

## SOCIAL MEDIA PROMOTES FREEDOM OF SPEECH AND EXPRESSION: MYTH OR REALITY

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### *Abstract*

*Social sites become an integral part of the day-to-day life. Social sites are a place where anyone can share and at the same time can discuss certain things. Due to technology revolution internet becomes a free place for sharing and taking information and through the internet, there is a free global village where anyone can communicate with different people. People use social media like Facebook, Twitter, Instagram, Blog, Snapchat YouTube, etc. Social media makes the place very short, and anyone can share information through these sites and within a moment it will reach millions of people. In a democratic country like India according to article 19(1) (a), every Indian citizen has the right to freedom of speech and expression and these sites give massive exposure to express their thoughts. In social media, the number of receivers is very high, so the communication process becomes very fruitful. In a democratic country like India, anyone has the right to freely express their opinion. These social sites give an absolute freedom to express and impart information from it. The study mainly focuses on is social media is capable enough to promote Freedom of Speech and Expression. Because there are different reasonable restrictions and what are limitations of these social media to give absolute freedom to Article 19(1) (a).*

**Keywords:** *Social Media, Article 19(1)(a), Freedom of Speech and Expression, Media Censorship, Social Media and IT Act.*

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## INTRODUCTION

In the age of digitization, mass media plays a major role to motivate people. Now a day we can't imagine a single day without the internet. In social media, anyone with an internet connection can create an account and through that account, anyone can enjoy their freedom of speech and expression. In the present age, social media is a big part of day-to-day life because whenever we get free time, we serve social media. The internet is a place where anyone can impart information. Now a day's a smartphone with an internet connection can change a life. Social sites are the most common and powerful tool to communicate with different people. These sites not only give information but also elaborate on it and there is always a flow of information. Even these sites change the pattern of communication. There anyone can share any information very easily and within a second it will reach millions of people. Different age group's people also can access social media easily because it is user-friendly. Social sites also have an impact on people's decision-making power, and they can influence very easily. Different public opinions can be seen in a place so social media at the same time analyze the story. Even women can get a free place where they can share their points of view fearlessly. There are different hashtag movements on social sites where people can raise their voices and can protest injustice. Women also can raise their voices and fight for their selves with the help of these social media. On social sites sometimes there are some restrictions on sharing information. With the help of these social media if there is some protest raised uncountable people to get the information at the same time and people can jointly participate in the protest. But at the same time, freedom of speech can hinder the Right to Privacy so that is a very much important thing to make a balance between them. Different laws in India

can protect citizens from different crimes on social sites at the same time sometimes obstructs the freedom of speech and expression. Through these sites, one can exercise human rights. There are different cyber laws mainly 66 A of the Information Technology Act plays a major role in the use of social media.

## **SOCIAL MEDIA**

Social media is a very popular medium for transmitting the information. Social sites not only give information but also entertains. Now a day's it gets massive exposure among different age groups. These sites are too much user friendly and easy to use<sup>1</sup>. There are different social sites for different purposes and with the help of these people try to meet their needs. On these sites, anyone can share information, pictures, videos, etc. These sites mainly communicate with the masses and try to create a public sphere. There are different social sites for a different purpose. There is Facebook for communicating with different people worldwide and it became a social communicating platform. With the help of Twitter, one can Tweet their point of view. On YouTube, anyone can share different videos, and anyone can express their view. Facebook launched in the year of 2004, and it has 2 billion active users. Now a day's it is a very popular social networking site and through this site, anyone can share their point of view by posting a simple post on their timeline even anyone can raise their voice against injustice. These social sites can be used multi purposely. Twitter was founded in the year of 2006. These users can write something as a 'Tweet'. Twitter has 450 million monthly active users as of 2023. YouTube is also a

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<sup>1</sup> R. Singh "The Scope of Free Speech in Social Media", 2019

very popular video-sharing platform, and it launched in the year of 2005.<sup>2</sup> Through this site, anyone can record a video and share it. These social sites try to give freedom to free speech and expression but there are certain restrictions also. The communication style of social media is different from other traditional media because it is a very much free space where users have the freedom to express themselves. But at the present age, most social media is based on mobile phones and operated by cell phones. Social sites' content is based on "User Generated Content" which means users are sharing the content according to their point of view.<sup>3</sup> Andreas Kaplan and Michael Haenlein define social media as "a group of internet-based applications that build on the ideological and technological foundations of Web 2.0, and that allow the creation and exchange of user-generated content."<sup>4</sup>

## **SOCIAL MEDIA AND FREEDOM OF SPEECH AND EXPRESSION**

Freedom of Speech and Expression means if anyone feels something they have the right to speak and the right to express themselves that can be verbally or in any written format. Everyone can have some opinion and ideas and they need not get any interference even that can't be hindered by someone or some organizations or even by the government then it can consider absolute freedom of speech and expression. Article 19 (1)(a) of the

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<sup>2</sup> Dr. C. Thanavathi, "Social Media and Empowering Women in Globalisation" (December 2019)

<sup>3</sup> *Ibid.* at 60-61 (noting that Web 2.0 may be contrasted with Web 1.0 platforms, which simply provide content to users without allowing them to interact with or modify the information online).

<sup>4</sup> Andreas M. Kaplan & Michael Haenlein (2010), "Users of the World, Unite! The Challenges and Opportunities of Social Media", *Business Horizons*, vol. 53, 2010, pp. 59-68, at 61.

Indian Constitution consists of these rights. Freedom of speech and expression is linked with democracy if people can't express themselves properly then it can't be a true democracy and with the help of social sites people can easily get a free place to express themselves. People can express their political points of view through these social sites.

The internet becomes a vital tool for communication. In the previous year, people witnessed these social sites promote change, gender equality, and justice, giving them a place to express themselves, and promoting human rights.<sup>5</sup> Freedom of expression is a vital fundamental right and social media try to protect and exercise these rights with different sites and different features. On Facebook, Instagram, Twitter, YouTube, etc. anyone can express their thoughts on any relevant topic. And with this growing age and after globalization even these sites try to become a platform to raise voices against injustice. UDHR's Article 19 and ICCPR's Article 19(2) give freedom of speech and expression on the internet and social media.<sup>6</sup> But this Article 19(1)(a) is not an absolute right there are some reasonable restrictions on it.

## **REASONABLE RESTRICTIONS ON FREEDOM OF SPEECH AND EXPRESSION**

Every freedom comes with some duties and responsibilities similarly, Article 19(1)(a) not only gives freedom of speech and expression but also there are certain responsibilities. Article 19(2) of the Indian Constitution describes

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<sup>5</sup> "Freedom of Expression Everywhere", available on the Web, *available at*: <http://www.ohchr.org/EN/NewsEvents/Pages/Freedomofexpressioneverywhere.aspx> (last visited on: 05.04.2013).

<sup>6</sup> Shishir Tiwari and Gitanjali Ghosh "Social Media and Freedom of Speech and Expression: Challenges before the Indian law", October 2018.

reasonable restrictions on the following grounds:

- a) Sovereignty and integrity of India,
- b) Security of the State,
- c) Friendly relations with foreign States,
- d) Public order,
- e) Decency or morality,
- f) Contempt of court,
- g) Defamation, and
- h) Incitement to an offense

## **CENSORSHIP IN SOCIAL MEDIA**

In today's technology world maintaining transparency is very important and through social sites, information will spread rapidly. Internet works differently any change the communication style. But in this process, if anything works like a watchdog then people can't enjoy their freedom to express themselves. Even people can't enjoy their democratic rights without transparency in information flow. So, social media can play a role as an open information platform but in social sites, there are some restrictions on posting content which means sometimes social sites also censored some content to maintain peace and harmony. Sometimes government censored the way of using social media by the citizens.<sup>7</sup> Social sites do not violate

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<sup>7</sup> Greeshma Govindarajan and Nanditha Ravindar "Freedom of Expression on Social Media: Myth or Reality" Vol. 7, No. 1, June-2016.

anyone's right but those content can spread dispute this type of thing can be censored. These social media work as a mutual benefit tool those who don't like the platform are free to remove their account from the site. In mainstream media, the media owner can decide about the content but in social media, every user has the freedom to decide about their content so, there is the freedom to express oneself. So, users are more responsible about their content.<sup>8</sup>

People use cyberspace for expressing themselves but if here the owner of the company and the government used to control the content and monitor the whole thing then the freedom is not absolute. But at the same time, users must be sincere enough about their information. Sometimes fake information on social sites can mislead people heavily and can spread agitation so it is the responsibility of the users to use this platform accurately. Sometimes government tries to control social sites to maintain harmony among people and serve as a watchdog.<sup>9</sup> In China, there is huge media censorship. In India if the information is not harmful then it will not be censored so, people can enjoy the freedom of speech and expression as much as possible.

## **SOCIAL MEDIA AND INFORMATION TECHNOLOGY ACT**

Information Technology Act plays a pivotal role in social media activities. This Act tries to monitor computer-generated content and certain sections deal with different categories.

**Sec 66 A:** In the Information Technology Amendment Act of 2008 gives

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<sup>8</sup> Pavel Slutskiy "Freedom of Expression, Social Media Censorship, and Property Rights" No. 48, 13 My 2020

<sup>9</sup> *Supra* note 7

punishment for sending an offensive message through any channel. If anyone conveys a false message knowingly and the main purpose is to create enmity, annoyance, agitation, hatred, etc. that is also a punishable offense. Even any “electric mail” which spread offensive content there is also the punishment of imprisonment for a term that may extend to three years with a fine.<sup>10</sup>

**Section 69:** According to Section 69 Central and State Government has the right to monitor any information which is coming through a computer source.

**Section 69 A:** In this section Central government has the power to block public access to any information which is coming from any computer mediates source.<sup>11</sup>

**Section 69 B:** In this section, Central Government has the power to appoint any agency to monitor the data traffic of any information which is coming through computer resources.

**Section 73:** This section deals with false digital signatures and the punishment is 1 lack and imprisonment for 2 years or both.

### ***Case Study-***

In the year 2012, a girl was arrested. She throws a question on her Facebook post that why the city is not vocal about the death of Shiv Sena leader Bal

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<sup>10</sup> Aleena Rose Jose & Anagha O “Freedom of Speech and Expression and Social Media: An Exigency for Balancing”, Indian Journal of Integrated Research in Law Vol.-2

<sup>11</sup> Sidharthan R “The Information Technology Act And Media Law”, *available at:* <https://www.legalserviceindia.com/legal/article-417-the-information-technology-act-and-media-law.html>



Thackery. She also said that “With all respect, every day, thousands of people die, but still, the world moves on. Just due to one politician dying a natural death, everyone just goes bonkers”. She also writes the whole of Mumbai keeps their mouth shut only because of fear not for the sake of respect. A friend of hers liked the post and was arrested for liking the post.<sup>12</sup> In this type of case, we can see how Government tries to control social media and try to influence people according to their choice. So, there are Freedom of Speech and Expression on social sites but there are lots of barriers also to expressing yourself.

## CONCLUSION

Social media is a platform through which anyone can express their point of view but there are some restrictions also. Though it is an open platform so these sites can be used for illegal purposes. So, sometimes monitoring these sites is important but at the same time, it has to notice that this monitoring should not violate people's rights because maintaining the civil rights of the citizens is important for maintaining democracy. There are different cyber laws in India but that is not sufficient to maintain misuse of cyberspace. Maintaining citizens' right to freedom of speech and expression is important but preventing the misuse of the open place is also important otherwise social media can be a source of conflict.

Censorship in social media hinders citizens' rights but if the purpose of censorship is for maintaining peace, then it is meaningful. Social media gives people an open and multipurpose platform to express but that is also the

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<sup>12</sup> Ram Parmar, 21-Year-Old Girl Held for Facebook Post Questioning Mumbai's Bal Thackeray Shutdown, *The Times of India*, 20<sup>th</sup> November 2012, *available at*: <https://m.timesofindia.com/india/21-year-old-girl-held-for-facebook-post-questioning-mumbais-balthackeray-shutdown/articleshow/17276979.cms>

responsibility of the users to use the platform in the right way. There are certain laws, but awareness of the citizens is important only they can enjoy their freedom of speech and expression in a right and meaningful way.

