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**FREEDOM OF SPEECH AND EXPRESSION: ACCOUNTABILITY IN
THE ERA OF TECHNOLOGY**

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Abstract:

The introduction of the internet transformed how people interacted with one another by allowing them to openly share their views and thoughts on multiple platforms. Prior to the invention of the internet, the newspaper, radio, and television served as the main forms of communication, but because they were frequently expensive, many voices went unheard. Technology significantly reduced the barriers to expression, enabling people to enjoy their right to freedom of expression without worrying about being silenced. But with this newfound freedom came difficulties. Hate speech incidents and the transmission of false information increased, resulting in violence and societal unrest. Differentiating between hate speech and constructive criticism became essential because the former led to interpersonal conflicts and the latter encouraged serious feedback. Governments implemented guidelines

The significance of freedom of speech and expression in the digital age is emphasised by this essay. It examines the various modes of expression—oral, written, and printed—that the internet makes possible. Article 19 (1) (a) of the Indian Constitution, which guarantees people's rights to freedom of speech and expression while allowing reasonable restrictions in the interest of national security, public order, and other important concerns, is highlighted in the article, which focuses on India. However, the piece acknowledges the possible negative aspects of the internet. Social media platforms have become hubs for the dissemination of false information, extreme ideologies, and conspiracy theories. As a result, it is getting harder to tell reliable sources apart from suspect ones.

The article's conclusion emphasizes the importance of using the internet responsibly to maximize its advantages and alleviate the problems caused by cybercrime. It draws attention to the ongoing struggles to maintain a careful balance between defending individual rights and preserving a secure internet environment. In the end, the internet's dual character necessitates

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ongoing watchfulness to guarantee that it continues to be a forum for free speech without jeopardizing social harmony and security.

Introduction –

Considering the period before the era of the internet, people could only communicate their ideas and thoughts through the press and somewhat through radio and television, but these sources tend to be very expensive, and therefore large groups of people would not even consider it. Due to this very reason, many voices were not even heard and the only reason being that there were never communicated. However, with the advent of technology, it has become very easy for people to express their ideas to the community at large, as it plays a vital role in providing different platforms to people in order to communicate their ideas and thoughts and to express their viewpoints on a specific topic.

Although the internet has made it convenient for people to express their ideas and to practice freedom of speech and expression, on the other hand, it has also brought up many challenges, for example, there are many instances where these rights are being exercised in such a manner that it had created violence among the people. Often people try to portray their ideas in the form of hate speech, however, it is very important to understand that there is a thin line of difference between hate speech and constructive criticism. Hate speech usually contains words that are triggering, on the contrary, constructive criticism is thoughtful feedback, and the latter is usually allowed under any legal system while the former is prohibited under the law of the land as it gives rise to disputes among the individuals.

In order to make sure that there is no such misuse of freedom of speech and to protect the rights of individuals on the internet, the same is being monitored by a set of rules and regulations, set up by the respective government, and the question of accountability and traceability is being taken care of due to the presence of various tools in the form of various provisions.

Importance of Freedom of Speech and Expression in the Era of Technology

Freedom of speech and expression is a wider concept, entailing within itself various forms of expression such as oral, written, or in any other form, it can even be printed form as well, through which an individual is able to express his ideas or thoughts without any fear of being censored. The basic ideology is that there should be free propagation or in other words free flow

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of ideas.

The constitution of India under Article 19 (1)(a)² guarantees the right to exercise the freedom of speech and expression, However, this right is available only to the citizens of India and not to any of the foreign citizens. The right guaranteed is not an absolute right, meaning that, it is open to the government of India to impose reasonable restrictions in the interest of the sovereignty and integrity of India, security of the state, friendly relation with foreign states, public order, decency and morality and contempt of court, defamation and incitement to an offense³.

Freedom of speech is a powerful weapon that is available to the citizens, which can be easily exercised in the era of the internet, it is very common in today's world to share one's opinion on a point through either any post, blog, tweet, etc. say for example any bill is passed in the parliament which is available to the citizens through the media and the citizens can share their viewpoint on the bill through various social media handles, in this way, the parliament gets acknowledged with the opinion of the people around the nation and can make necessary changes in the bill. Similarly, the internet is used to publish those news, articles, or information that might be otherwise restricted to be published on various platforms. Hence overall to summarise internet supports and contributes in a democracy which means to say that, it provides a medium through which free debates can be conducted, which is the crux of democracy i.e. democracy is a government of the people, by the people, and for the people.

However, unlike every good thing there exist certain drawbacks as well, the same internet can be used to share information that in reality doesn't exist or any information which might create hatred among the people or might even give rise to violence. Therefore nowadays the internet has become a place for spreading conspiracy theories and giving rise to extremist ideologies among people, and people tend to spread misinformation without even checking the truth about the information, therefore it has become very difficult to distinguish between the credible sources of information and those which are not.

Important provisions dealing with freedom of speech and expression under the Indian law

With the passage of time, various platforms have emerged on the internet for showcasing different content, for example, OTT platforms, these platforms showcase such type of content

²[Article 19\(1\)\(a\)](#)

³[Article 19\(2\)](#)

which otherwise is not allowed on other broadcasting services, but then these platforms tend to portray information in a manner that might hurt the sentiments of other people, and recently several contents on violence, nudity and child abuse, sexual abuse of women have also been showcased on such platforms. Along with it, there was an increase in the number of cases that were being reported to the cyber cell regarding the spread of misinformation, morphed images, etc. Therefore the government felt a need to bring in a set of rules that regulate and keep a check on the content that is released on these platforms, just to make sure that no rights of any individual are affected due to any content. The provisions that explicitly deal with online content are IT ACT 2000 and recently the government brought up IT Rules 2021, through these rules, the government has the power to order the intermediaries like Facebook or Twitter to take down the content, which falls under the category mentioned in the Act. Some of the landmark provisions are discussed in the article below.

In 2009 the parliament introduced Section 66A in the IT Act 2000, which states that any information that is being shared by any means of a computer resource or any communication device or by any electronic mail or message and such communication leads to any annoyance, inconvenience, danger, obstruction, insult, injury, criminal intimidation, enmity, hatred or ill will or to mislead the addressee or recipient about the origin of such messages shall be punishable with imprisonment for a term which may extend to three years and with fine⁴This particular section has brought into its scope communication from any device and even considered electronic mail, which no doubt widens the horizon of the implementation of the section but the same section is criticized for not clearly defining and penalizing the acts causing inconvenience, danger, obstruction and insult, however, in reality, such acts are not even mentioned under the exception under Article 19 of the constitution. Further, this particular section was misused by the officials at a larger level, therefore the SC struck it down in the case of *Shreya Singhal vs. UOI, SC 2015*⁵.in this case a writ was filed before the honourable SC of India to declare a section 66A, 69A and 79 of the IT Act as ultra-vires as these sections violate Article 14, 19 and 21 of the Indian constitution, the court held that *the law, which is often used by the police in various states to arrest innocent persons for posting critical comments about social and political issues and leaders on social networking sites, hit at the root of liberty and freedom of expression, the two cardinal pillars of democracy*, and therefore declared Section 66A of the IT Act as unconstitutional and struck it down.

⁴[Section 66A in the IT Act 2000](#)

⁵[Shreya Singhal vs U.O.I on 24 March 2015](#)

Section 69A of IT Act 2000 empowers the central government to issue orders to the intermediaries such as Twitter, and Facebook, etc. to block any information generated, transmitted, received, stored, or hosted in any computer resource, the government might issue such order in the interest of the sovereignty and integrity of India, defense of India, security of the State, friendly relations with foreign States or public order or for preventing incitement to the commission of any cognizable offense⁶, any failure on part of the intermediaries to comply with the provisions, then such failure is punishable for a term which may extend to seven years and shall also be liable to fine. The relevant and rather the most recent case in the context of this section is *The Twitter Case* the facts of the case are, the tweeter in this case had approached the honourable High Court of Karnataka via a writ petition pleading that the blocking orders issued by the Government under section 69 A for blocking certain accounts and tweets, should be quashed and set aside on several grounds including Blocking of such information is a violation of the freedom of speech guaranteed to citizen-users of the platform. The court in this case took back the order for a few of the accounts and not all of them the final decision is yet to be discussed.

Conclusion

It is evident from the above discussion that technology, to be more specifically the internet is both beneficial as well as can be misused by people at large, therefore it is of very much importance that people should use it in the most effective manner in order to make the most out of it. no doubt there exist various provisions to curtail the activity of the people online and, there are large number of provisions that are dealing with the freedom of speech and expression online, but there is no such proper legislation to it. Despite all the gatekeeping done by various systems of law, there is still no decline in the number of cyber cases, these cases tend to increase day by day, be it instances of hate speech, defamation, etc.

Although the government is witnessed to use its power to protect the rights of people, including the right to freedom of speech and expression on the internet, but mostly these power is used arbitrarily for their own benefit. Often the government uses its power to manipulate the view of the people through various online platforms through different misleading posts, it directly affects the youth of the nation. Such use should be restricted and the government should not use the power conferred upon them to manipulate votes.

⁶[Section 69A of IT Act 2000](#)