

## FREE SPEECH ON SOCIAL MEDIA – POLITY

NEWS: The Supreme Court of India expressed concern over the increasing abuse of the right to free speech, particularly on social media, and stressed the need for self-restraint and regulation.

### WHAT'S IN THE NEWS?

#### Supreme Court Observations on Freedom of Speech

- The Supreme Court reiterated that **freedom of speech and expression is fundamental to a civilised society** and should not be **curtailed on flimsy, fanciful, or subjective grounds**.
- The Court emphasized the **need to balance Article 19 (freedom of speech) with Article 21 (right to life and dignity)**, and clarified that **when there is a conflict, the dignity of an individual must take precedence over absolute free speech**.
- It observed that **unregulated and offensive online behaviour** is leading to **excessive litigation**, which is **clogging the judicial system**, and warned that if **citizens fail to self-regulate**, the **State may be compelled to intervene** with stricter controls.

#### Constitutional and Legal Safeguards for Free Speech

- **Article 19(1)(a)** of the Indian Constitution guarantees the **right to freedom of speech and expression** to all citizens.
- However, **Article 19(2)** permits the State to impose **reasonable restrictions** on this right in the interests of **public order, morality, decency, sovereignty and integrity of India, security of the State, defamation, contempt of court, and incitement to an offence**.
- **Article 361A** provides additional protection to the press by stating that **no person shall be liable in court for publishing a substantially true report of any legislative proceedings**, unless the publication was made with **malicious intent**.

#### Impact of Social Media on Freedom of Expression

- Social media has enabled the **amplification of diverse voices**, giving **marginalized communities and individuals** an unprecedented platform to share their views and experiences.
- These platforms allow for the **rapid spread of news, ideas, and opinions**, thereby promoting a **more informed and responsive society**.
- Social media contributes to **greater transparency and accountability** by empowering citizens and whistleblowers to **expose corruption, abuse, or inefficiency** in government and institutions.



### Challenges and Concerns Arising from Social Media Usage

- The **unchecked spread of misinformation and disinformation** has become a serious issue, with social media often used to spread **propaganda, hate speech, fake news, and rumors** that can endanger public order and trust.
- **Legal and regulatory frameworks** to deal with harmful content are still evolving. In India, there is **no comprehensive law to regulate social media speech**, and while the **IT Act, 2000** and other laws touch on related concerns, their **implementation remains inconsistent and weak**.
- The rise of **digital surveillance and data collection** on social media platforms has created a chilling effect, making people **less inclined to express their views openly**, thereby impacting the **essence of free expression**.

### Conclusion and Way Forward

- The Supreme Court emphasized that **legal protections for free speech must be accompanied by a sense of civic responsibility and ethical self-regulation** by users.
- Citizens were urged to **exercise their speech rights judiciously**, especially on digital platforms, to avoid provoking circumstances where the **State may need to impose restrictions**, potentially limiting the freedoms themselves.
- The **misuse of freedom of expression**, particularly online, has the potential to **erode democratic values**, and must be **curbed through public awareness, media literacy, responsible behaviour, and improved regulation mechanisms**.

Source: <https://www.thehindu.com/news/national/citizens-must-know-value-of-freedom-of-speech-sc-tells-centre-states/article69810508.ece>