



STUDY ON FREEDOM OF SPEECH IN DIGITAL AGE

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Abstract:

In the digital age, the concept of freedom of speech has evolved significantly, with technology providing new platforms for expression and communication. The widespread use of social media, blogs, and other digital platforms has democratized access to information, enabling individuals to share opinions and ideas across global networks. However, the rapid growth of these platforms has introduced challenges to maintaining a balance between free expression and the regulation of harmful content. Issues such as hate speech, misinformation, and the role of tech companies in moderating content raise questions about the limits of free speech in digital spaces. This paper explores the tension between ensuring free speech online while addressing the negative impacts of unchecked expression. It examines legal, ethical, and societal considerations, analysing how different countries and platforms approach freedom of speech in the context of the digital era. Ultimately, the paper argues for a nuanced understanding of freedom of speech that respects both individual rights and the need for responsible digital citizenship.

Keywords – Freedom, Speech, Digital, Technology, Media, Free expression, Hate speech, Online platform.

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Introduction:

Freedom of expression-an important fundamental right in itself, is also critical for defending and upholding other freedoms and rights. We exercise this right in our day-to-day lives, through the exchange of ideas, opinions and information. Understanding the means and structures of communication, and the regulation of environments that facilitate such exchange therefore become crucial for those seeking to realize freedom of expression. communication in the digital age has led to the evolution of the Internet as a medium that has revolutionised largely local capacity for communication into a worldwide phenomenon that encompasses everything from personal one-to-one emails, social networks and reaching out to large audiences globally. The proliferation of digital technologies has not only fostered unprecedented access to information; the very

environment stands transformed by the introduction of new kinds of information from voice, sound, image, text and code, that are accessible on a range of devices and across several types of technologies. As the Internet expands and provides greater access, it also places censorship and surveillance capacities in the hands of states and corporations. It is therefore crucial that there exist strong protections of the right to freedom of expression that balance state powers and citizen rights.

Literature Review:

Over the years, the norms and standards required for freedom of expression in the traditional media world have received much attention. When regulating communication, some restrictions upon freedom of expression have been regarded necessary and are enforceable by national or international courts. Such restrictions have been defined in international human



rights laws and cover issues such as defamation, incitement to violence and hate speech. While these restrictions are not affected by the introduction of new means of communication, the proliferation of digital communications does warrant the recognition that there are new forms of censorship, unsettled questions of jurisdiction, and the need to develop new norms and standards that can keep pace with the myriad forms of expression and information sharing. These networks and services democratized communication by lowering barriers to access and creating new space for publishing and peer-to-peer collaboration. Bypassing traditional gatekeepers of other forms of media, users can take on the role of writers, broadcasters or publishers on the Internet thus creating limitless possibilities for producing, sharing and exchanging all kinds of content. From this view, the Internet has sprung up as a globally accessible means of communication that is free from traditional restraints on free speech and expression. However, there are other unintended consequences that the Internet has had on both forms of power and control in the regulation of content, as online content has become increasingly contested, enclosed in a nationalized sphere challenging the free flow of information and freedom of expression.¹

While freedom of speech in the digital age has empowered individuals to express their views on a global scale, it has also led to significant challenges regarding the misuse of this freedom. The very platforms that promote open communication can also be abused, resulting in harmful consequences for individuals, communities, and societies as a whole. The digital age has provided a fertile ground for the spread of hate speech, racism, misogyny, xenophobia, and religious intolerance. Individuals or groups may

use online platforms to incite violence, discrimination, or harassment, often under the guise of free expression. This can lead to social unrest and physical harm to marginalized communities. The ease with which information can be shared online has led to widespread dissemination of both misinformation (false or inaccurate information spread unintentionally) and disinformation (deliberate falsehoods intended to deceive). This can manipulate public opinion, interfere with political processes, and jeopardize public health (e.g., the spread of false health information during the COVID-19 pandemic). The anonymity afforded by digital platforms often emboldens individuals to engage in cyberbullying and online harassment. This misuse of free speech can cause severe emotional and psychological harm to victims, particularly among vulnerable groups such as teenagers and women. Online trolling (intentionally provoking or upsetting others for amusement) and doxing (publishing private information about an individual with malicious intent) have become common forms of digital harassment. These actions exploit the anonymity of the internet and can have serious real-world consequences for the targeted individuals. The unchecked spread of false or harmful content online can erode trust in institutions, including governments, the media, and science. This is particularly harmful in contexts where misinformation undermines public health initiatives, electoral processes, or scientific consensus. Some individuals or organizations intentionally exploit the algorithms of digital platforms to amplify harmful content, create outrage, or spread propaganda. These tactics can distort public discourse by prioritizing sensationalist or misleading information over fact-based discussions. The rise of deepfake technology has enabled the

¹ <https://cis-india.org/internet-governance/events/freedom-of-expression-in-digital-age>



creation of hyper-realistic but entirely fabricated videos or audio recordings that can spread lies, tarnish reputations, or manipulate political discourse. These tools challenge the very concept of truth in digital spaces, making it difficult for users to discern fact from fiction. The digital age has blurred the lines between personal expression and privacy. Individuals may misuse the digital platform's free speech capacity to share private information about others without consent, leading to the violation of personal privacy and, in some cases, identity theft or stalking.²

The realm of free speech and expression in the digital age is facing an unpleasant scenario. It is facing difficulties because of its complexity as well as advancements in this field. People now have the freedom to freely and widely express their opinions on a wide range of topics thanks to the evolution of numerous platforms, which have included news portals, social media sites like Facebook, Instagram, Twitter, and others, information platforms like Yahoo and Quora, and media sharing platforms like YouTube and Spotify. The propagation of false information and widespread propaganda that equates to hate speech is one of the many dangers associated with this freedom. This article explores in further detail Article 19 of the Indian Constitution, how it safeguards people's freedom of speech and expression, what reasonable restrictions it imposes, and the difficulties it has in light of the evolving nature of information dissemination in the digital age. This article examines how, under the protection of article 19[1], free expression may be preserved while striking a balance between the risks of misinformation, slanderous remarks and hateful speech and the unfettered flow of ideas. The cornerstone of every democratic society on the world is freedom of expression. At its core, free

speech is the ability to communicate openly and to receive information from others. It is regarded as the primary prerequisite for liberty. The definition of freedom of speech and expression is found in Article 19(1) (a) of the Indian Constitution, which guarantees this right to all Indian citizens. This article derives its basis from the Preamble of the Indian Constitution, "where a solemn commitment is made to secure to all its citizen, their liberty of speech and expression."

Article 19[2]-Protection of certain rights regarding freedom of speech, etc.

(1) Every citizen is entitled to the freedom of speech and expression

(2) None of it in clause (a) of clause (1) will interfere with the enforcement of any currently in effect laws or prevent the State from passing new ones, so long as those laws appropriately restrict the enjoyment of the rights conferred by those subsections in the interests of public order, decency, morality, friendly relations with other states, sovereignty and integrity of India, defamation, contempt of court, or incitement to an offence. The advent of the internet era has expanded the scope of free speech, allowing persons to openly express their perspectives, thoughts, and beliefs. However, in this advanced era of digitalization, individuals are expressing thoughts, beliefs, and ideas that frequently amount to hate speech against figures, sects, and groups, or disseminating disinformation, which has dangerous consequences for the freedom they have been granted. As we can see, the digital era not only expands the opportunities for free expression, but it also introduces new obstacles such as online intimidation, cyberattacks, disinformation, and so on. A paradox arises here as a result of attempting to balance unrestricted free speech, or liberty, with digital accountability in order to avoid these risks.

²ChatGPT



Reaffirming the constitutionality of the right to free speech and expression on the Internet

Shreya Singhal v. Union of India: Section 66A of the Information Technology Act, 2000[3] inserted vide Information Technology (Amendment) Act, 2008 provides punishment for sending offensive messages through communication service, etc. and states:

Any person who communicates any of the following using a computer resource or communication device:

- (a) Information that is overtly offensive or threatening;
- (b) any information indicating he regularly utilizes a computer resource or communication tool to spread false information that he knows to be untrue in an attempt to annoy, inconvenience, endanger, hinder, insult, harm, criminally intimidate, or sow discord or hatred,

- (c) There is a fine and a maximum three-year jail sentence for sending any electronic mail or electronic mail message with the intention of upsetting, inconveniencing, or misleading the recipient or receiver about the communication's origin.

Aims and objectives

- 1) To analyse the evolution of freedom of speech
- 2) To investigate the role of digital platforms
- 3) To examine the legal frameworks and policies
- 4) To access the impact of censorship, misinformation, and hate speech
- 5) To explore the ethical considerations

Misuse of Section 66A of IT Act, 2000

Ambikesh Mahapatra, a chemistry professor at Jadavpur University in West Bengal, was detained in April 2012 for uploading a caricature of West Bengal Chief Minister Mamata Banerjee on social media sites. In May 2012, the Mumbai Police detained two Air India employees for posting anti-trade union and political material on Facebook and Orkut. They were held in jail for 12 days. In November 2012, Shaheen dhada was detained for questioning the closure of Mumbai mourning the death of Shiv Sena supreme

BAL Thackeray in a Facebook post that was “liked” and circulated through her friend Renu, who was also arrested by Thane Police in Maharashtra.

Due to the widespread misuse of Section 66A, a writ petition challenging the constitutionality of the section has been filed in the Supreme Court in the form of public interest litigation. The argument made in this petition is that the wording of the contested section is so ambiguous and wide that it cannot be judged according to objective criteria, making it vulnerable to will full abuse and in violation of Articles 14, 19 (1) (a), and 21 of the Constitution.

The internet plays a crucial role in upholding the right to information by providing global access to vast amounts of knowledge, promoting transparency, and enabling freedom of expression. It serves as a powerful tool for individuals to seek, receive, and share information instantly, regardless of geographical barriers. Governments, organizations, and media outlets use the internet to disseminate news, policies, and public records, fostering an informed society. Additionally, online platforms empower citizens to hold authorities accountable by exposing corruption, human rights violations, and social injustices. The internet also supports education by granting access to academic research, e-books, and online courses, bridging the knowledge gap between different socio-economic groups. Furthermore, it enhances civic engagement through digital activism, petitions, and discussions on social and political issues. However, this right must be protected against censorship, misinformation, and digital divides to ensure that everyone can access accurate and unbiased information. Therefore, the internet remains a fundamental pillar of democracy, development, and human rights in the modern world.

The internet is essential in upholding the right to information as it democratizes access to knowledge, fosters transparency, and empowers individuals to



make informed decisions. In an increasingly digital world, it serves as a primary medium for communication, education, and governance, ensuring that people can freely access diverse perspectives, government records, and real-time global events. Unlike traditional media, the internet allows for instantaneous sharing and retrieval of information, reducing barriers to knowledge that previously existed due to geographical, political, or economic constraints. One of the most significant contributions of the internet to the right to information is its role in promoting government transparency. Many governments worldwide have adopted e-governance initiatives, publishing public records, legal documents, and policies online to ensure citizens can access critical information about their rights, responsibilities, and state affairs. This transparency not only fosters trust but also strengthens democracy by enabling informed public participation in governance. Whistleblower platforms, investigative journalism websites, and independent news outlets also use the internet to expose corruption, human rights abuses, and corporate misconduct, ensuring that power remains accountable.

Moreover, the internet supports freedom of expression and press, allowing journalists, activists, and citizens to share ideas, opinions, and critical information without relying solely on mainstream media. Social media platforms have revolutionized how information is disseminated, making it possible for individuals to report events as they happen, bypassing censorship and giving voice to marginalized communities. Online campaigns, petitions, and digital activism have amplified the fight for justice and human rights, influencing policies and societal change on a global scale. Education and research have also been greatly enhanced by the internet's ability to provide unlimited access to academic materials, open-access journals, e-books, and virtual learning platforms. Students and

professionals can now engage with educational content from prestigious institutions, breaking traditional barriers to knowledge. This is particularly vital in developing countries, where access to libraries and formal education may be limited. Additionally, health information, scientific discoveries, and expert opinions are readily available, empowering individuals to make better decisions regarding their well-being. Despite its many advantages, the right to information through the internet is threatened by censorship, misinformation, digital divides, and government surveillance. In some countries, internet access is restricted or manipulated, limiting people's ability to obtain truthful information. The spread of fake news and propaganda further distorts public perception and decision-making. Therefore, it is crucial to promote digital literacy, cybersecurity, and policies that protect free access to credible and diverse information sources.

Limitations:

- Legal And Regulatory Variations
- Data Access And Transparenc
- Influence Of Algorithms
- Ethical Changes
- Rapidly Changing Digital Landscape
- Misinformation And Manipulation

Observation:

After analysing all the data and information we observed that research on freedom of speech in the digital age explores the complex interplay between individual expression and the challenges posed by online platforms. Key issues include balancing free speech with the need to prevent harm, such as hate speech and misinformation, while navigating the role of digital platforms and their algorithms in moderating content. The global nature of the internet raises questions about differing local regulations, with research often examining whether government intervention, censorship, or content removal



compromises fundamental freedoms. Additionally, the ethical implications of content moderation, the spread of disinformation, and the impact of online anonymity on political discourse and privacy are central concerns. As legal frameworks struggle to keep pace with rapidly evolving digital environments, research investigates how existing laws can adapt to protect both freedom of expression and public safety.

Conclusion:

In conclusion, the internet is an indispensable tool in upholding the right to information, fostering knowledge, transparency, and civic participation. It has revolutionized how people learn, communicate, and engage with the world, making it a cornerstone of modern democracy and human rights. However, it must be safeguarded against misuse to ensure that everyone can benefit from its full potential. The issue of freedom of speech in the digital age presents a complex and evolving challenge that requires careful balancing between protecting individual rights and addressing the risks associated with harmful content, misinformation, and privacy concerns. As digital platforms continue to shape the way people communicate and interact, questions surrounding regulation, censorship, and ethical content moderation will remain critical areas of

debate. While the internet has democratized speech and facilitated new forms of political discourse, it has also introduced significant challenges that require thoughtful legal and ethical responses. Moving forward, finding solutions that uphold the principles of free expression while safeguarding individuals and society from harm will be crucial in navigating the digital landscape.

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