VOLUME 5 | ISSUE 1

INTERNATIONAL JOURNAL OF ADVANCED LEGAL RESEARCH

PUBLIC DISCOURSE OR PRIVATE CONTROL: LEGAL PERSPECTIVES ON SOCIAL MEDIA SPEECH

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Introduction

The rise of social media platforms has fundamentally altered the landscape of public discourse, raising complex questions about free speech in the digital age. This has fundamentally changed the scenery of public conversations due to the advent of social media platforms, posing difficult and intricate queries regarding freedom of speech within the digital era. The blurring between private and public spaces as Internet companies take on an unmatched role in controlling online communication is what will be deliberated upon in this paper. It also investigates social media speech from a legal viewpoint while looking at the clash between platform autonomy and user rights. Our focus is on some key court decisions, legislation efforts, and policy debates that shape their development framework for online expression. Accordingly, we examine how delicate the balance should be struck between promoting open dialogue and curbing harmful content, as this article seeks to explain the challenges associated with reconciling constitutional protections with modern realities of digital communication. The India Against Corruption movement (2011),[2] The Net Neutrality movement (2015),[3] These movements demonstrate how mass mobilization through social media leads to rapid dissemination of information and organization of protests. The new kinds of social networks that have come up as a result of these social media-driven movements have caused renewed interest among scholars studying contemporary forms of social movements. The text focuses on examining whether there is any relationship between

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[2]Contributors, wikipedia (2024) *2011 Indian anti-corruption movement*, *Wikipedia*. Available at: https://en.wikipedia.org/wiki/2011_Indian_anti-corruption_movement (Accessed: 13 August 2024).

[3]Contributors, wikipedia (2024) *2011 Indian anti-corruption movement*, *Wikipedia*. Available at: https://en.wikipedia.org/wiki/2011_Indian_anti-corruption_movement (Accessed: 13 August 2024).

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social media use by activists and efficiency levels attained during different types of protest actions. Social media's arrival has changed the landscape of public conversations, raising difficult and complex questions about freedom of speech in the digital age. This paper examines this blurring of public/private spaces as internet corporations assume an unmatched role over online communication. It also explores the legal aspects of social media speech while examining conflicts between platform autonomy and user rights. In doing so, we will examine some key court cases, legislative initiatives, and policy discussions that influence their architecture for online expression. Thus we explore how delicate a balance needs to be achieved to encourage open discussion while curbing harmful contents, as this article argues on the challenges facing protection of the constitution in today's reality of digital communication. The scholars interested in contemporary forms of social movement would then become more curious when these recent popular uprisings occurred throughout modern global society, leading to the emergence of new kinds of virtual communities.

Viral Verdicts: Exploring India's Legal Grip on Social Media

Social media channels have become a part of public discussion in the country, resulting in dramatic change in the digital environment of India. As a result, it has been necessary to establish strong legal mechanisms that would help regulate these online interactions, ensuring that the right to free speech is respected while maintaining law and order. This Information Technology Act, 2000, is the backbone specifically formulated to address the complexities of the digital era. The government can use Section 69A[4] of this law as a powerful device to block any content on social media that might pose security issues or lead to unrest among citizens. This clause has played an important role in fighting disinformation as well as hate speeches, especially during times when communities are at loggerheads. Section 79 also acts as a safe harbor for social networks like Facebook, keeping them immune from any liability that may arise from user-generated content. However, there are strings attached. The platforms must exercise due diligence and comply with Intermediary Guidelines and Digital Media Ethics Code 2021. It can be seen that the Indian approach to regulating social media has a link between safeguarding freedom of speech and public interest. The Constitution's

[4]Khan, K. (2023) *Centre blocks 200 online platforms under Section 69(a) of IT act: What is the provision, the debate around it, The Indian Express*. Available at: https://indianexpress.com/article/explained/explained-law/centre-blocks-online-platforms-section-69a-it-act-debate-explained-8434750/ (Accessed: 13 August 2024).

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Article 19(1)(a) guarantees free expression, including in the digital platforms, while Article 19(2) allows for reasonable restrictions. Current trends in judicial decisions such as Shreya Singhal v. Union of India[5] have narrowed down this regime by striking down unduly broad legal provisions concerning internet utterances. Other cases have accepted that accessing the internet is a fundamental right and that intermediary liability should be addressed. The regulation of social media must balance these two sometimes-conflicting goals, such as curbing misinformation and hate speech, while leaving room for legitimate opinions to flourish. How much power does the social media platform hold over its users? Should they protect online harassment victims, or will it limit or fight back on individuals' speech rights? Some changes made will consist of updating content moderation processes, creating an independent body to oversee this area, and establishing multi-stakeholder dialogues. Maintaining a level-headed line between the public's safety and their freedom remains critical as India continues its journey through this digital era. The current quick transformation of social media has made it difficult to regulate them. These platforms keep on coming up with new services that they provide, such as live streaming, disappearing content, and AI-driven recommendations; thus, the legislators and regulators need to be adaptable by changing their stands in line with the pace of advancement in the technological world. This is an evolving world that needs a legal framework that can deal with emerging problems yet respect fundamental rights. Furthermore, social media's global nature raises questions about jurisdiction and national laws' applicability in a borderless digital space. Like other nations, India faces difficulties enforcing its regulations against multinationals operating under different legal jurisdictions. As a result, there have been calls for global partnerships and international standards regarding the governance of social media. Besides, people are also discussing matters concerning artificial intelligence in content moderation. While AI tools that are powered can help platforms in scaling their moderation efforts, questions have been asked about algorithmic bias and lack of contextual understanding in automation. A significant challenge is at play here in striking a balance between efficiency and nuanced human judgement within content moderation. Moreover, the prevalence of deep fakes and synthetic media is one more layer of complexity to social media regulation. The technologies have a capability of spreading misinformation like never before, which poses

[5]Contributors, wikipedia (2024a) *2011 Indian anti-corruption movement*, *Wikipedia*. Available at: https://en.wikipedia.org/wiki/2011_Indian_anti-corruption_movement (Accessed: 13 August 2024).

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new threats to democratic processes as well as public discourse. Effective strategies for identifying and fighting such subtle forms of manipulated material will be critical for the next several years. Thus, India must engage in a vigorous public discussion involving various stakeholders like technology companies, civil society organizations, legal experts, and the people to navigate through these complicated issues. In addition, only by working together and refining regulatory approaches on a continuing basis could India hope for creating such a digital ecosystem that balances innovation with freedom of speech and responsibility towards society within the evolving social media arena.

Challenges and Controversies

The Indian social media regulation is not as easy as it seems. It is far more complicated and controversial than we can imagine. And this dilemma leads to the main aspects of protecting free speech and monitoring users' content responsibly. The principal problem here lies in finding a balance between encouraging open dialogue and preventing dissemination of harmful information. But the spread of hatred, fake news, and potential catalysts for violence increasingly undermines social stability and public security, despite the fact that freedom of speech is a constitutional right. This issue has sparked debates regarding how much we should regulate online platforms and who should be responsible for such actions. At present, these difficulties are compounded by new IT regulations that insist on the withdrawal of materials from certain time frames as well as the appointment of grievance officers (Reddy). Though intended for accountability reasons, these rules have been criticized by some who fear overreach by the government into their lives through their phones. There are also ongoing controversies relating to messaging apps like WhatsApp's encryption policies. Nonetheless, tracking harmful material becomes difficult where dissemination of information is done via end-to-end encryption mechanisms only.

Conclusion

In conclusion, India's legal framework for social media is a mix of factors that make it clear that it balances free speech and public safety. The Information Technology Act, 2000, lays down the fundamental rules of online activities, while recent court decisions have shown the significance of freedom of speech. There are examples like Shreya Singhal v. Union of India in which the courts have formulated principles protecting individual expression from

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vagueness in regulations. Nevertheless, there are still obstacles; this is particularly critical for striking a balance between regulation and preventing excessive government control or censorship. This balance is complicated by social media's transition as both a public forum and a private company-run space. In the future, all stakeholders—government, tech companies, and civil society—must engage in positive dialogue and implement changes aimed at increasing transparency and accountability so that the digital era remains favorable to democratic participation and freedom of speech.

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