtual world. The personal touch and face-to-face interaction involving emotions is weakening. Many a time, individuals spend more time chatting than talking to someone sitting next to them, resulting in reduced interaction between family members in their own house. There are more friends online and fewer in real life, and quite a number of them are strangers who are a potential threat.

Haunted Posts: Social media does not have a delete key, even if deleted after making it public. At times such posts, images, comments and likes may come back and haunt the individual.

Social Bullying: Social media gives freedom of expression. At the same time, it gives a chance to others for misuse by social media bullying and abusing. In some cases, social bullying has led to suicide by the individuals. As per a report, 90 percent of teens who participate in social media or online gaming have suffered bullying. Recently Miss Devoleena Bhattacharjee, a Big Boss Season 13 contestant, became the victim of cyber bullying.

Cyber Stalking: Boorish characters, sexual and other predators stalk the individuals online and lure them into dangerous personal happenstances, posting personal information like images of awkward personal moments to their home addresses, at times through bankrolling as award for winning a game online.

Weird Challenges: The “Blue Whale” game challenge was the worst of its time consisting of a series of tasks assigned to players by administrators over a 50 days’ period, initially innocuous before introducing elements of

self-harm and the final challenge requiring the player to commit suicide. Yet another challenge, the “Kiki challenge,” involved jumping out of a moving car and dancing alongside to Drake’s hit “In My Feelings,” while the car continues moving. Such challenges are undertaken by GenNext who post their videos online in a run-up to gathering more likes than others.

Infringement of Privacy: The individual’s life has become an open book thus compromising privacy. At times individuals share their locations which is taken note of for criminal activities. Exacerbating further, the individuals are stalked regularly to identify potential places for theft by the anti-social elements.

Phishing: Use of emails to trick people into clicking on malicious links and attachments is called Phishing. The same done through SMS texts is called “Smishing.” These emails or links pop up and lure individuals to sites that are popular in the dark web. This can be a link to anything from pornographic material to sale of drugs. Some of these emails at times proclaim that a huge sum of money has been won by an individual. Individuals fall prey to such scams without realising that if an offer sounds too good to be true, it is not true. Individuals have also been lured into downloading malware and thus compromising their mobile phones, laptops or computers.

Adverse Effect on Health: As more and more individuals are spending more time online on social media, their physical activities have reduced, resulting in health issues.

Hacking of Personal Information: Since more and more personal information is available in the public domain, the same is compiled and used in profiling of individuals, which can lead to hacking of one’s social media and banking accounts.

Creating Unrest: Some of the fake news have created unrest in society. More recently there was a surge of fake news during anti-CAA protests and pandemic COVID-19.

Adverse Effects on Business: A rival can post negative comments which will affect the future business prospects with new clients and tarnish the image of the company.

Social Media on Dark Web¹⁰

The dark web is a part of the Internet which is not indexed by standard search engines. Dark web is considered as a hotbed of criminal activities. One can buy credit card numbers, all manner of drugs, counterfeit money, stolen subscription credentials, hacked Netflix accounts and software that help break into other's computers. Login credentials of a bank account, prepaid debit cards and such illicit information is available at throwaway prices. The request to dark web pages is routed through "TOR" browser, which routes it through a number of proxy servers operated by thousands of candy strippers across the globe, finding whom is a long shot. There are "hidden wiki" pages and dark websites. These websites use a different naming structure. A popular commerce site called "Dream Market" goes by the unintelligible address of "ejjwlv3z2lcca76.onion." Financial transactions take place in bitcoins, cryptocurrency which is shared between two parties without disclosing their identities to each other. Every communication is encrypted, so even the simplest transaction requires a digital signature. Facebook and many other legitimate social media giants have a presence there too.

Regulatory Challenges of Social Media¹¹

This effort of controlling the Internet has led to legal and regulatory initiatives to mitigate risks associated with this new medium, ranging from privacy of users, intellectual property and national security to frauds, pornography and hacking. Some of these regulations and laws and the challenges associated with them are covered in subsequent paragraphs.

Pornography and Obscenity: Social media, because of its fast information dissemination has made regulations more difficult.

Pornography, though brought under the purview of Indian Penal Code (IPC), provides limited scope and jurisdiction to the Government authorities in regulating because of the transnational character of Internet. Internet Service Provider Association of India (ISPAI) has submitted that they cannot block any website, out of approximately 40 million websites containing pornographic material, until approved by Government of India. Also there is no consensus on the definition of indecent and obscene content. The laws related to pornography and obscenity is different in different countries, thus leaving law implementation authorities jumping through hoops.

Identity Theft: Use of one's personal information to create fake profiles and to gain access to one's friends falls in the category of identity theft. The users of social media sites are not taking full measures to protect themselves from identity theft because of lack of technical know-how.

Trade Mark Infringement and Dilution: A quick search for any major brand name on Facebook will often reveal hundreds of results, which include official and unofficial results. The prevalence of various contents/pages in the same name often attempts to tarnish the image of famous brands. There are very few measures to prevent an individual or entity from adopting a user name or sub-domain name that incorporates a third party's registered trademark. Taking remedial action can often be problematic for the trademark owner, both from the sheer scale of the problem, to considering issues of adverse publicity that may make a bad situation worse.

Copyright Infringement: The multimedia world of the social web is littered with copyright material, which may or may not be reproduced with the consent of the copyright owners. Users infringing the rights of copyright owners are liable to be sued for infringement, but determining ownership of User Generated Content and liability is a challenge.

Defamation: A defamatory statement is a false and disparaging statement about another that causes injury to the reputation of the person

to whom it refers. IPC makes it a punishable offence. Fixing the liability between the content publisher and the ISP is a challenge.

Privacy Violation by Social Media: A vast majority of social networking sites set a particular privacy setting as default so that anyone can see a person's information unless privacy settings are actively changed. As a result, a considerable number of users inadvertently allow public access to their personally identifying information merely by failing to actively change their privacy settings. As per a study, 41 per cent children and 44 per cent adults on Facebook have open privacy settings. When any social media user travels, websites and advertising companies are able to track them, on the Internet to assess their personal preferences, habits and lifestyles.

Cyber Bullying and Harassment: The Internet allows the offender to conceal his identity behind a computer, making it easier for the offender to bully the victim. The distancing effects provided by technological devices have its impact on offenders and it often leads them to say and do crueller things compared to a traditional face-to-face bullying situation.

Freedom of Speech and Expression: Right to Freedom of Speech and Expression has been explicitly guaranteed as a fundamental right under the constitution, however it has been curtailed by shut-downs during anti-Government protests like CAA and also against spread of rumours during the recent pandemic.

Laws Governing Social Media¹²

Social media laws in India are regulated by Information Technology Act 2000 read along with IT Amendment Act 2008, laws of the land, that is, IPC and RTI Act. IT Act 2000 was the first legal framework issued by Government to regulate, control and deal with the issues arising out of the IT. Thus social networking sites in India are liable for various acts or omissions that are punishable under the laws of India.

More recently, in December 2019, the Union Cabinet chaired by Prime Minister Narendra Modi gave the go-ahead to the updated version

of the Personal Data Protection Bill. The bill aims to protect the rights of an individual over the data generated by the individual. The bill also defines a framework for all stakeholders with respect to handling, storage, processing and accessing the personal data, thus safeguarding individual and national interests.

Department of Electronics and IT has issued a regulatory framework and Guidelines for Use of Social Media for Government organisations to enable Government agencies to use these platforms more efficiently and reach out to their stakeholders. The advisory covers roles and responsibilities, accountability, content governance and legal provision.

In December 2018, the world's largest messaging app, which has at least 200 million users in India, launched its first ever television campaign, through three 60 seconds video ads focused on educating Indians about the dangers of fake news and spurious forwarded messages. In the recent past, anti-CAA protests saw the surge of fake videos and fake news. Government issued directives to warn all those who forward fake news and videos that they could face a jail term for three years. The Delhi Legislative Assembly has constituted a committee in March 2020 named "Committee on Peace and Harmony" to identify fake news. In an advisory sent on March 20, 2020, the Indian Government has asked social media platforms to start awareness campaigns, remove misinformation from their platforms and promote authentic information on the Corona virus.

Way Ahead

If there is one thing that tech gurus can predict about the digital world, it is that the social media is here to stay. The online social networking platforms have eliminated other more physical platforms of being social. There are more people active on social networks today than there were human beings on the entire planet just 40 years ago, each interacting with more than hours of social content every day. The potential of social media to reach and influence people will grow exponentially. Social media

will have more effective and active space for marketing and corporates will invest more and more of their marketing budget on social media. Social media will see a rise in micro influencers—individuals having lesser numbers of followers but having high influence over their specific niches—for more authentic advertising. Brand discovery will happen on social media threads or public social feeds. Therefore more and more brands will use social media platforms to reach their potential customers. Their public feeds will be used to guide customers to their private channels. In spite of the use of AI and block chain technologies, blend of automation and human connection on social media will continue to build relationships. Cybersecurity and the dark web will continue to challenge law enforcing agencies as the predators will continue to innovate to escape the watchful eyes.

Social media is a reality that will shape up polity, mould our society and guide our individual consumption choices in the foreseeable future. Social media will continue to be the voice of the people. More and more people will have access to smartphones and thus access to social media. Social media will also see a rising trend for its use for news. It will also be used in future for learning essential job skills. It will be a platform to show technological savvy and creativity. Social media will continue to manipulate public opinion in the near future. Social media will be an important communication channel not only between employees within an organisation but also between parents and children, thus bridging the generation gap to some extent. Finally, as the fifth estate, social media will continue to rule this decade of the twenty-first century also, an integrated approach by all the stakeholders will help grow the digital economy faster and achieve the dollar five trillion economy goal for India.

Notes

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