



# FREEDOM OF EXPRESSION AND ONLINE SPEECH

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## Abstract

The rise of the internet and the widespread use of social media platforms have transformed the way individuals communicate and exercise their freedom of expression. The digital age has brought about new challenges and opportunities for the protection of this fundamental right. This research paper aims to explore the complex relationship between freedom of expression and online speech, investigating the legal, social, and ethical dimensions of this dynamic landscape. By examining international perspectives, legal frameworks, and the role of technology companies, this paper seeks to provide insights into the ongoing debates and dilemmas surrounding freedom of expression in the digital era.

**Keywords:** - Freedom of expression, Online speech, Legal frameworks, Social media platforms, Privacy concerns, Technology companies

## Introduction

In the 21st Century, we are living in the age of internet where the information is in our figure tips. The internet is the new source of information in the era of technology. It allows people to share their opinions and participate in global affairs. Today, the internet is a source that offers diverse services ranging from education to employment but as it is rightly said that great power comes with great responsibility. The article is based on the discourse of several aspects related to the impact of the internet on the Right to freedom of speech and analysis the following propositions. These propositions are whether the internet violates the right to freedom of speech and expression or the internet makes the right to freedom of speech and expression an absolute right without any reasonable restrictions.

India has been a successful and robust democracy for over six decades. Individual freedom is an integral part of democracy. However, freedoms are not absolute. Absolute freedom to an individual may lead to compromising other's privacy, safety and rights. There are laws to govern and restrict people's behaviour so as to maintain a

balance in the society. Today we live in a connected world facilitated by Information and Communication Technology (ICT). The rapid penetration of ICT in innovative ways has led to considerable development in India and globally with respect to people centred, inclusive and development-oriented Information Society. At the same time, it has created multidimensional and often unpredictable challenges since the technology continues to exponentially outpace legal, policy and ethical dimensions. Cyber-crime and cyber-attacks have resulted in changing the dimension of conflict of individual freedoms and national security to a new height. This has become one of the serious threats to individual freedoms and rule of law which serves as the pillar of democracy.

### **Right To Freedom Of Speech And Expressions**

Right to freedom of speech and expression is a fundamental right guaranteed under Article 19 (1) (a) of the Indian Constitution. In the Indian Constitution, Article 19 is the fundamental right of the citizen and enforceable against the State. It is one of the basic human rights in a democratic state where people have the fundamental right to express their opinion and expressions through gestures, artistic work, speech, theatre plays, music, painting, or other sources of communication. The objective of the right to freedom of speech and expression is to ensure that people express their emotions, feeling and expression freely without any fear of threat or apprehension from authorities.

The right to freedom of speech and expression is guaranteed by the constitution of India and the international statutes. It ensures that the right to speech plays a crucial role in a democratic society. International statutes which guaranteed freedom of speech are the Universal Declaration of Human Rights, 1948, the International Covenant on civil and political rights the European Convention on Human Rights and Fundamental Freedom. The right to freedom of speech also includes the right not to speak which is the foundation of the right to self-incrimination under Article 20(3) of the Indian Constitution.

### **Significance Of Right To Freedom Of Speech And Expression**

Right to freedom of speech and expression empowers citizens to express their opinions and criticize the government for its arbitrary actions. In a democratic state, the government is formed by the choice of people through a voting mechanism. Right to freedom of speech and expression prevents the government to establish the monarchy rule in the state. In a Monarchy rule, a single authority can expand across the domains of executive, legislative, and judiciary, contrary to a democratic country. In a democratic country, the voice of the people plays a crucial role in the election of the government. It also ensures a free and transparent press in the country which is the fourth pillar of democracy. According to the Supreme Court of India, Right is an integrated part of the right to life under article 21 of the Indian Constitution. In case of violation of Article 19(1) of the Indian Constitution, it is enforceable against the state.

## Freedom of Expression: A Fundamental Right

### *Definition and Importance*

Freedom of expression is a fundamental human right enshrined in various international and national legal instruments. It encompasses the freedom to seek, receive, and impart information and ideas through any media, including online platforms. This right is essential for the functioning of democratic societies, as it enables individuals to voice their opinions, participate in public discourse, and hold those in power accountable.

### *Historical Evolution*

The recognition of freedom of expression as a fundamental right has evolved over centuries. From the Enlightenment era to the Universal Declaration of Human Rights and subsequent international conventions, the protection of free speech has been gradually solidified in legal frameworks worldwide. Landmark cases and struggles for free expression have played a pivotal role in shaping the understanding and scope of this right.

### *International Legal Frameworks*

International legal instruments such as the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and regional conventions establish the foundations for protecting freedom of expression. These frameworks set out the rights and limitations in exercising this freedom, including permissible restrictions in certain circumstances such as national security, public order, and protection of public health or morals. The interpretation and application of these frameworks vary across jurisdictions, leading to nuanced approaches in different countries.

### **Online speech**

Online speech refers to any form of communication or expression that takes place on the internet. It encompasses a wide range of activities, including posting text, images, videos, and audio on various online platforms such as social media, blogs, forums, and websites. Online speech has become increasingly prevalent with the widespread adoption of the internet and the rise of digital technologies.

Here are some key aspects related to online speech:

1. **Freedom of Speech:** Online speech is often considered an extension of the fundamental right to freedom of speech and expression. It allows individuals to share their thoughts, opinions, and ideas with a potentially global audience. Many countries recognize and protect freedom of speech, although the scope and limitations may vary.
2. **Anonymity:** The internet provides individuals with the option to remain anonymous or use pseudonyms while expressing themselves online. Anonymity can enable people to freely express their views without fear of reprisal or judgment. However, it can also lead to abusive behavior, such as cyberbullying or harassment.

3. **Platforms and Moderation:** Online speech typically takes place on various platforms, such as social media networks (e.g., Facebook, Twitter, Instagram), video-sharing sites (e.g., YouTube), and blogging platforms (e.g., WordPress, Medium). These platforms often have terms of service and community guidelines that outline acceptable behavior and content. They may also employ content moderation practices to enforce these guidelines and remove or restrict certain types of speech that violate their policies.
4. **Hate Speech and Online Harassment:** Online speech is not immune to abuse. Hate speech, which involves discriminatory or offensive language targeting individuals or groups based on attributes such as race, religion, gender, or sexual orientation, is a significant concern. Online harassment, including cyberbullying, stalking, or doxxing (revealing private information about someone without consent), is another issue that can have serious consequences for individuals' well-being.
5. **Misinformation and Disinformation:** The ease of sharing information online has led to the proliferation of misinformation and disinformation. Misinformation refers to false or inaccurate information spread without the intention to deceive, while disinformation involves the deliberate spreading of false information to manipulate public opinion or gain a strategic advantage. Combatting misinformation and disinformation has become a priority for many online platforms and policymakers.
6. **Legal and Ethical Considerations:** Online speech exists within legal frameworks, which may vary from country to country. While freedom of speech is valued, there are legal limitations, such as defamation, incitement to violence, or obscenity, which can lead to legal consequences. Ethical considerations, such as respecting the privacy of individuals and avoiding harm, should also guide online speech.
7. **Global Reach and Cultural Sensitivity:** Online speech has a global reach, allowing people from different countries and cultures to interact and share ideas. However, cultural differences and sensitivities must be taken into account to avoid unintentional misunderstandings or offense.
8. **Online Activism and Mobilization:** The internet has played a crucial role in facilitating online activism and mobilization. Social media platforms have been used to organize protests, raise awareness about social issues, and advocate for change. Online speech has become a powerful tool for individuals and communities to have their voices heard and push for social, political, and environmental transformations.

It is important to recognize the complex and evolving nature of online speech and strike a balance between protecting freedom of expression and addressing its potential negative consequences.

### **Relation between the two**

The relationship between freedom of expression and online speech is deeply intertwined. Online speech refers to the expression of thoughts, ideas, opinions, and information in the digital realm through various platforms such as social media, blogs, forums, and websites. Freedom of expression, on the other hand, is a fundamental human right that encompasses the freedom to seek, receive, and impart information and ideas through any medium, including online platforms.

The internet and the rise of social media have significantly expanded the scope and reach of freedom of expression. Online platforms have become powerful tools for individuals to exercise their right to express themselves, engage in public discourse, and participate in democratic processes. They have democratized the ability to share ideas, access information, and interact with a global audience. Online speech has empowered marginalized groups, activists, and dissidents to amplify their voices, advocate for social change, and challenge oppressive systems.

However, the digital age has also brought forth new challenges to freedom of expression. The ease of sharing information online has led to an abundance of content, including hate speech, disinformation, and online harassment. Balancing the need to protect individuals from harm while preserving freedom of expression poses complex dilemmas. Governments, policymakers, and online platforms face the challenge of developing appropriate legal frameworks and policies to address these issues without unduly restricting legitimate speech.

The relationship between freedom of expression and online speech is a dynamic and evolving one. It requires ongoing discussions, legal developments, and ethical considerations to strike a balance between protecting individuals from harm, ensuring a diversity of voices, and fostering a vibrant and inclusive digital public sphere. Upholding freedom of expression in the online realm is crucial for maintaining democratic values, promoting human rights, and facilitating meaningful engagement in the digital age.

### **Why is freedom of speech on internet a powerful weapon?**

Freedom of speech on the internet is a powerful weapon because it allows individuals to express their opinions and ideas without fear of censorship or retribution. The internet has become a global platform for sharing information, and it allows people to connect with others who share similar views or experiences. This has enabled individuals to organize and mobilize around social and political causes, and to hold those in power accountable.

One of the key benefits of the internet is that it provides a level playing field for individuals to express their views. Unlike traditional media outlets, which are often controlled by a small number of corporations or individuals, the internet allows anyone with a computer or Smartphone to publish their thoughts and ideas for the world to see. This has enabled marginalized groups to have a voice and to challenge the dominant narratives that have been perpetuated by the mainstream media. However, the power of freedom of speech on the internet can also be a double-edged sword. The same platform that allows individuals to share their ideas and opinions can also be used to spread misinformation, hate speech, and propaganda. The internet has become a breeding ground for conspiracy theories and extremist ideologies, and it can be difficult to distinguish between credible sources of information and those that are not.

In summary, the freedom of speech on the internet is a powerful weapon because it enables individuals to express their ideas and opinions without fear of censorship or retribution. However, this power also comes with responsibility, and it is important to ensure that the information being shared is accurate and does not harm others.

The question of whether freedom of speech on the internet should be restricted to protect public welfare is a complex one that requires a nuanced answer. On the one hand, there are legitimate concerns about the harm that

can be caused by hate speech, misinformation, and other forms of harmful speech online. These can have serious consequences for individuals, communities, and even society as a whole.

On the other hand, freedom of speech is a fundamental human right that is enshrined in many international and national laws and constitutions. It is a cornerstone of democracy and is essential for promoting the free exchange of ideas, fostering innovation, and holding those in power accountable. Any restrictions on freedom of speech must be carefully balanced against these important values. In general, restrictions on freedom of speech should be limited to cases where there is a clear and imminent danger to public welfare. This might include speech that incites violence, promotes terrorism, or threatens national security. In such cases, the restriction on speech should be narrowly tailored to address the specific harm in question, and it should be subject to judicial review to ensure that it is not overly broad or discriminatory. It is also important to note that restrictions on freedom of speech should be the exception rather than the rule. In general, it is better to promote free speech and to rely on counter-speech, education, and other forms of public discourse to address harmful speech. This requires a commitment to promoting media literacy, critical thinking, and digital citizenship, and to fostering an online culture that values open dialogue, respect for diverse perspectives, and a commitment to the common good.

### **Restrictions On The Right To Freedom Of Speech And Expression**

Right to freedom of speech and expression is not an absolute right but is subjected to reasonable restriction under Article 19(2) of the Indian Constitution. The restrictions are in the interest of the security, sovereignty, and integrity of the nation, friendly relations with the foreign nations, public order, decency and morality, hate speech, defamation, and contempt of court. The restrictions are imposed to keep the interest of the nation and allow citizens to exercise their right to freedom of speech and expression with caution and responsibility.

The freedom of speech and expression does not confer on the citizens the right to speak or publish without responsibility. It is not an unbraided license giving immunity for every possible use of language and prevents punishment for those who abuse this freedom. Article 19(3) of the ICCPR imposes restrictions on the following grounds:

- (a) For respect of the rights of reputations of others;
- (b) For protection of national security, or public order, or public health or morals.
- (c) As per Article 19(2) of the Constitution of India, the legislature may enact laws to impose restrictions on the right to speech and expression 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
  - (h) Incitement to an offence



## **Right To Internet**

In last few decades, the internet has emerged as one of the basic needs of people around the world. The Internet offers various services for its users which may sometimes lead to trouble. The Internet allows us to share our thoughts and opinion with people but it does not amount to an absolute right to express oneself freely in the virtual world. There is still a limitation on the right to freedom of speech and expression labeled as reasonable restrictions.

### **Violation Of Right To Internet In India**

The recent internet shutdown in Jammu & Kashmir in 2019 was a violation of the Right to the internet under article 21 of the Indian Constitution. The arbitrary suspension of internet services restricts the residents of Jammu and Kashmir to exercise their right to freedom of speech and expression under Article 19(1) (a) and right to trade, commerce, and business under Article 19(1) (g) along with violating right to privacy and right to life under Article 21 of the Indian Constitution. It also restricts access to information that is linked with Article 19(1) of the Indian Constitution. Article 19 of the Indian Constitution ensures that the right to go online would make the right to access the internet an unsaid fundamental right. In that case, an internet shutdown is a violation of basic human entitlement.

### **Freedom of Speech And Expression And Social Media/ Internet**

The Internet and Social Media has become a vital communications tool through which individuals can exercise their right of freedom of expression and exchange information and ideas. In the past year or so, a growing movement of people around the world has been witnessed who are advocating for change, justice, equality, accountability of the powerful and respect for human rights. In such movements, the Internet and Social Media has often played a key role by enabling people to connect and exchange information instantly and by creating a sense of solidarity. The UN Human Rights Committee has also tried to give practical application to freedom of opinion and expression in the radically altered media landscape, the centre stage of which is occupied by the internet and mobile communication. Describing new media as a global network to exchange ideas and opinions that does not necessarily rely on the traditional mass media, the Committee stated that the States should take all necessary steps to foster the independence of these new media and also ensure access to them. Moreover, Article 19 of the UDHR and Article 19(2) of the ICCPR also provides for freedom of speech and expression even in case of internet and social media. Thus, it is seen that freedom of speech and expression is recognized as a fundamental right in whatever medium it is exercised under the Constitution of India and other international documents. And in the light of the growing use of internet and social media as a medium of exercising this right, access to this medium has also been recognized as a fundamental human right.

### **Government's Stand Over Internet Suspension**

The government frequently suspended internet services in Union Territories and States for different reasons. The reason might be the nation's security concerns, public disorder, or some other major cause that create chaos in the state. The government suspended internet services under section 144 of the Code of Criminal Procedure, 1973.

Section 144 of the Code of Criminal Procedure, 1973 empowers the magistrate of any State or Union Territory in India to pass an order prohibiting gathering of four or more people in a specified area. It is also invoked in urgent cases of nuisance or apprehension of danger in some events like public disorder or internal disturbance. The order can be passed against a particular individual or the public at large. The imposition of Section 144 of CrPC, 1973 remains in force for more than two months and may be extended up to six months. The restriction imposed by Section 144 of CrPC, 1973 can be levied at any time by the magistrate.

## **Legal Perspectives on Online Speech**

### ***Balancing Rights and Responsibilities***

Regulating online speech requires a delicate balance between protecting freedom of expression and addressing potential harms. Legal frameworks strive to establish boundaries by defining prohibited speech, such as incitement to violence, defamation, and hate speech. However, striking the right balance between protecting individuals and preventing undue censorship remains a complex challenge.

### ***National and Regional Approaches***

Different countries and regions adopt varying approaches to regulating online speech. Some nations prioritize strict control and censorship, while others emphasize the protection of free expression. Balancing cultural and societal values with international human rights standards contributes to the diverse legal landscape surrounding online speech.

### ***Case Studies and Landmark Rulings***

Examining case studies and landmark legal rulings provides valuable insights into the interpretation and application of laws governing online speech. Examples such as the European Court of Human Rights' judgments on hate speech, the United States' First Amendment jurisprudence, and national court decisions offer valuable guidance on the nuanced approaches taken by different legal systems.

## **Freedom of speech and expression as stated in the Indian Constitution**

Freedom of speech and expression is the very first fundamental freedom guaranteed by the Constitution of India to all its citizens under Article 19(1)(a). This is not an absolute right and is subject to certain restrictions which have been enumerated in Article 19(2). This right, however, has been the fountain that has given rise to many further rights which come under its ambit which have been reiterated by the Supreme Court in various cases over time such as the right to information, the right to freedom of the press and the right to freedom of opinion.



The right to freedom of opinion is inextricably linked to the principle of democracy enshrined in the Preamble to our Constitution. The digital era has provided for larger and faster circulation of a plethora of information presenting the different views, opinions, creativity and thoughts of people all over the world.

The significance of the same in our country in particular, has facilitated the circulation of productive criticism of the government and its policies as well political campaigns especially during the elections. The benefits of the same are immense but have also been seen in a negative light by many especially those in power as they often brand any comments against them as ‘anti-national’.

The discrepancies between an anti-national and a critique have become indistinguishable and this is a significant point of friction between the public and the government, especially in the digital era with users on many social media platforms such as Twitter, Facebook and Instagram, being able to find a common cause and voice to express their views.

### **Effect of the IT Rules, 2021**

The recently released Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 have caused a public furore and a lot of controversy with the majority public opinion being that these rules are unconstitutional on numerous grounds, fundamentally on the ground of violation of the right to free speech and expression. Through these rules, the government has brought OTT (over-the-top) platforms showcasing films and audio-visual programs published by online content providers as well as the platforms which showcase news and current affairs content on them under its wing.

Though the government defends this move by stating that there was a need for such rules to be made as there was an increased number of complaints regarding the content published on such platforms which hurt the sentiments and were offensive to individuals such as scenes containing violence, nudity, obscenity, indecent representation of women and child sex abuse material. Additionally, there was also content that hurt the religious sentiments of people. Prior to these rules, there existed no robust grievance redressal mechanism to effectively address the complaints of the masses.

Although the government expressly mentioned in its press release that these rules did not in any way seek to curtail the freedom of speech and expression of individuals as they recognized and respected the importance of the same including the need for government criticism in order to keep alive the essence of democracy, on scrutiny of these rules, the true motive of the government is questionable. For example, in certain emergency cases, on receiving direction from the government, intermediary platforms (such as Instagram, Twitter and Facebook) must take down the content of a particular user without any warning or giving them a fair hearing or opportunity to defend themselves.

The grounds on which the government can make such orders are not given either nor are the reasonable restrictions on the content which is permissible on these platforms clearly defined. This ambiguity leaves the free voices of the users of these platforms at the mercy of the government’s whims as any speech that the government remotely

construes as directed towards them in a negative light can automatically be morphed into ‘hate speech’ or ‘fake news’.

In a country of over 100 crore people, it is imperative for the freedom of press to prevail especially in the area of criticism of the Government to prevent totalitarianism. The rules, under the premise of catering to the safeguard of the people of Indus’ sensibilities and traditions, seek to ‘regulate’ this freedom however, by imposing such vague restrictions on such a broad area of categories, this seems more like an act of censorship which will have a chilling effect on the right to free speech and expression. Certain issues need to be depicted by these OTT platforms and intermediaries as this spreads awareness on certain realities and social evils which can only be prevented through circulation among the masses.

Before the passage of this Act, the specific number of complaints received by the Government was merely 171 complaints with 80 counter comments to the same. This is grossly disproportionate to the population of the country. The Government thus has not followed due diligence and held adequate consultations with the public to gain a justified consensus on the issue. This is highly dangerous as it shows a rash move taken by the Government which begins to encroach upon the democratic essence encapsulated in our Constitution as well by not giving due importance to public thought and opinion.

### **Are the ‘reasonable restrictions’ on the freedom of speech and expression really all that reasonable?**

The case of *Shreya Singhal v. Union of India*<sup>[2]</sup> dealt directly with the freedom of speech and expression in the digital era. Through this case, Section 66A of the IT Act<sup>[3]</sup> was declared as unconstitutional and invalid. In brief, Section 66A of the IT Act stated that ‘any person who sends through a computer resource or communication device any information that is grossly offensive, or with the knowledge of its falsity, the information is transmitted for the purpose of causing annoyance, inconvenience, danger, insult, injury, hatred, or ill will.’

The court, in this case, held that the above law was unconstitutional on substantive grounds and that as the terms in the above provisions were broad and undefined, it sought to cover ‘a very large amount of protected and innocent speech’ as terms like ‘annoyance’ and ‘inconvenience’ could not be deemed to fall under Article 19(2) which deals with reasonable restrictions on the grounds of issues of more gravity. It was concluded that this article sought to limit all forms of internet communication and thus the above restrictions from Section 66A of the IT Act, indeed had a ‘chilling effect’ on the right to freedom of speech and expression and were unreasonable in nature.

### **Important cases**

#### ***Shreya Singhal v. Union of India***

A two-judge Supreme Court of India panel issued a ruling in *Shreya Singhal v. Union of India*[1] in 2015 on the subject of online speech and intermediary responsibility in India. The Information Technology Act, 2000’s Section 66A, which deals with restrictions on online expression, was declared illegal by the Supreme Court on the grounds

that it violates the right to free speech provided by Article 19(1)(a) of the Indian Constitution. The Court further determined that the Section was not safeguarded by the fact that it constituted a “reasonable restriction” on the right to free speech as defined by Article 19(2). The Supreme Court also repealed Section 79 and the Rules that follow it.

It was decided that content removal requests from courts or other government agencies would be the only times online intermediaries would be required to remove something. In India, the case is regarded as a turning point for online free speech.

In the case of *Shreya Singhal v. Union of India*, the Supreme Court struck down Section 66A, giving “Freedom of Speech & Expression” in India a new lease on life. The Hon’ble Apex Court also successfully carried out its role as a court of law for Indian citizens by reaching its decision in this landmark case. The Court provided extraordinary and improved clarity to India’s free expression jurisprudence in *Shreya Singhal v. Union of India*. The *Shreya Singhal v. Union of India* decision is still recognised as an important court rebuke of government interference with the right to free speech and expression.

#### ***Anuradha Bhasin v. Union of India & Ghulam Nabi Azad v. Union of India (Kashmir Internet shutdown case)***

The Apex Court in this case held that the freedom of speech and expression and the right to carry on any business or trade on the internet is protected under the constitution. The Supreme Court ordered the Jammu & Kashmir authorities to instantly restore internet services in all institutions providing necessary services, including banks and hospitals. The Apex Court in its judgment dealt with the process that governs internet shutdowns and restrictions imposed under Section 144 of the Code of Criminal Procedure. On internet shutdowns, the court made it clear that all the orders which lead to an internet shutdown must be put out in public domain. The apex court also made it clear that there cannot be an indefinite extension of internet shutdown orders as it will be unconstitutional.

#### ***Lipika Pual v. State of Tripura: -***

Smt. Lipika Paul, (now retired from Govt. Service) while working in the Department of Fisheries Govt. of Tripura as UDC at Directorate of Fisheries, She canvassed against a Political party by making defamatory & indecent comments against Political Leader who was contesting. It was therefore, alleged that her conduct was in breach of Rule 5(4) of the Conduct Rules and hence she will not get her post retirement benefits. The Tripura High Court has ruled that posting on social media platforms is virtually the same as a fundamental right guaranteed to the citizens including the govt. employees, it also held that the govt. servants are entitled to express and hold their political beliefs, subject to the restriction mentioned in the Tripura Civil Services (conduct) rules, 1988.

## Conclusion

**Recapitulation of Key Findings** This research paper has explored the complex relationship between freedom of expression and online speech in the digital age. It has examined the historical evolution of freedom of expression, the challenges posed by hate speech, disinformation, online harassment, and surveillance, and the legal and ethical considerations surrounding online speech.

**Reflection on Implications and the Way Forward** Upholding freedom of expression while addressing the challenges of online speech requires a multifaceted approach. It involves striking a balance between rights and responsibilities, fostering global collaboration, promoting transparency and accountability among technology companies, and empowering individuals through digital literacy and media education. Continued research, dialogue, and collaboration among stakeholders are crucial to navigate the ever-changing landscape of freedom of expression in the digital era.

In conclusion, the digital age has transformed the exercise of freedom of expression and introduced new challenges. By considering legal frameworks, international perspectives, the role of technology companies, and ethical considerations, this research paper has shed light on the complexities surrounding online speech. Striving for a balanced approach that upholds fundamental rights while addressing potential harms is essential for a healthy and inclusive digital environment.

It is clearly evident that social media is a very powerful means of exercising one's freedom of speech and expression. However, it is also been increasingly used for illegal acts which has given force to the Government's attempts at censoring social media. Where on the one hand, the misuse of social media entails the need for legal censorship, on the other hand, there are legitimate fears of violation of civil rights of people as an inevitable consequence of censorship.

What is therefore desirable is regulation of social media, not its censorship. However, the present cyber laws of India are neither appropriate nor adequate in this respect. An analysis of the existing IT laws shows that there is unaccountable and immense power in the hands of the Government while dealing with security in the cyber space. Even then, it is not sufficient to check the misuse of social media. Hence, a specific legislation is desirable to regulate social media.

Keeping all this in mind, it is suggested that the Government should form a Committee including technical experts to look into all the possible facets of the use and misuse of social media and recommend a suitable manner in which it can be regulated without hindering the civil rights of citizens.

Thus it can be seen that the internet has had both positive and negative effects on freedom of speech. On one hand, it has provided a platform for individuals to express their opinions and thoughts freely, without fear of censorship or persecution. The internet has also made it easier for people to access information and to engage in public discourse. On the other hand, the internet has also enabled the spread of hate speech, fake news, and misinformation. In some cases, the anonymity provided by the internet has led to increased harassment and threats

directed towards individuals who express unpopular opinions. Overall, the internet has had a profound impact on freedom of speech, both positively and negatively, and it is important for society to work towards finding a balance that allows for the free exchange of ideas while also protecting individuals from harm.