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## Freedom of Speech in India and Outside: Internet's Unyielding Influence

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*The revolutionary impact of the internet on information distribution has altered the environment for free speech and given people unparalleled access to a global stage for self-expression. This research paper investigates the significant impact of the internet on freedom of speech, looking at the potential advantages, difficulties, and steps taken to protect this fundamental right in the modern era. The study employs a multidisciplinary approach to examine different viewpoints, case studies, and legal frameworks to shed light on the intricate interactions between technology development, information transmission, and the protection of free speech rights. The study explores how the internet has democratized access to information, made it available to everyone, and amplified the voices of those who have been silenced. Additionally, it talks about the difficulties brought on by internet abuse, false information, content moderation, and algorithmic bias. The First Amendment and international human rights norms are explored from a legal viewpoint, outlining various strategies for defending free speech worldwide. The study goes into further detail on how governments, tech firms, and civil society influence the environment for free speech online. Case studies on social media's influence on speech, internet censorship, and government surveillance provide useful information. The report also investigates how the digital divide may affect people's ability to access free expression and suggests solutions for closing this gap. The study looks at how free speech will function in the digital age, focusing on moral AI, battling misinformation, and encouraging responsible digital citizenship. This study contributes to the understanding of the complex interrelationship between technology, information transmission and the protection of free expression rights in the digital era by providing a thorough examination.*

**Keywords:** *internet, freedom of speech, information dissemination, digital age, online harassment, content moderation, digital divide.*

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## INTRODUCTION

The right to Freedom of Speech and expression is one of the fundamental rights protected under Article 19(1)(a) of the Indian Constitution<sup>1</sup>. It is the backbone of a democratic nation in which individuals have the freedom to express their thoughts, ideas, and opinions without any fear of punishment. Throughout history, freedom of speech has evolved a lot. Be it in the form of societal norms, legal frameworks, or technological advancements. Technological development played a great role in the evolved nature of freedom of speech. One of the biggest tools is the Internet. Most people use the internet in a revolutionizing way to express their thoughts on something, opinions on any government schemes, or ideas on anything which is becoming more powerful and has great connectivity to share thoughts.

Freedom of speech and expression on the internet means sharing thoughts through electronic means which can be very helpful for the general public to be informed and can get an accurate picture of any event happening in India and outside. Internet's emergence and widespread adoption are crucial for the public with geographical restrictions.

This digital environment is not without its difficulties, though. In addition, problems like online harassment, false information, and hate speech have emerged as a result of the quick spread of information and the simplicity with which content may be distributed. As governments and Internet businesses struggle to strike a balance between preserving users' right to free expression and safeguarding them from dangerous content and abuse, the Internet's global nature has presented, particularly challenging legal and regulatory issues.

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<sup>1</sup> Constitution of India 1950, art 19(1)(a)

Article 19(1)(a) of the Indian Constitution guarantees the right to freedom of speech and expression. In this day and age, the Internet plays a crucial role in expanding the freedom of speech of the citizens of the nation.

### **WHAT IS SOCIAL MEDIA?**

The term 'social media' refers to a collection of websites & applications and it primarily focuses on communication and content sharing<sup>2</sup>.

### **WHAT IS FREEDOM OF SPEECH?**

Without taking into account various laws across the world about freedom of speech, the expression 'Freedom of speech' basically means one's right to speak, write, or share his or her opinion in public or on a public platform without the fear of penalizing<sup>3</sup>.

### **THE LINKAGE BETWEEN SOCIAL MEDIA AND FREEDOM OF SPEECH**

There is a very strong link between social media and freedom of speech as the social media industry has been booming since the last decade. All the social media platforms are free and don't have any filters. The users can share any type of content that they want and are wholly responsible for their content. Social media platforms also give a voice to individuals and a sense of feeling that if the government or authorities will not listen to their problems then they can use the power of their free speech via social media to state their issues publicly and expose the concerned authorities. Freedom of speech is also used to expose companies or individuals via social media. Social media is also considered the 'largest source of original expression'.<sup>4</sup> The biggest advantage of social media is its global reach and accessibility. The right to freedom of speech is not an absolute power given to the citizens. If any country of the world guarantees the

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<sup>2</sup> Ben Lutkevich and Ivy Wigmore, 'Social Media' (*Tech Target*)  
<<https://www.techtarget.com/whatis/definition/social-media>> accessed 22 July 2023

<sup>3</sup> 'Freedom of Speech' (*Legal Information Institute*, June 2021)  
<[https://www.law.cornell.edu/wex/freedom\\_of\\_speech](https://www.law.cornell.edu/wex/freedom_of_speech)> accessed 22 July 2023

<sup>4</sup> Sadhika Oberoi, 'Role of social media and freedom of speech and Expression' (*Legal Desire*)  
<<https://legaldesire.com/role-of-social-media-and-freedom-of-speech-and-expression/>> accessed 22 July 2023

right to freedom of speech, this doesn't mean that it is an absolute power as under certain conditions the right to freedom of speech can be ceased and is subject to reasonable restrictions.

Taking into consideration the growing use and accessibility of the Internet and social media, various countries of the world have recognized social media as a source of freedom of speech and also as a basic human right.<sup>5</sup> There are a lot of movements and campaigns that started on social media and got public support globally such as 'Black Lives Matter'. Black Lives Matter was a movement which was against racism and police brutality towards black people.<sup>6</sup>

## CHALLENGES TO FREEDOM OF SPEECH IN THE DIGITAL AGE

**Online Harassment and Cyberbullying:** In today's world harassment and cyberbullying are a huge threat. Lakhs of children every year face cyberbullying and harassment due to the content they post online on the internet or any social media<sup>7</sup>. Those who share their opinions or ideas online risk being harassed and bullied.

**Disinformation and Misinformation:** The Internet is a place where it takes hours for some fake news to go viral and sometimes it can be a very problematic situation for the government to protect public order and public peace. Specifically, any misinformation or disinformation can lead to tension between communities. For example, the rights of Manipur which was between the Kuki and Maitai communities could have disrupted the public order so the government had to shut down the internet services of Manipur.

**Content Moderation and Censorship:** Content moderation is a process by which the government keeps monitoring the content that is being posted online to make sure that it complies with the regulations and standards of the government of that nation<sup>8</sup>.

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<sup>5</sup> Neshapriyan M, 'Social Media And Freedom of Speech And Expression' <<https://www.legalserviceindia.com/legal/article-426-social-media-and-freedom-of-speech-and-expression.html>> accessed 22 July 2023

<sup>6</sup> 'Black Lives Matter' (*Britannica*, 22 July 2023) <<https://www.britannica.com/topic/Black-Lives-Matter>> Accessed 22 July 2023

<sup>7</sup> Robin M. Kowalski et al., *Cyberbullying: Bullying in the Digital Age* (2nd edn, Wiley-Blackwell 2012)

<sup>8</sup> 'What Is Content Moderation? (Plus Best Practices)' (*Besedo*, 15 June 2023) <<https://besedo.com/knowledge-hub/blog/what-is-content-moderation/>> accessed 23 July 2023

**Hate Speech:** Hate speech is often used on social media and the Internet for different motives by individuals or groups. Hate speech can also be very provocative for different communities, sometimes. Various nations guarantee freedom of speech to their citizens but the right of freedom of speech is not absolute and is subject to reasonable restriction. The government might restrict the freedom of speech of individuals or groups of individuals as the government thinks necessary for maintaining public peace.<sup>9</sup>

## INTERNET REGULATIONS AND GOVERNANCE

**Self-regulation v government intervention:** Both the internet and social media are two-edged swords, both can be utilized as good as well as evil. The entire world has looked at the examples from the past about the evil use and aftereffects of social media and the internet. For instance, on the 6th of January (2021), the followers of the then President of the United States Donald Trump tried to throw into disorder the certification of electoral college votes. This incident happened as the followers of Donald Trump were instigated with the use of social media<sup>10</sup>.

In the recent past, a lot of social media companies have been resisting removing or censoring false news and conspiracy theories as these things give the companies a lot of engagement which further helps in revenue generation for the companies. With the engagement they receive, they create feedback loops and then sell advertisements for financial benefits. Self-regulation of social media is all about control of the social media platform. There are a lot of consequences if a social media platform's authority loses control over the content which are being posted on their social media platform. In any such situation, the government or the concerned authority has to

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<sup>9</sup> Archak Das, 'Effect of Internet on Freedom of Speech & Expression' (*Legal Vidhiya*, 18 April 2023) <<https://legalvidhiya.com/effect-of-internet-on-freedom-of-speech-expression/#:~:text=Surveillance%3A%20Surveillance%20on%20the%20internet,bullying%20in%20this%20hostile%20environment>> accessed 23 July 2023

<sup>10</sup> Michael A Cusumano et al., 'Social Media Companies should self-regulate. Now.' (*Harvard Business Review*, 15 January 2021) <<https://hbr.org/2021/01/social-media-companies-should-self-regulate-now>> accessed 24 July 2023

intervene and ask the platform to take down some particular posts to stop the spread of inappropriate or hateful content.<sup>11</sup>

## HOW SEDITION LAW IS USED TO SUPPRESS FREEDOM OF SPEECH IN INDIA

Sedition is defined in section 124A of the Indian Penal Code as words, either spoken or written, or by signs or by visible representation, or otherwise, bring or attempts to bring into hatred or contempt, or excites or attempts to excite disaffection towards the Government established by law<sup>12</sup> The Sedition law was first inserted in the Indian Penal Code in 1870 by the British.<sup>13</sup> The sedition law was inserted in the Indian Penal Code by the British to repress and vanquish the speeches of individuals who were against British colonial rule. Once Punjab and Haryana High Court and then the Allahabad High Court went on to hold the sedition law unconstitutional but finally in the case of Kedar Nath Singh v State of Bihar<sup>14</sup>, the apex court in a five-judge bench upheld the verdict in favor of the sedition law and mentioned the appropriate situation of framing a sedition charge against any accused person. The right to freedom of speech and expression is guaranteed in Article 19(a) of the Indian Constitution and it is considered as a fundamental right but it is subject to reasonable restriction under Article 19(2).<sup>15</sup>

There are many instances where the sedition law is misused by the government of India to suppress the voices of the opposition party or individuals or groups of individuals who speak or write against the government or the actions of the government. Due to this reason, human rights activists often demand the removal of the sedition law and it is also violative of human rights as well as the right to freedom of speech and expression. Data according to the National

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<sup>11</sup> Parth Bari, 'Social Media Self Regulations: Why do you need to regulate your UGC' <<https://read.crowdfireapp.com/2021/03/16/social-media-self-regulations-why-do-you-need-to-regulate-your-ugc/>> accessed 24 July 2023

<sup>12</sup> Indian Penal Code 1860, s 124A

<sup>13</sup> Yagya Bhardwaj, 'Sedition and Freedom of Speech in India' (*Legal Service India*) <<https://www.legalserviceindia.com/legal/article-2660-sedition-and-freedom-of-speech-in-india.html>> accessed 24 July 2023

<sup>14</sup> *Kedar Nath Singh v State of Bihar* (1962) AIR 955

<sup>15</sup> Apurva Vishwanath, 'First Amendment to Constitution challenged: What happened in SC in 1950 that provoked Nehru to amend Article 19(2)?' (*The Indian Express*, 09 November 2022) <<https://indianexpress.com/article/explained/first-amendment-to-constitution-challenged-supreme-court-8252509/#:~:text=What%20were%20these%20two%20verdicts,essentially%20promoted%20the%20first%20amendment.>> accessed 24 July 2023

Crime Record Bureau shows that there has been a huge increase in the number of cases under section 124A of the Indian Penal Code 1860 from 2016 to 2021. This shows that the state is misusing its power and creating false cases against its rivals.<sup>16</sup> Therefore, there is an acute requirement to look at the use of sedition law under section 124A of the Indian Penal Code and to carry an equilibrium between national security and the fundamental right of freedom of speech.

## LEGAL PERSPECTIVE AND FRAMEWORKS

One of the most notable legal safeguards for freedom of expression is the First Amendment of the United States Constitution, which was established in 1791.<sup>17</sup> It assures that neither the freedom of expression nor the freedom of the press shall be restricted by law. This fundamental idea has influenced how free speech is seen in the United States, emphasizing a strong presumption in favor of preserving speech, regardless of how divisive or disagreeable it may be.<sup>18</sup> However, the extent of protection differs greatly among other nations' various legal frameworks for free expression. Some countries, like Canada and the European Union, have regulations that strike a balance between free speech and other rights, such as the right to privacy and dignity. They frequently have stronger laws regarding hate speech, slander, and incitement to violence. On the other hand, other nations, particularly those with authoritarian governments, strictly regulate and control speech, putting dissent under surveillance and internet censorship.

## BALANCING FREE SPEECH AND HARMFUL CONTENT

Protecting free speech and addressing harmful content is a challenging problem in today's world of internet and digital era. As everything has come with advantages and disadvantages

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<sup>16</sup> Sahid Ahamed, 'Sedition Law Vis- A- Vis The Right to Free Speech and Expressions' (*BSK Legal*, 04 August 2021) <<http://www.bsklegal.org/blogs/sedition-law-vis-a-vis-the-right-to-free-speech-and-expression/>> accessed on 24 July 2023

<sup>17</sup> 'Freedom of Speech' (*History*, 04 December 2017) <<https://www.history.com/topics/united-states-constitution/freedom-of-speech>> accessed 24 July 2023

<sup>18</sup> Edward Savey, 'Free Speech and the First Amendment' (*ConstitutionUS*) <<https://constitutionus.com/constitution/free-speech-and-the-first-amendment/>> accessed 24 July 2023

so is the internet. With billions of users worldwide, it is a hub of pieces of information, entertainment, communication, and content. However, it comes with a disadvantage in the form of harmful content, fake news, child pornography cyberbullying and many more. Social media firms use content moderation tools to reduce the problems caused by user-generated content online. The practice of monitoring and evaluating user-generated content on various platforms to make sure it complies with particular safety and quality criteria is known as content moderation.

Governments and tech firms must balance the need to prevent the spread of dangerous content with maintaining open and free online platforms. Tech businesses adopt content moderation rules to control user-generated material and delete content that contravenes community standards. The impact on free expression is unclear, though, given the subjective nature of content control and worries about potential prejudice. The execution of content moderation standards has occasionally come under fire for either going too far censoring valid speech or not doing enough to deal with harmful information. It is a constant challenge to strike the correct balance between defending free expression and dealing with offensive content, and doing so calls for careful consideration of legal, ethical, and societal viewpoints.

## **DIGITAL DIVIDE AND ACCESS TO FREE SPEECH**

The term 'Digital Divide' refers to the divide between the population who have internet access and those who do not have internet access. We can also view this divide from the perspective of free speech as the population who can benefit from freedom of speech through social media platforms or the Internet and the population who cannot benefit from freedom of speech through social media or the Internet<sup>19</sup>. In today's world, a large population is connected to people through the use of the internet but still more than 3 billion people don't have internet access. Therefore, they cannot protect their right to freedom of speech through the Internet or any other social media platform. Broadly there are 4 types of digital divide, they are:

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<sup>19</sup> Chris Lewis, 'Fighting the Free Speech Digital Divide Requires Interoperability and Privacy Protection' (*Techdirt*, 29 May 2020) <<https://www.techdirt.com/2020/05/29/fighting-free-speech-digital-divide-requires-interoperability-privacy-protection/>> accessed 25 July 2023



**Skills Divide:** This aspect of the digital divide relates to the gap in digital literacy and technical skills. People who lack the skills to navigate the internet, use online tools, or critically assess digital information are at a disadvantage. Digital skills are becoming increasingly important for various aspects of life, including education, employment, and civic participation.

**Motivational Divide:** This divide pertains to the differences in the perceived relevance and value of technology and the internet. Some individuals or groups might not see the benefits of using digital technologies, which could be due to cultural beliefs, lack of awareness, or distrust of online platforms. This divide can hinder adoption and engagement with digital tools.

**Access gap:** This refers to the disparity in physical access to technology and the internet. People who lack access to necessary infrastructure like computers, smartphones, and reliable internet connections are at a disadvantage in terms of participating in the digital world. This can be due to economic, geographical, or social factors.

**Usage gap:** Even if individuals have access to technology, there might still be a divide in terms of how they use it. Some people might have access but lack the skills or knowledge to effectively use digital tools and the internet. This can be due to a lack of digital literacy, which hampers their ability to take advantage of online resources and services.

## CONSEQUENCES OF THE DIGITAL DIVIDE

Discrimination through technology is a base for poverty and social exclusion, denying some citizens access to resources necessary for growth and wealth creation.<sup>20</sup> The main consequence of the digital divide is:

**Isolation due to Lack of Communication:** People often get disconnected if they do not have internet access especially who reside in remote areas.

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<sup>20</sup> 'What is the digital divide and How can we Bridge it' (*Splash Learn*, 20 February 2023) <<https://www.splashlearn.com/blog/what-is-the-digital-divide-and-how-can-we-bridge-it/>> accessed on 25 July 2023

**The Barrier to Studies and Knowledge:** We have seen the best example of this type of barrier in the coronavirus pandemic and how it disconnected the students and the teachers due to a lack of access to the internet and basic technology.

Gender discrimination: The digital gap disadvantages women more than it does males, which goes against the fundamentals of gender equality.

## **SOLUTIONS FOR BRIDGING THE DIGITAL DIVIDE**

**Digital Awareness:** Campaigns to raise awareness of digital technologies are essential for informing people and communities about their advantages and practical applications. To educate people on the fundamentals of utilizing computers, smartphones, the internet, and other digital tools, these programs may include workshops, seminars, and informational materials. People who may have been hesitant or uninformed about using digital resources can become more confident users by increasing awareness and developing digital literacy skills.

**Use of Local Languages in Online Learning:** The native languages of many individuals around the world are more comfortable. For those who may not be fluent in frequently used languages like English, having access to internet learning materials in their native tongues removes a big barrier. Localized instructional materials make the subject matter more relatable and accessible, which can boost participation in online learning programs.

**Increase in Digital Learning:** By opening up access to more people, expanding digital learning platforms and resources helps democratize education. Self-paced learning, skill development, and personal development are made possible via online courses, video tutorials, and interactive learning environments. People from various backgrounds can get top-notch education wherever they are by providing a choice of subjects and skills online.

**Address Social Issues:** Several broader social issues, including poverty, gender inequality, and rural isolation, overlap with the digital divide. It's crucial to address these fundamental problems to reduce the gap. Efforts to promote community development, women's education,

and economic empowerment can lay the groundwork for equal access to online resources. We foster a more inclusive environment for digital involvement by addressing social inequities.

**Special Resolution for Physically Incapable Students:** Students who are physically unable, such as those with disabilities, may encounter difficulties accessing and using digital resources. To ensure that digital learning materials can be used by everyone, special measures include incorporating assistive technologies, creating accessible user interfaces, and offering alternate content forms (such as audio or Braille). Digital resources that are inclusive and adaptive help all kids study more successfully.

## ANALYSIS

This research study examined the complex effects of the internet on the right to free speech, thoroughly examining its possible advantages, difficulties, and legal frameworks. It has become clear that the internet plays a democratizing role by allowing people from different origins to engage in public discourse and present their viewpoints to a worldwide audience. Voices that were previously marginalized or suppressed have been amplified thanks to the unprecedented level of connectedness and information interchange that has resulted from this.

The digital era has, however, also presented several difficulties for free speech. Cyberbullying and online abuse have proliferated, forcing some people to self-censor and limiting their ability to openly express their opinions. A concerted effort is needed to encourage media literacy and critical thinking since the spread of misinformation and disinformation poses a danger to the veracity of information available online.

The internet's influence on free speech has a two-pronged effect, providing enormous opportunities for expression and connectedness but also posing enormous difficulties. Stakeholders will need to work together continuously to strike a balance between defending free speech and tackling harmful information. Societies may use the internet's potential to ensure a thriving environment for free expression in the digital era by properly embracing technological breakthroughs and encouraging ethical practices.

## CONCLUSION

The internet has transformed the right to free expression by giving people unmatched chances to express themselves and get information on a global scale. A more inclusive public discourse has been facilitated by the democratization of information and the amplifying of marginalized voices, which have strengthened various populations. Globally, social media and citizen journalism have greatly influenced public opinion and supported grassroots movements. But the digital era also brings with it great difficulties. Online bullying, disinformation, and hate speech have become urgent problems that limit the internet's potential for good. Although crucial for defending consumers from harmful content, content moderation raises questions about censorship and potential prejudice. Finding the ideal balance between defending free speech and combating dangerous content is still a difficult and never-ending endeavor.

The First Amendment provides a strong guarantee for freedom of speech in the United States, but other nations have various attitudes and legal frameworks. Globally, free expression is protected by international human rights norms, but different countries apply these norms differently.

Governments, tech firms and civil society all play important roles in determining the environment for free speech. Governments must strike a careful balance between enforcing rules and promoting free speech. Tech businesses' content filtering procedures must be open and responsible. To combat misinformation, civil society is essential in encouraging digital literacy and free speech rights. Free speech rights must be protected in the digital age by looking to the future, embracing technical breakthroughs, supporting moral AI, and encouraging responsible digital citizenship. Maintaining a positive and educated online environment will require developing resilience against misinformation and hate speech.