



MEDIA & DIGITAL TECHNOLOGY

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Foreword

Digital technology has made in impact on how we consume media. It has provided new ways of communications with others. Whether through blogs, social media, photo sharing, video sharing, communication has become more broad and effective through digital technology. The Internet has provided the foundation for the expansion of digital technology. Mass media has changed and been able to offer more information to more people through the Internet. With the increase in mobile devices, digital technology will further expand the way we use media. Digital technology has unlimited potential and will further change how we consume mass media.

Similarly, digital technologies have transformed the media industries for better and for worse. But how can journalists win the battles against layoffs, declining wages, and stress? Collective action and the reaffirmation of journalistic skill provide a big part of the answer. We need to ensure the specific

skill sets in our work continue to be valued and to fight against the generic media model where everyone can do everything, from anywhere, and for free if possible. We know people are used to getting content for free- be it editorial content or intellectual content. Let's educate the public about the real value of solid and reliable information. We need a coalition of knowledge workers and a campaign and of course, we can put to use all those cool digital tools.

The book titled '**Media and Digital Technology**' is a collection of selected papers and articles written by top media educators, scholars and professionals of the country.

Prof. Upendra Padhi

Conclave Chairman & Director of IMS

CONTENTS

- 1) Digital Media and Social Empowerment:
A Case Study on 'Active' Audience Members and
Content Manufacturers
*Dr. Saswati Gangopadhyay and
Ms. Shabarni Basu* 11
- 2) Impact of Digital Technologies on the Young:
How Media Ecology Approach can Help Young
Generation Survive in the Digital Space
Fr (Dr) Plavendran Irudayasamy 29
- 3) Information Communication,
Media and Agriculture
*Rajeshwari N and
Praveen R Shindhe* 47
- 4) Digital Media and Social Sensitization: Whither
LGBTQIA+ Community
Dr. Sunayan Bhattacharjee 65
- 5) PR through Digital Media: An Analysis
Dr. Pavitra Shrivastava 70
- 6) Fake News: The New Globe Trotter
Prof. Debanjan Banerjee 82

7) Parenting in Digital Society: Challenges and Opportunities <i>Dr. (Mrs) Rajul Mallik and Dr. Pradeep Mallik</i>	104
8) WhatsApp Message Forwarding and College Going Youth <i>Dr. Ambika Sankar Mishra</i>	120
9) Application of Artificial Intelligence in Media Industries: Social Media, Automated Journalism and News Broadcasting <i>Aradhana Kumari Singh and Prof. (Dr.) Manukonda Rabindranath</i>	132
10) Sensationalism by News Channels: A Study of Audience Perception <i>Dr. Chanchal Sachdeva Suri and Namrata Sharma</i>	148
11) Digital Education and Evolving Technology: Future is 'CDME' - A Learning Space within the Competing Media, the Future where everyone is a Student <i>Shobha Dhanwatay</i>	174
12) Digital Literacy and Changing Role of Communication in Human Development <i>Dr. Anurag Sahu and Ms Ruby Nanda</i>	186

13) A Study on the Effectiveness of Interactive Mobile Learning Applications in Educating Children with Autism <i>Abbin Joseph Thomas, Dr Dona Thomas & Dr S Rajesh Kumar</i>	201
14) Combating Health Communication Crises through New Media <i>Dr Anupa Lahkar Goswami</i>	208
15) Media and Digital Technology in Open and Distance Learning: With Special Reference to IGNOU, Regional Centre, Bhubaneswar <i>Dr. Bijaya Kumar Sahoo</i>	219
16) Significance of Using Digital and Social Media Tools for Scientists and Science Organizations in Indian Science Communication <i>Dr. Arnab Kumar Banerjee and Dr. Bakul Srimany</i>	234
17) Digital Media and Women Empowerment: The Northeast India Context <i>Dr Mohsina Rahman and Dr Gautam Sarma</i>	256
18) The Bodypositive Women: India's Plus Size Fashionistas on Instagram <i>Debjani Chakraborty & Dr Chhavi Garg</i>	298
19) Social Media Regulation in Nigeria and the Implications on Digital Rights in a Democracy <i>Desmond Onyemechi Okocha, Willie Bassey Udoh & Ampu Harikrishnan</i>	315

20) Social Media and Mobile Device as New Sharing Learning Platform <i>Somanath Sahoo</i>	332
21) Hashtag Movement: The Road Ahead <i>Moumita De Das</i>	357
22) Role of Photography in Advocacy Campaign to Save Rivers <i>Ashfara Haque</i>	366
23) Impact of Digital Literacy on the Weavers of Gopalpur Handloom Cluster during Pandemic <i>Ms. Supriya Munda & Dr. Tripura Sundari</i>	398
24) A Study on the Impact of YouTube among Viewers <i>Dr. K. Venkatalakshmi, Balamurugan Selvaraj & Vindhuja P</i>	409
25) Gender in Digital Branding: Case Studies of Selected Company Websites <i>Sneha Verghese & Karnam Narender</i>	421
26) Role of Media and Digital Technology in Extension of Natural Farming in Himachal Pradesh <i>Rohit Prashar, Rohit Kumar Vashishat and Rajeshwar Singh Chandel, Raman Kant, Ankita Mahajan</i>	441
27) Effectiveness of Online Education among Fisherman's Children in Kanniyakumari District: A Special Reference Study with Covid-19 Pandemic <i>Mr. Salin Dhas C S & Dr. S. Rajesh Kumar</i>	452

28) Empowerment Communication: Evolving Template for Strugglers' Success Stories <i>Dr. Kiran Thakur</i>	465
29) Community Media, Civil Society & Social Empowerment: Experiences from Nepal <i>Dr. Sudhamshu Dahal</i>	477
30) Community Media: An Agent of Social Change in the Civil Society <i>Pushpendra Pal Singh & A Sharma</i>	482
31) Dynamics of Political Communication and Indian Media: A Perspective <i>Dr Ashwini Ramesh</i>	492
32) A Study on the Behaviour of Youth with Reference to Instagram <i>Ritika Kishore & Navpreet Kaur</i>	507
33) Research-Practice of Participatory Communication Approach on Health Outcomes: A Systematic Review <i>Ranjith E V & Dr. Shikha Rai</i>	525
34) Knowledge Scale-wise Climate Change Awareness: An Analysis of Professional Characteristics of Journalists in Kerala <i>Dr. Sapna M.S & Dr. Anto P. Cheeratha</i>	544



Social Media Regulation in Nigeria and the Implications on Digital Rights in a Democracy

*-Desmond Onyemechi Okocha,
Willie Bassey Udoh &
Ampu Harikrishnan*

ABSTRACT

This study "Social Media Regulation in Nigeria and the Implications on Digital Rights in a Democracy" examines the implications of social media regulation in Nigeria and the implications on digital rights in a democracy. The libertarian press theory forms theoretical framework for the study. It was revealed that social media regulation is an infringement on the fundamental human right of free expression, social media regulation constitutes a serious violation of Nigerian rights to freedom of expression and access to information, social media regulation also contradicts the democratic principle of individual autonomy- the idea that no-one should be subject to rules which have been imposed by others and social media regulation is a prove that Nigeria is practicing autocracy and

not democracy as we have today. The study recommends that Nigerians should be allowed freedom of expression in a democratic dispensation, social media regulations should be done by reason particularly by subscribers not the government and social media regulation contradicts the cornerstone of democracy and should be suspended with immediate effect. The study concludes that social media regulation is restriction of access to digital rights which allow people to access, use, create and publish digital media, as well as access and use computers, other electronic devices and communications networks.

Keywords: *Social media, Democracy, Digital rights, Implication and Regulating*

INTRODUCTION

Freedom of expression is a significant ingredient of a healthy democracy- a form of government in which the supreme power is vested in the people and exercised directly by them or by their elected agents under a free electoral system. The cornerstones of democracy include freedom of assembly and speech, inclusiveness and equality, membership, consent, voting, right to life and minority rights.

The advent of social networks such as blogs, Facebook, Twitter, Instagram, WhatsApp, among others, has revolutionized communications and freedom of expression as this has given citizens in a democratic society a tool to speak with. Tony Ademiluyi (2019) in an opinion article "Government should not use regulation as pretense to muzzle the opposition" argued that the advent of the social media has redefined the fundamental role of a 21st century journalist. The exclusive role once held by the gentlemen

of the press in news gathering, dissemination and public opinion molding has now been democratized and thrown open to just about anybody with enabled devices.

Generally, social media consists of computer-based technologies for easy communication, interaction and collaboration. They are digitally-mediated communication software that enable users to create, share and view content in publicly networked one-to-one, one-to-many, and/or many-to-many communications (Hopkins, 2017).

Abdullateef (2020) rightly observed that despite the positives of the social media, there have been several agitations for its regulation not just by individuals, but also by governments around the world.). In Nigeria today, the dark side? of social media range from cyber-bullying, manipulation of elections, social media addiction and the circulation of fake news thereby misleading the general public.

Adediran (2020) argue that the underutilization of the extant provisions of the Cybercrime Act by the law enforcement agents is the reason behind the misuse of social media platforms. The irresponsibility of some social media users has over the years raised concerns bordering on national security as the platforms have been used to spread fake news resulting to conflicts in some areas

As part of efforts to address these issues, the Cybercrimes Prohibition, Prevention Act was enacted by the National Assembly of the Federal Republic of Nigeria in 2015.

The cybercrime act clearly stated an effective, unified and comprehensive legal, regulatory and institutional framework for the prohibition, prevention, detection,

prosecution and punishment of cybercrimes in Nigeria. The cybercrime act stipulates that the protection of critical national information infrastructure, and promotes cyber security and the protection of computer systems and networks, electronic communications, data and computer programs, intellectual property and privacy rights (The Cybercrimes Prohibition, Prevention, Act, 2015).

The aim of this study is to ascertain the implications of social media on digital rights in a democratic society like Nigeria.

REVIEW OF CONCEPTS

The Concept of Social Media

Social media is described as online-based tools and services connecting people, and enabling interaction with each other over the internet. The new media has increased social and political interactions through WhatsApp, Facebook, Twitter and other platforms (Chukwuere and Onyebukwa, 2017). This implies that social media deals with computer mediated technologies that facilitate the creation and sharing of content online.

Social media are the internet-based tools and services that allow users to interact online with one another. In the course of the interaction, they generate contents, distribute and search for information (Nsude and Chike, 2017). The sites used for interaction online are known as social networking sites and they include; Facebook, Twitter, YouTube, Yahoo messenger, Blackberry messenger (BBM), Google talk, Google messenger, Instagram, Snapchat, among others. Social networking is a welcome development because of its numerous benefits such as the speed at which information is disseminated, enhancing learning

opportunities and so on. On the other hand, the disadvantages of social media abound and they include lack of privacy and sharing false information about themselves and others. Such information could lead to insecurity in Nigeria.

Social media also refers to online platforms which people use to build social networks or social relations with people that share similar personal or career interests, activities, backgrounds or real-life connections. Social media is also seen as internet-based services that allow a person to connect to the general public, to understand what others are doing and thinking, as well as their connections. Social media also refers online-based application built on the Web 2.0 platform with the idea to create and share individual contents.

The Concept of Democracy

The word democracy comes from the Greek words' "demos", meaning people, and "kratos" meaning power; so, democracy can be thought of as "power of the people": a way of governing which depends on the will of the people.

The former great American President, Abraham Lincoln, democracy portends "government of the people, by the people and for the people". Kaplan (2005) argues that democracy is a process through which people confer with each other to secure food, shelter, land, water and peace for their mutual benefits. As a set of practices associated with the rule of law and wide spread participation in administering that law, democracies have developed across the globe over the years.

The idea of democracy derives its moral strength - and popular appeal - from two key principles:

1. Individual autonomy: The idea that no-one should be subject to rules which have been imposed by others. People should be able to control their own lives (within reason).

2. Equality: The idea that everyone should have the same opportunity to influence the decisions that affect people in society.

These principles are intuitively appealing, and they help to explain why democracy is so popular. Of course, we feel it is fair that we should have as much chance as anyone else to decide on common rules!

The problems arise when we consider how the principles can be put into practice, because we need a mechanism for deciding how to address conflicting views. Because it offers a simple mechanism, democracy tends to be "rule of the majority"; but rule of the majority can mean that some people's interests are never represented. A more genuine way of representing everyone's interests is to use decision making by consensus, where the aim is to find common points of interest.

THEORETICAL FRAMEWORK

Libertarian Theory of the Press

The study is anchored on the libertarian theory. Also referred to as the free press theory, it was propounded in 1963 by F.S Siebert, T.B Peterson and W. Schramm (Sambe 2005). The libertarian theory was proposed in opposition to authoritarian media theory in the 17th century when monarchs were ruling most of Europe. During this period, the media was owned by the state which allowed private ownership to only trusted individuals.

The core assumptions of the libertarian theory include the following:

1. Publications should be free from prior censorship
2. There should be no compulsion to anything
3. Publication of error is protected equally with that of truth in matters of public opinion and belief
4. No restriction should be placed on export or import sending of messages across national frontiers
5. No restrictions should be placed on the collection of information for publication provided it is done by legal means
6. Journalists should be allowed to claim a reasonable degree of autonomy in their places of work.

The implication of this doctrine is that the media must be left alone to constitute a free market place of ideas. Instead of the government checking the media, it is the responsibility of the media to check the government for various lapses so that they will know whether to accept or reject a particular government.

The relevance of libertarian theory to the study theory is based on the premise that the theory allows of freedom of the media in a democratic dispensation.

REVIEW OF RELATED LITERATURE

History of Democracy

The history of democracy is traced to the ancient Greek political and philosophical thought in the city-state of Athens during classical antiquity (Luciano, 2004). Democracy is a Greek word *dêmos* '(common) people' and *krátos* 'force/might'. Under Cleisthenes, what is generally held as the first example of a type of democracy in 508-507 BC was established in Athens. Cleisthenes is referred to as "the father of Athenian democracy" (Po-chia Hsia, Lynn Hunt, Martin, Rosenwein, and. Smith, 2007).

The Athenian democracy was not only direct in the sense that decisions were made by the assembled people, but also the most direct in the sense that the people through the assembly, boule and courts of law controlled the entire political process and a large proportion of citizens were involved constantly in the public business (Raaflaub and Wallace, 2007).

Even though the rights of the individual were not secured by the Athenian constitution in the modern sense (the ancient Greeks had no word for "rights" those who were citizens of Athens enjoyed their liberties not in opposition to the government but by living in a city that was not subject to another power and by not being subjects themselves to the rule of another person (Clarke and Foweraker, 2001)

Range voting appeared in Sparta as early as 700 BC. The Apella was an assembly of the people, held once a month, in which every male citizen of at least 30 years of age could participate. In the Apella, Spartans elected leaders and cast votes by range voting and shouting (the vote is then decided on how loudly the crowd shouts). Aristotle called this "childish", as compared with the stone voting ballots used by the Athenian citizenry. Sparta adopted it because of its simplicity, and to prevent any biased voting, buying, or cheating that was predominant in the early democratic elections.

The Roman Republic contributed significantly to many aspects of democracy, only a minority of Romans were citizens with votes in elections for representatives. The votes of the powerful were given more weight through a system of gerrymandering, so most high officials, including members of the Senate, came from a few wealthy and noble

families. In addition, the overthrow of the Roman Kingdom was the first case in the Western world of a polity being formed with the explicit purpose of being a republic, although it didn't have much of a democracy. The Roman model of governance inspired many political thinkers over the centuries and today's modern representative democracies imitate more the Roman than the Greek models because it was a state in which supreme power was held by the people and their elected representatives, and which had an elected or nominated leader (Watson,2005).

Vaishali, capital city of the Vajjian Confederacy of (Vrijji mahajanapada), India was also considered one of the first examples of a republic around the 6th century BCE (Kulke, Hermann; Dietmar Rothermund, 2004). Other cultures, such as the Iroquois Nation in the Americas between around 1450 and 1600 AD also developed a form of democratic society before they came in contact with the Europeans. This indicates that forms of democracy may have been invented in other societies around the world (Graymont,1972).

CHARACTERISTIC OF DEMOCRATIC SOCIETY

1. Democracy is government in which power and civic responsibility are exercised by all adult citizens, directly, or through their freely elected representatives
2. Democracy rests upon the principles of majority rule and individual rights
3. Democracies guard against all-powerful central governments and decentralize government to regional and local levels, understanding that all levels of government must be as accessible and responsive to the people as possible.

4. Democracies understand that one of their prime functions is to protect such basic human rights as freedom of speech and religion; the right to equal protection under law; and the opportunity to organize and participate fully in the political, economic, and cultural life of society.

5. Democracies conduct regular free and fair elections open to citizens of voting age. Citizens in a democracy have not only rights, but also the responsibility to participate in the political system that, in turn, protects their rights and freedoms.

6. Democratic societies are committed to the values of tolerance, cooperation, and compromise. In the words of Mahatma Gandhi, Intolerance is itself a form of violence and an obstacle to the growth of a true democratic spirit.

THE RATIONALE FOR SOCIAL MEDIA REGULATION IN NIGERIA

Osuigwe (2019) argue the rise of fake news, alternative truth and disinformation have all been attributed to the rampant freedom, accessibility and reach of the social media in creating, sharing and disseminating information. Osuigwe further state that cyber bullying, stalking, trolling, spam, fraudulent accounts, information overload, automated broadcasting by bots and the ability to remain anonymous on different social media platforms have raised concerns on the negative use of social media platforms.

More worrisome is the fact that social media poses serious security threats of national and global concern. Recently, thirteen Russians were charged with interfering in the 2016 USA presidential election. The Russians' primary chief tool for meddling was the social media, which they used to promote Donald Trump's presidential candidacy and

disparage Hillary Clinton's campaign (Levinson, 2018). Terrorist and extremist groups at different times used the social media for propaganda and recruitment (Watts, 2018).

Cambridge AnalyticaL- a British voter profiling firm, improperly harvested the data generated from about 87 million Facebook users and used such to meddle in elections in different countries (Schultz, 2018). These have prompted the governments of different countries to seriously consider and take hard looks at regulations for the use of social media.

In Nigeria, the National Council on Information (NCI) which is the highest policy making organ for information articulation and delivery has been mulling over the creation of another Body to regulate the use of social media in the country (Adepoju, 2017 and Osuigwe (2018). Based on this, the Minister of Communications averred that it would be irresponsible for government to allow absolute freedom to social media which are notable platforms for information dissemination to thrive without some measure of regulation.

SOCIAL MEDIA REGULATION IN NIGERIA

It is worthy to note that the Anti-social Media Bill was introduced by the Senate of the Federal Republic of Nigeria on 5 November 2019 to criminalize the use of the social media in peddling false or malicious information. The original title of the bill is Protection from Internet Falsehood and Manipulations Bill 2019.

The Nigerian Senate on 5 November 2019 re-introduced a bill that will regulate the use of social media in the country. The anti- social media bill was titled "Protection from Internet Falsehood and ManipulationsBill 2019? was sponsored by Senator Mohammed Sani Musa representing Niger State East Senatorial District and backed by others;

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Ibrahim Gobir (Sokoto East), Abba Moro (Benue South), Elisha Abbo (Adamawa North) Bala Na?Allah (Kebbi South).

The aim of the bill is to protect against the transmission of false statement of facts that affect the security negatively, public health, public safety, public tranquility or public finances of Nigeria. It also seeks to prohibit the transmission of information that affects Nigeria's external relations, influences the outcome of an election, incites feeling of enmity, hatred between persons and groups or diminish public confidence in the performance of duties by the government.

In the case where the offender is an individual, he/she is liable to three years? imprisonment or a fine of N300,000 or both. In any other case, the fine is 10Million. Despite having faced criticisms by activists and some social media users, on 20 November 2019, the bill scaled second reading and has been handed to the Senate Committee on Judiciary, Human Rights and Legal Matters for assessment and report.

Punch Newspaper reported that angry reactions trailed the introduction of the bill, and a number of civil society organizations, human rights activists, and Nigerian citizens unanimously opposed the bill. International rights group, Amnesty International and Human Rights Watch condemned the proposed legislation saying it is aimed at gagging freedom of speech which is a universal right in a country of over two hundred million people.

One of such reactions was tagged "Stop the Social Media Bill! You can no longer take our rights from us"

online petition campaign to force the Nigeria parliament to drop the bill received over 90,000 signatures within 24 hours. In November 2019, after the bill passed second reading in the senate, Akon Eyakenyi, a senator from Akwa Ibom State publicly said he would resist the bill.

Social Media Regulation and the Implication on Digital Right in a Democracy

Digital rights are basically human rights in the internet era. Digital rights give individuals the exclusive right to access, use, create and publish digital content, as well as access and use computers, other electronic devices and communications networks.

The rights to online privacy and freedom of expression are said to be the extensions of equal rights laid out in the United Nation's Universal Declaration of Human Rights (Hutt,2015).

According to the UN, denying individuals access to the internet violates these rights and goes against international law. In an advanced society, British Prime Minister David Cameron recently pledged to give all UK homes and businesses access to fast broadband by 2020, adding that access to the internet "shouldn't be a luxury, it should be a right"

The provision of section 39 of the 4th Chapter of the Nigerian Constitution provides that:

"Every person shall be entitled to freedom of expression, including freedom to hold opinions

"Every person shall be entitled to freedom of expression including freedom to hold opinion and to receive and impart ideas and information without interference"

Therefore, the implications of social media regulation on the digital rights in democracy include:

1. Social media regulation in a democratic society like Nigeria is an infringement on the fundamental human right of free expression

2. Social media regulation constitutes a serious violation of Nigerian rights to freedom of expression and access to information

3. Social media regulation also contradicts the democratic principle of individual autonomy- the idea that no-one should be subject to rules which have been imposed by others.

4. Social media regulation is a prove that Nigeria is still in a military regime and not democracy as we have today

5. Social media regulation also contradicts with the international instruments on human rights (the United Nations Charter; the Universal Declaration of Human Rights; the International Covenant on Civil and Political Rights; the Conventions on the Rights of the Child, on the Protection and Promotion of Diversity and Cultural Expressions, on the Elimination of All Forms of Racial Discrimination, and on the Rights of Persons with Disabilities) from different perspectives all dwell on the necessity of guaranteeing each individual's right to freely seek, receive or impart information while interacting with other individuals

6. Regulating social media by the government is anti-democratic with great possibility of negative impact on freedom of expression, information dissemination and right of access to information. This could easily spiral out of

control to censorship. Access to information will be hampered as people will be fed on 'sterilized' and 'approved' information.

RECOMMENDATIONS

1. Nigerians should be allowed freedom of expression in a democratic dispensation

2. Social media should be regulated. Self-regulation of social media has to do with setting standards of appropriate codes of behavior and content by and for the operators of social media platforms that are necessary to support freedom of expression and right to access of information and that stipulates how those behaviors will be monitored and enforced

3. Social media regulation contradicts with the principles of democracy and should be suspended with immediate effect

4. The federal government of should focus on pressing issues such as the lingering insecurity challenges in the country other than regulating social media which has giving a voice to the voiceless

5. Social media platforms should be allowed to regulate the content on their sites with limited government involvement.

CONCLUSION

Conclusively, social media regulation is restriction of access to digital rights which allow people to access, use, create and publish digital media, as well as access and use computers, other electronic devices and communications networks. In a democratic society, citizens are giving freedom of expression as a

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fundamental human right which Nigeria as a nation is signatory to.

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