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## FREEDOM OF EXPRESSION IN THE AGE OF SOCIAL MEDIA

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### ABSTRACT

The right to freedom of speech and expression, guaranteed under Article 19(1)(a) of the Constitution of India, is one of the most essential pillars of democracy. Over time, communication has evolved from print to digital platforms, transforming the control of information from centralized to decentralized systems. Social media has emerged as a new public sphere where individuals across the world can share opinions, express ideas, and engage in public debate. It has enabled rapid dissemination of information, empowered marginalized voices, and enhanced civic engagement by allowing citizens to hold authorities accountable and participate in social movements.

However, this digital transformation has also brought new challenges, including the spread of misinformation, hate speech, and cyber harassment. These issues raise concerns about privacy, reputation, and emotional well-being. To address such challenges, governments have implemented various laws and regulations to balance freedom of expression with public safety and order.

In conclusion, while social media has strengthened the exercise of freedom of expression by connecting people globally, it also demands responsible use and stronger digital literacy to ensure that this fundamental right continues to promote truth, democracy, and respect in the digital age.

### Introduction

**Article 19(1)(a)** of the Constitution gives all Indian citizens the fundamental right to freedom of speech and expression. It is the liberty to express one's views and opinions through words, writing, printing, pictures, or any other form of communication. This right also includes the freedom of the press, which allows them to publish and circulate ideas and views, and to communicate and share information through any medium – including print media, audio, television broadcasts, and electronic media.

It also includes the right to receive and access information, which helps individuals form their own opinions. However, this freedom of expression is **not absolute**; it is subject to reasonable restrictions in the interests of protecting national security, maintaining public order, or safeguarding the rights of others.

This freedom of expression is important because it gives citizens the right to freely propagate and circulate ideas, and to participate in protecting their right to communicate within society. Freedom of speech and expression is a vital part of a democratic country, as it allows every citizen to take part in the decision-making process and engage with the government and society.

The evolution of communication from print to digital has transformed the control system from centralized to decentralized. In the 15th century, printing presses required high costs and significant infrastructure for publishing. Newspapers and other printed materials were largely controlled by the government, and their reach was limited because, at that time, newspapers were the only major source of information.

However, things have changed in the modern era. The internet and social media platforms have removed barriers that once restricted information from reaching a larger audience. Today, internet access has made it much easier for creators and publishers to express themselves and share their ideas freely, giving everyone a platform for speech and expression.

In the context of freedom of speech and expression, social media platforms have emerged as a new kind of public sphere – a virtual space where citizens can engage in discussion and debate. Through social media, people have become more aware and informed about various issues. However, social media has also created new challenges, as the widespread circulation of misinformation and fraudulent activities has increased within this public sphere.

#### Constitutional and Legal Framework

**Article 19(1)(a)** of the Constitution of India provides that all citizens have the right to freedom of speech and expression. However, this right is available **only to the citizens of India** and **not to foreigners or aliens**, as clearly mentioned in the provision.

Although Article 19(1)(a) does not specifically mention the **freedom of the press**, it is understood to be included within this right. The words “*speech and expression*” are broad enough to cover the freedom of the press as well. This includes all forms of written communication such as newspapers, magazines, journals, and books, which express ideas, views, and opinions.

However, this right is **not absolute**. It is subject to **reasonable restrictions** under **Article 19(2)** of the Constitution. These restrictions are imposed in the interests of the **sovereignty and integrity of India**, the **security of the State**, **friendly relations with foreign States**, **public order**, **decency or morality**, **contempt of court**, and **defamation**. These grounds ensure that the freedom of speech and expression does not

harm the rights of others or the nation’s interests.

This article also includes the **right to information**, which enables citizens to access information necessary for forming opinions. Moreover, the **right to criticize the government or its policies** is also protected under Article 19(1)(a), as long as it does not violate the reasonable restrictions. Additionally, the **right to silence** is recognized as a part of the freedom of speech and expression, allowing individuals the choice **not to speak** if they so wish.

There is also a provision for **defamation** in India. It is considered both a **civil and criminal offence** under **Section 356 of the Bharatiya Nyaya Sanhita (BNS)**. Defamation refers to any spoken or written words that harm a person’s **reputation** in society. If someone’s reputation is damaged through such acts, the affected person can file a **case of defamation** against the individual responsible.

There is also a provision dealing with **hate speech**. Any speech made by an individual that incites **hatred or hostility** towards another individual or group on the basis of **religion, race, place of birth, residence, or other factors** can be punished under this law. Such provisions are found under **Sections 196 and 299 of the BNS**, allowing individuals or groups affected by hate speech to take legal action.

Another important provision is related to **sedition**. Any statement, opinion, or act that incites **hatred or disaffection** towards the government is covered under **Section 152 of the BNS**. This provision has a long and **controversial history**, as it was frequently used during the **British colonial period** to suppress criticism against the government. However, in modern times, this section is still considered by some to be an essential provision, though its application remains a matter of debate.

The **Information Technology Act, 2000**, was enacted to address crimes and the spread of **misinformation on online platforms**.

- **Section 66A** of the Act punishes individuals for sending **grossly offensive or false electronic messages** intended to cause annoyance, inconvenience, or ill will.
- **Section 69A** gives the **Central Government** the power to **block public access** to any online information or website in the interest of the **sovereignty and integrity of India, the defence of the country, security of the State, friendly relations with foreign States, or public order**. Whenever any online content poses such threats, the government can restrict or block access to that information under this provision.

### The Role of Social Media in Expanding Free Speech

Social media platforms provide a stage for people to express their opinions – not just for individuals, but for people all around the world. It allows individuals to interact with other citizens from different geographical areas, share their points of view, and engage in meaningful dialogue. Moreover, freedom of speech and expression has been significantly impacted by social media in today's world. Every citizen can now easily access information, and with the help of that information, they can form their own opinions and thoughts and freely share their views with others.

#### Rapid Dissemination of Information

Social media is a platform where information can reach a large number of people almost instantly. Nowadays, nine out of ten individuals are connected to some form of social media. Through these platforms, any activity, event, or update can be quickly shared and spread to a vast audience – including people in other countries or different geographical and cultural regions.

The **speed at which information spreads** is especially crucial during crises or urgent situations, as it allows activists and citizens to **mobilize support and resources rapidly**. There

have been several instances where people, whose concerns could not reach the government through traditional means, raised their issues on social media – leading to public attention and eventual government action. Thus, social media plays a vital role in ensuring that information and voices reach wider audiences effectively.

#### Marginalised Voices

In recent times, social media has given a platform to **marginalised communities** who were previously unheard or underrepresented in society. For a long time, these groups remained silent, but now, through social media, they can **share their stories, experiences, and perspectives** directly with audiences around the world.

This shift has **bypassed traditional channels of information** and transformed the way voices are heard and issues are raised. Social media has also made it easier for people to connect with others, regardless of **gender, caste, religion, or background**, enabling them to raise awareness about social issues and demand accountability from those in power.

#### Growing Civic Involvement

Nowadays, social media has improved civic engagement, which also supports the freedom of expression. With the help of social media, people can easily connect with their elected representatives and hold them accountable for their actions. Through these platforms, individuals can organize and raise their voices on issues that directly affect them. This has led to the rise of many social movements that have brought positive change in society. Social media also allows people to share their opinions and ideas about different problems, which helps in creating a more aware and educated society.

Challenges to Freedom of Expression on Social Media

## Cyber Harassment in the Digital Age

The increasing use of digital platforms has led to the rise of **cyber harassment** in the online space. Cyber harassment includes behaviors such as **cyberstalking, online bullying, trolling, and the spread of harmful content**. Nowadays, this issue has become alarming due to the increasing **frequency and severity** of such incidents.

In society today, many victims suffer from **emotional stress, invasion of privacy, and damage to their reputation** because of online harassment. To address these problems, governments have introduced various **rules and regulations** to combat online threats and ensure a safer digital environment for all

## Misinformation and Fake News

Social media platforms are designed to maximize user engagement, which increases the chances of misinformation spreading rapidly. False information can go viral within seconds because every individual is connected through social media and often trusts what they see online. Misinformation can seriously affect public health, the democratic process, and social cohesion. A good example of this was during the **COVID-19 pandemic**, when a large amount of false information circulated, leading to widespread confusion and health issues.

It is very difficult to detect misinformation because of the growing use of **deepfakes** and **AI-generated content**, which make it increasingly hard for both users and platforms to identify what is real and what is fake. Messaging platforms also face challenges in tracing the original source of fake messages, allowing misinformation to spread rapidly without accountability.

## Hate Speech and Cyberbullying

Freedom of speech and expression is a fundamental right guaranteed to every citizen of this country. However, with the rise of social media, new challenges have emerged in balancing this freedom with the need to combat **hate speech** and **cyberbullying**, which

can spread misinformation and cause harm to others.

It is often difficult to protect a person's right to express themselves while also preventing the damage caused by hate speech, defamation, and online harassment. Cyberbullying can lead to serious emotional and psychological harm, including **depression, anxiety, and even suicidal thoughts**. Hate speech spreads quickly across different social media platforms, making it difficult to identify and take action against the individuals responsible.

Social media companies also face major challenges in moderating content across different languages and cultures. Their decisions are often criticized for being inconsistent or biased, highlighting the complexity of managing freedom of expression in the digital age.

## Censorship and De-platforming

The challenges to freedom of expression on social media also include **copyright** and **de-platforming** by private companies. These companies often create and enforce their own terms of service and community guidelines, which may lack consistency and transparency. Such practices can sometimes lead to the suppression of legitimate speech and an erosion of free expression.

There are ongoing debates about whether content moderation by social media platforms constitutes censorship. Some argue that since these platforms are private entities, their moderation policies represent a **legitimate exercise of property rights**, similar to a business refusing to host or promote certain ideas that violate its internal rules. However, the lack of transparency between private companies and users raises serious concerns about fairness and accountability in how online speech is regulated.

De-platforming can significantly reduce the reach and influence of individuals or groups, effectively silencing them on a massive scale and impacting public discourse. Moreover, the

**fear of being de-platformed** can lead to **self-censorship**, as users become hesitant to express controversial or unpopular opinions on social media.

Ethical and Societal Dimensions

### The moral limits of free speech

The concept of free speech has never been absolute; even in democratic societies, it is subject to ethical and legal constraints. While the principle of allowing all ideas to contend in a "marketplace of ideas" is foundational, a purely absolutist stance is problematic in the digital context. This is particularly true for social media, where speech can spread instantaneously and with potentially severe consequences.

- **The Harm Principle:** Philosopher John Stuart Mill's harm principle provides a critical lens for determining the limits of speech. It posits that speech should be free unless it causes demonstrable harm to others. In the digital sphere, this applies to content like hate speech, cyberbullying, and incitement to violence, which inflict psychological distress, endanger physical safety, and undermine individual dignity.
- **Dignity and Equality:** Beyond physical harm, ethical frameworks emphasize that free speech must uphold human dignity and not infringe upon the rights of others. In countries like India, the judiciary has affirmed that constitutional rights to free speech must be balanced against the right to dignity. Hate speech, by its nature, denigrates and violates the dignity of targeted groups, and its proliferation is a central moral challenge for online platforms.
- **Vague Definitions and Contextual Nuances:** The primary difficulty lies in distinguishing between legitimate, albeit offensive, speech and harmful, unlawful speech. Unlike traditional legal systems, social media content moderation

operates on subjective and often vague "community guidelines" that struggle to capture contextual nuance, such as satire or political criticism. This ambiguity creates a risk of over-censorship, which can disproportionately affect marginalized voices.

### Balancing freedom and responsibility

The expansion of individual expressive freedom on social media has highlighted the corresponding need for greater responsibility. The anonymous or semi-anonymous nature of online interaction can embolden individuals to spread misinformation and engage in toxic behaviour without fear of repercussion.

- **Individual and Platform Responsibility:** Individuals have a moral obligation to verify information before sharing and to engage in respectful, constructive dialogue. Platforms, in turn, must be held accountable for the design of their systems and the enforcement of their policies. The business models and algorithms used by tech companies often prioritize user engagement over user well-being, which has been shown to amplify sensational and polarizing content.
- **The Problem of Misinformation and Disinformation:** Social media algorithms are designed to keep users engaged, often by amplifying emotional, divisive, or sensationalist content. As a result, misinformation (unintentional false information) and disinformation (deliberate false information) spread rapidly and can reach viral proportions far more quickly than factual information. This erodes the public's ability to distinguish credible from unreliable sources, with serious consequences for democratic processes and public health.
- **Data Ethics and Surveillance:** A core component of balancing freedom and

responsibility is addressing the ethical use of user data. Social media companies collect vast quantities of personal data, which is used to power behavioral advertising. This practice not only raises severe privacy concerns but also allows for the micro-targeting of users with political propaganda and manipulated information, harming the democratic process and users' psychological health.

### Impact on democracy, mental health, and public trust

The societal dimensions of social media's effect on freedom of expression are profound and multi-layered, affecting the very fabric of society.

- **Democracy:** While social media has democratized information and empowered marginalized voices, it has also become a powerful tool for manipulation and election interference. By creating echo chambers and amplifying divisive content, social media algorithms polarize public opinion and hinder meaningful democratic discourse. This makes it difficult for voters to make informed decisions and undermines the legitimacy of democratic institutions.
- **Mental Health:** The curated and often idealized nature of social media content can negatively impact users' mental health. Excessive social comparison can lead to anxiety, depression, and low self-esteem, especially among younger users. Furthermore, online harassment, cyberbullying, and the pervasive anonymity available on many platforms inflict significant psychological harm. The psychological toll extends to the human content moderators who are exposed to the most harmful online material, often leading to severe mental health consequences.

- **Public Trust:** The amplification of misinformation and disinformation has eroded public trust in traditional media, government institutions, and democratic processes. When platforms fail to effectively moderate harmful content, they are perceived as prioritizing profit over public safety. This breakdown of trust not only affects how citizens perceive information but also fuels cynicism towards authorities and weakens social cohesion.

### Role of social media influencers, celebrities, and digital ethics

Social media's decentralized nature has created new power brokers: influencers and celebrities, whose immense reach and persuasive abilities carry significant ethical responsibility.

- **Influencer Responsibility:** Influencers and celebrities wield considerable sway over their audiences, making them a crucial factor in the digital ethics conversation. Their recommendations and endorsements are often perceived as authentic, but this trust is easily exploited for commercial gain or to promote agendas, sometimes without clear disclosure of sponsored content. The ethical imperative is for influencers to be transparent, truthful, and mindful of the impact of their actions on their followers.
- **Digital Ethics as a Framework:** For all users, a framework of digital ethics is essential. This encompasses principles like honesty, transparency, respect for privacy, and accountability. It requires individuals to cultivate critical thinking and media literacy skills to navigate online information responsibly. For tech companies, digital ethics means designing algorithms that promote user well-being and diversity of thought rather than pure engagement, ensuring

transparency in content moderation, and protecting user privacy.

- **The Path Forward:** Promoting a more ethical digital environment requires concerted action from all stakeholders. Governments and civil society can advance digital literacy initiatives and implement stronger, more transparent regulations. Platforms can enforce clear, consistent content moderation policies with greater transparency and provide robust support for human moderators. Ultimately, fostering a healthy digital public sphere depends on cultivating a culture that values responsible expression, factual accuracy, and respect for human dignity over unfettered reach and profitability.

#### The Way Forward

In the coming future, **freedom of speech and expression in the digital age will require a multi-faceted approach** that balances the protection of fundamental rights with the need to regulate harmful online content that affects the dignity and reputation of individuals. The **government should take restrictive measures only to address specific legitimate harms**, rather than resorting to internet shutdowns.

To tackle the issue of misinformation on social media platforms, **companies could offer incentives to users who create genuine and constructive content**. Reward systems should be designed to **encourage positive and healthy discourse**, promoting the responsible use of social media for free speech and expression.

There is also a strong need to **increase digital literacy programs** for citizens so that they can identify misinformation, recognize biases, and critically evaluate online sources. People should also be educated about **offensive and unlawful speech**, so that they understand how to express their views online **without hurting the sentiments of others**.

The **government must establish clear guidelines** for content removal and account

bans, specifying which types of content violate community standards and laws. Additionally, **media literacy should be promoted from a young age**, teaching children the values of **speech limits, tolerance, and empathy**.

Young users should be trained to **recognize, challenge, and report hate speech or abusive content online**, ensuring that social media remains a safe and constructive space for expression.

#### Conclusion

Freedom of speech and expression stands as one of the most powerful and essential rights in any democratic nation. The expansion of social media has transformed the way society communicates and expresses opinions on digital platforms. It has enabled public participation in various campaigns and awareness programs aimed at serving society. Social media also promotes gender equality and justice and provides opportunities for underrepresented groups to express their opinions and become part of the decision-making process in governance.

Whenever individuals experience injustice in society, they can use social media as a platform to raise their voices and share information, as it connects billions of people across the globe and allows citizens' voices to reach rapidly. However, while social media offers great opportunities for free expression, it has also given rise to serious challenges such as misinformation, hate speech, cyberbullying, manipulation of public opinion, and the creation of an atmosphere of intolerance and hostility. Many individuals suffer emotional stress, anxiety, and depression as a result of online harassment and bullying.

To safeguard these rights, Article 19 of the Indian Constitution guarantees the right to freedom of speech and expression. At the same time, Article 19 also provides for reasonable restrictions to protect the sovereignty, integrity, and morality of the nation, as well as the dignity of individuals. Additionally, the Information



Technology Act, 2000, addresses crimes related to the spread of misinformation and other offences committed on online platforms.

To effectively combat misinformation and online abuse, the government and social media companies must work collectively to ensure that restrictions on online expression are lawful, necessary, and proportionate. Social media platforms should maintain algorithmic accountability, and digital literacy must be promoted to help citizens identify accurate information and understand how misinformation spreads and causes harm.

