

---

# NAVIGATING THE DIGITAL MAZE: FREEDOM OF EXPRESSION IN INDIA'S DIGITAL DEMOCRACY

---

Kaif Abbas, Integral University, Lucknow

## ABSTRACT

The study "Navigating the Digital Maze: Freedom of Expression in India's Digital Democracy" provides an in-depth analysis of the changing digital expression environment in India, the largest democracy in the world. The way people communicate, express themselves, and interact with information has changed in the digital age, influencing not only public debate but also the basic underpinnings of democracy. The paper offers a thorough examination of the historical context, legal system, difficulties, and consequences for democracy around the right to freedom of digital expression in India.

From the early print era to the digital age, the historical viewpoint tracks the development of media and communication in India, highlighting significant turning points and their profound impact on the environment of digital expression. It clarifies how traditional media gave way to the internet, social media, and online platforms, highlighting their crucial influence on the development of modern digital expression.

The study examines the legal framework and carefully examines the laws and constitutional protections governing digital expression in India. It addresses important decisions and rules of law, as well as how they affect expression and free speech. Additionally, the article looks at the problems that still exist as a result of legal ambiguity, content moderation, and intermediary liability.

The article examines the complex concerns that India's digital expression faces, including online hate speech, cyberbullying, false information, and content management. It highlights the negative effects these issues have on society, including racial tensions, psychological anguish, and a decline in confidence in digital platforms. Along with the incidence of internet shutdowns and governmental constraints on social media platforms, it also examines the digital divide, privacy issues, self-censorship, threats to journalists, and media outlets.

In addition, the paper uses case studies to illustrate the difficulties associated with digital speech in India, including the Citizenship Amendment Act (CAA) and the National Register of Citizens (NCC) demonstrations. It examines the trajectory of these events, how they affected public debate, and the function of social media and internet platforms.

The part on consequences for democracy emphasizes how important digital expression is for influencing political movements, spreading information, and promoting civic involvement. It looks at the problems caused by polarization, echo chambers, and misinformation while highlighting the need of media diversity and critical digital literacy.

A series of suggestions for navigating the digital era while sustaining democratic norms are provided in the paper's conclusion. These suggestions include boosting digital literacy initiatives, passing thorough data protection laws, maintaining open content moderation procedures, defending free speech rights, and promoting media plurality. These steps are necessary to achieve a balance between sustaining India's democratic values and utilizing the advantages of the digital era.

In conclusion, this essay offers a comprehensive viewpoint on the complexity, difficulty, and prospects of the digital era. This demonstrates the necessity of taking proactive steps to safeguard freedom of speech and support a thriving digital expression environment in India.

**Keywords:** Digital Expression, Freedom of Expression, India, Digital Democracy, Disinformation, Media Pluralism, Digital Literacy, Data Protection, Content Moderation, Surveillance, Internet Shutdowns, Regulatory Pressures, Cyberbullying, Self-Censorship, Online Hate Speech, Misinformation, Legal Framework, Case Studies, Democracy.

## INTRODUCTION

The worldwide landscape of communication and expression has undergone a significant upheaval with the advent of the digital age, profoundly changing how people interact, share ideas, and participate in public debate. India, a country with a long history of democracy, a diversified population, and a fast expanding digital presence, is a key market for this shift. The idea of freedom of digital speech has evolved as a crucial and developing component of India's democratic fabric in this era of unparalleled connectivity and information accessibility.

The Constitution of India enshrines the right to freedom of speech and expression as the cornerstone of every strong democracy. This basic right has evolved and been extended throughout time to include the digital sphere, where people can use online platforms to express their freedom of speech, criticism, and engagement in public debate. The internet domain has developed into a dynamic space where people may interact with public discourse, express social issues, and influence public narratives. It has evolved into a fictitious town square that crosses all geographical barriers and spans the gaps created by space and time.

However, India's internet environment is not an idealized space for unrestrained speech. It is distinguished by a nuanced interplay of possibilities and difficulties. In order to fully explore the many facets of digital freedom of speech in India, this research paper will provide a thorough examination of its historical development, the current legal system, the difficulties that individuals and entities encounter, and the consequences for democracy and society. This study aims to give a comprehensive knowledge of the growing dynamics of digital expression in the greatest democracy in the world by looking at current trends and significant case studies.

In India, the tale of the digital era is not merely one of technology development but also one of social change, political action, and cultural growth. It tells the tale of how the internet sparked social movements, amplified underrepresented voices, and encouraged civic involvement. In addition, it is a story characterized by worries about digital divisions, invasions of privacy, online bullying, false information, and the duties of online platforms.

The historical turning points that have influenced digital expression in India are explored in this research study, from the early days of the internet to the rise of social media as a potent instrument for communication. The legal framework controlling digital expression is critically examined, and the effects of laws and regulations on online speech and content are

evaluated. Additionally, it looks at the various difficulties that people and organizations have when navigating the digital world, such as censorship, monitoring, harassment online, and content limitations that are enforced by the state.

This essay aims to clarify the ramifications of these changes for democracy and society at large as India continues to struggle with issues of digital expression. The democratic process itself, as well as public dialogue and political involvement, are all significantly impacted by people's capacity to freely express their thoughts online. This study looks at how digital expression affects political participation, develops public narratives, and gives people the ability to hold the powerful responsible.

This research paper makes suggestions for enhancing and defending the right to free expression online in India. It emphasizes how crucial it is to create a digital ecosystem that upholds basic rights, fosters digital literacy, and encourages responsible online conduct. India can continue to retain its democratic values while embracing the possibilities of digital expression in the twenty-first century by tackling the difficulties and using the opportunities given by the digital era.

## **HISTORICAL PERSPECTIVE**

Significant turning points and changes in the ways that information is shared and expression is supported have been woven into India's complex tapestry of media evolution.

### **(A) Early Forms of Media and Expression**

Indian media and expression have existed even before the country gained its freedom. The development of nationalism and resistance to British control throughout the colonial era depended heavily on print media. Famous figures like Bal Gangadhar Tilak and Dadabhai Naoroji were given forums to express their thoughts and spark political consciousness through influential journals like "The Bengalee" and "Amrita Bazar Patrika".

The introduction of radio transmission in India in the 1920s gave mass communication a new facet. Established in 1930, All India Radio (AIR) developed into a potent tool for spreading knowledge and promoting cultural harmony throughout the liberation struggle. Leaders like Mahatma Gandhi, who utilized radio as a medium for inspiration and mobilization, produced some of the most famous radio programs during this time.

### **(B) Emergence of the Internet**

An important turning point in India's media environment occurred with the development of the internet. Economic liberalization in the early 1990s made technology more widely available and laid the path for the internet's explosive growth. Urban centers gained internet connection thanks to Internet Service Providers (ISPs) like VSNL, which sparked the growth of internet cafés and a fledgling online community.

The first online site in India, called 'IndiaWorld,' was introduced by Rajesh Jain in 1995. It provided users with email and content services. The internet's increased connectedness transformed communication, enabling Indians to transcend national borders and take part in international discussions.

### **(C) Influence of Social Movements**

India has had several social and political movements throughout its history that have promoted their goals using a variety of media. In the 1970s, the Chipko Movement employed flyers and neighborhood radio to promote environmental protection. Similar to the NBA, the Narmada Bachao Andolan (NBA) used print media and documentary filmmaking to boost support for their anti-dam movement both domestically and abroad.

Late 20th-century digital platform development gave social movements new ways to organize and air their issues. The Narmada Bachao Andolan, for instance, showed how the use of digital platforms for advocacy has changed by increasing its reach through websites and online petitions.

### **(D) Political Influence on Media**

In India's media history, the issue of media ownership and political sway has often come up. During several periods of India's political history, traditional media institutions, particularly newspapers, encountered difficulties connected to political ownership and censorship. A clear illustration of government meddling in the media is press restriction during the Emergency period in the middle of the 1970s.

The rise of digital media, in contrast, provided a more decentralized and democratic platform for various perspectives to be heard. Numerous independent news websites, blogs, and

platforms for citizen journalism have proliferated, allowing for a wider range of viewpoints in the digital sphere.

### **(E) Technological Advancements**

India's digital transformation has been accelerated by technological advancements, notably the growth of mobile devices and reasonably priced data plans. Digital expression became more accessible to a wider range of people thanks to the increasing use of smartphones and readily available broadband connectivity. By bridging the digital divide, projects like the National Optical Fiber Network (NOFN) sought to expand the use of digital communication in rural regions.

### **(F) Evolution of Online Platforms**

The development of internet platforms, such as social media networks, personal blogs, and video-sharing websites, has changed how people express themselves and communicate. These venues have expanded the audience for digital communication, but they have also created new difficulties. Discussions regarding the obligations of online platforms and the requirement for regulatory frameworks have been sparked by issues including content moderation, privacy concerns, and the spread of disinformation.

Understanding the current environment of digital expression in India requires having a thorough understanding of this rich historical viewpoint. It highlights the significant role that technical advancements, changes in media ownership, and the emergence of online platforms have had in influencing the possibilities and difficulties associated with freedom of speech in the digital era. A thorough examination of the present condition of digital expression in India and its implications for democracy and society will follow this historical account.

## **III. LEGAL FRAMEWORK**

India's legal system for permitting digital speech is an intricate web of statutes, rules, and court rulings. This section examines the crucial elements of this legal system, emphasizing their importance in determining the parameters of the nation's freedom of digital expression.

### **(A) Constitutional Foundations**

The Constitution of India, which upholds the basic right to freedom of speech and expression

in Article 19(1)(a)<sup>28</sup>, is the cornerstone of the country's legal system. The fact that digital platforms are covered by this fundamental provision highlights the significance of the internet and digital media as forums for free expression. This right is subject to reasonable limitations in the sake of, among other things, sovereignty, security, public order, and morality.

### **(B) Information Technology Act, 2000**

An important piece of law that controls different facets of digital expression in India is the Information Technology Act (ITA) of 2000<sup>31</sup>. It establishes a legal foundation for digital transactions by recognizing electronic papers and digital signatures. It also targets offenses connected to the exploitation of digital platforms and cybercrimes.

A problematic law that posed issues with free speech was Section 66A of the ITA, which made "offensive" internet information illegal. But in 2015, the Supreme Court of India invalidated it in *Shreya Singhal v. Union of India* case which was a landmark ruling.

### **(C) Intermediary Liability and Section 79**

Online marketplaces, search engines, and social media platforms are among the intermediaries that are protected under Section 79 of the ITA, sometimes known as the "safe harbor" provision. If these intermediaries follow specific due diligence guidelines, they are exempt from responsibility for user-generated content.

This provision, however, has generated discussion and controversy. While attempting to find a compromise between the right to free speech and the obligation of intermediaries, its application and interpretation have drawn criticism. Digital rights supporters have criticized recent revisions that have created stronger compliance requirements, such as the 2021 Intermediary Guidelines and the Digital Media Ethics Code.

### **(D) Content Regulation and Censorship**

The legal system in India has mechanisms for censorship and content regulation as well. The Cinematograph Act of 1952 gives the government the authority to accredit and, if required, censor motion pictures, including digital video made available through internet streaming services.

In addition, the government has used Section 69A of the ITA to restrict access to websites

and applications for the sake of public safety and order. These actions have spurred discussions about how to strike a balance between free speech rights and national security considerations.

### **(E) Data Privacy and the Personal Data Protection Bill**

A crucial component of digital expression is data privacy, and India is now adopting comprehensive data protection legislation. Aiming to control the processing of personal data, including its collection, storage, and use, is the Personal Data Protection Bill, 2019. It establishes standards for data localization and cross-border data transfers and intends to create a data protection authority.

### **(F) Judicial Interpretation**

Through its interpretations and rulings, the Indian judiciary has significantly shaped the legal framework for digital speech. The right to privacy has been acknowledged as a basic right in landmark instances including the Puttaswamy ruling (2017). Similarly, the Shreya Singhal case (2015) established the idea that both online and offline expression are protected under the constitution.

### **(G) International Agreements and Obligations**

The International Covenant on Civil and Political Rights (ICCPR) is one of the international conventions and treaties that India has ratified. These accords stress the value of freedom of expression, but they also recognize that there may be restrictions imposed by national laws and security considerations.

In India, the laws governing digital speech are dynamic and constantly changing, reflecting the nation's dedication to democratic ideals while tackling modern-day issues. The legal environment for digital speech is shaped by the interaction of constitutional rights, law, court rulings, and international commitments, which has an effect on both Indian individuals and internet platforms that operate there.

## **IV. CHALLENGES TO FREEDOM OF DIGITAL EXPRESSION**

India's digital expression scene is vibrant and diverse, but it also faces several obstacles that prevent the full fulfillment of freedom of speech online. The several obstacles to digital



expression in India are thoroughly examined in this section.

### **(A) Online Hate Speech and Misinformation**

The widespread spread of online hate speech and disinformation is one of India's most urgent obstacles to digital expression. Social media platforms have developed into favorable environments for the spread of hate speech, which frequently targets people and marginalized groups. For instance, there were several instances of hate speech on social media sites in 2020 during the COVID-19 pandemic that blamed certain populations for the virus's spread. Real-world repercussions include escalating racial tensions and even instigating violence.

It is becoming more difficult to tell reality from fiction as a result of the proliferation of incorrect information and fake news, which further muddles the information landscape and erodes faith in digital platforms. For instance, the spread of inaccurate information about COVID-19 therapies caused some people to make bad health decisions.

### **(B) Cyberbullying and Online Harassment**

Cyberbullying and online harassment have emerged as a result of the digital age, with minority groups, women, and disadvantaged groups being particularly vulnerable. Public personalities and journalists for women frequently experience extreme internet abuse. For instance, the actress Swara Bhaskar experienced abuse and threats on social media in 2018 because to her opinions about a contentious movie. The anonymity provided by the internet gives abusers more license to act violently, which causes psychological suffering and silences the voices of victims.

A strong legislative framework and awareness-raising initiatives are needed to address this issue. By providing options for reporting and assistance, campaigns like the #HerOnlineSafety campaign have aimed to increase public awareness of the online abuse that women face.

### **(C) Legal Ambiguities and Overreach**

The legal system controlling digital expression presents difficulties because of ambiguities and cases of overreach, notwithstanding constitutional protections. Until it was overturned in the Shreya Singhal case, laws like Section 66A of the Information Technology Act (ITA)

were utilized to suppress online criticism. However, there is still cause for worry over the possible abuse of broadly worded rules and regulations to silence dissenting opinions.

Activist Disha Ravi's arrest in 2021 for allegedly participating in the online distribution of a protest toolkit for the farmers' strike is one such instance. Concerns regarding the abuse of legal mechanisms to silence dissident voices were raised after her arrest.

#### **(D) Content Moderation and Intermediary Liability**

It can be difficult to strike a balance between internet companies' obligations to control material and the protection of free speech rights. Stricter content moderation standards were introduced with the 2021 Intermediary Guidelines, prompting worries about possible dissent suppression and censorship. Social networking sites like Twitter and Facebook have come under fire for their methods of content filtering.

For example, Twitter temporarily disabled journalist Rana Ayyub's account when she shared hate comments towards her. These occurrences show how difficult it is for platforms to regularly enforce their content standards.

#### **(E) Digital Divides**

India's persisting digital divide prevents all citizens from having equal access to digital expression. Rural places and people in economic hardship frequently lack access to dependable internet infrastructure, which restricts their capacity to engage in digital discourse. To provide egalitarian access to digital expression, this gap must be closed.

Due to a shortage of internet connectivity and gadgets, students from underserved places found it difficult to attend online education as a result of the COVID-19 pandemic.

#### **(F) Surveillance and Privacy Concerns**

Concerns regarding government monitoring and data privacy have increased because to the growth of digital expression. Websites and apps have been blocked under laws like Section 69A of the ITA, raising questions about overreach and a lack of transparency. People are susceptible to data breaches and the exploitation of their personal information since there is no comprehensive data protection legislation.

Pegasus malware was purportedly used by the Indian government to monitor journalists and activists, which prompted serious privacy and surveillance concerns.

### **(G) Self-Censorship**

Self-censorship among people and organizations has resulted from a fear of retaliation or legal action, which has prevented free discussion and critical discourse. Individuals may be discouraged from expressing their opinions openly as a result of legal threats and intimidation, eroding the fundamental principles of democratic discourse.

The legal threats and intimidation that prominent journalists like Rana Ayyub and Barkha Dutt have experienced for their work have occasionally forced them to self-censor.

### **(H) Challenges Faced by Journalists and Media Outlets**

As a result of their work, journalists and media outlets in India frequently experience threats, harassment, and violence. These difficulties may cause journalists to self-censor and do less investigative reporting, which would lower the standard and breadth of information available to the general public.

The 2017 murder of journalist Gauri Lankesh and the threats that followed against other journalists serve as a reminder of the dangers that people who expose corruption and wrongdoing face.

### **(I) Internet Shutdowns**

Numerous internet outages have occurred across India's diverse areas, frequently in reaction to unrest or protests. These closures obstruct information flow, restrict digital speech, and restrict access to vital services.

Jammu & Kashmir's government implemented a protracted internet blackout in the area in 2019, which had a negative impact on communication and information access.

### **(J) Regulatory Pressure on Social Media Platforms**

Demands for material removal and data sharing have raised the regulatory pressure on social media platforms. Concerns regarding censorship, privacy invasions, and the possible silencing of different perspectives on these platforms have been voiced as a result.

The conflict between the Indian government and Twitter over content removal requests and following government orders is an example of the regulatory challenges that social media businesses must contend with.

For India's governments, civil society, and digital platforms, tackling these diverse issues while preserving the values of freedom of digital speech is still a difficult and continuous endeavor. For a healthy digital expression environment to flourish, regulation and the upholding of democratic principles must be struck in the proper proportion.

## **V. SOCIAL MEDIA AND ONLINE PLATFORMS**

Online platforms and social media have become an essential part of India's digital expression environment, significantly influencing political movements, public conversation, and information transmission. The influence, difficulties, and legal issues surrounding social media are covered in depth in this section.

### **(A) Proliferation of Social Media Platforms**

In India, the use of social media platforms has proliferated quickly, changing how people connect and communicate. In India, social media sites like Facebook, Twitter, WhatsApp, and Instagram are commonplace, allowing users to interact, share, and express themselves in a variety of ways. The ability for people and organizations to interact with a large audience has been made possible by this proliferation.

### **(B) Role in Political Movements**

Various political organizations and social causes in India have benefited greatly from the usage of social media platforms. They have given people a place to express their ideas, plan demonstrations, and rally support for numerous causes. Political movements can acquire traction rapidly because to the immediate information sharing offered by social media.

### **(C) Dissemination of News and Information**

For a sizeable percentage of the Indian population, social media has become their main source of news and information. Platforms like Twitter and Facebook are used by news organizations, journalists, and regular people to exchange news items, updates, and opinions.

Social media networks serve as information centres during significant events like elections and natural disasters.

#### **(D) Challenges of Misinformation and Fake News**

India faces a serious problem with the abundance of false information and fake news on social media platforms. False information, rumours, and altered pictures have a tendency to travel quickly, which frequently causes fear, confusion, and harm. Platforms, fact-checkers, and regulatory agencies must work together to address this issue.

#### **(E) Content Moderation and Regulatory Pressures**

Social media platform content filtering has been under a lot of attention recently. Platforms must strike a balance between upholding free speech and the need to stop harassment, hate speech, and the dissemination of dangerous information. Social media businesses now have to adhere to tougher content moderation guidelines as a result of India's implementation of the 2021 Intermediary Guidelines.

#### **(F) Privacy Concerns and Data Protection**

Significant privacy issues have been raised by social media sites' acquisition and usage of user data. People in India are exposed to data breaches and the exploitation of their personal information since there is no comprehensive data protection law in place. Events like the Cambridge Analytica debacle have shown how important accountability and strong data protection procedures are.

### **VI. SOCIAL MEDIA TAKEDOWNS AND SECTION 66A**

The misuse of Section 66A of the Information Technology Act is one of the key case studies in relation to digital expression in India. This clause was used to suppress online criticism before it was overturned by the Supreme Court in the Shreya Singhal case. Freedom of expression in the digital era underwent a dramatic sea change with the Shreya Singhal v. Union of India case.

Broad and ambiguous language in Section 66A made it illegal to communicate in a "offensive" or "menacing" manner online. It was frequently used to detain people for uploading information that was critical of political figures or expressing opposing viewpoints.

Concerns regarding the abuse of this regulation to stifle free expression were raised by such instances.

### **(A) The Shreya Singhal Case**

In 2015, the Shreya Singhal case marked a turning point for Indian internet expression. The Supreme Court's judgment to invalidate Section 66A highlighted the necessity for legislation to change to keep up with emerging technology and reinforced the significance of free expression in the digital age. The ruling stressed that expression on the internet is equally protected by the constitution as speech in other media.

An important win for India's right to free expression was achieved in this case. It made it quite plain that unreasonable and extensive limits on online expression would not be accepted. It also sparked arguments about the necessity of a stronger legislative framework to safeguard digital liberties while addressing valid worries like hate speech and violent incitement.

The misuse of Section 66A and its eventual repeal in the Shreya Singhal case serve as a potent example of the difficulties and successes associated with digital speech in India. This case underscored the significance of clear and fair regulation to control online communication and reinforced the basic right to free speech in the digital era.

### **(B) The WhatsApp Lynching Crisis**

The WhatsApp lynching issue is a crucial case study in the area of digital speech in India. The severity of the effects of false information and disinformation spreading on social media sites like WhatsApp were made clear by this situation.

A number of lynchings have place in 2018 around India as a result of rumors and false information that propagated over WhatsApp. In these events, crowds assaulted people on the basis of child abduction allegations, stoked by viral communications alerting the public of kidnappers in the area. Sadly, a number of innocent lives were lost.

The WhatsApp lynching issue demonstrated the ease with which false information travels online and the dangers that result when it does so unchecked. It brought attention to the necessity of taking preventative measures to stop the spread of misleading information. In reaction to the situation, WhatsApp added functionalities including message forwarding restrictions to stop the spread of false information. Additionally, the business started public

awareness initiatives to teach consumers of the value of validating information before disseminating it.

The obligation of social media firms to combat false material on their platforms was highlighted by this case. It highlighted concerns about how digital firms can balance upholding free speech rights with limiting the negative impacts of incorrect information.

Finally, the WhatsApp lynching dilemma serves as a sobering reminder of the negative effects of false information in the modern world. It highlights that in order to address the issues brought on by the proliferation of false news, technological firms, governments, and people must work together.

### **(C) Internet Shutdowns in Jammu and Kashmir**

Jammu and Kashmir's protracted internet blackout in 2019 is a notable case study illustrating the effects of internet blackouts on online speech and basic rights.

The special status of Jammu and Kashmir was abolished by the Indian government in August 2019, and a lockdown was enacted along with the suspension of internet services. The region's citizens were badly affected by this lengthy internet outage, which had an adverse effect on communication, information access, and the exercise of their right to free expression.

The internet blackout in Jammu and Kashmir brought India's widespread practice of internet blackouts to the notice of the world. Discussions on the necessity for open policies relating to internet shutdowns and their effects on human rights were sparked by this.

Governments frequently shut down the internet to restrict the flow of information or during times of political unrest. Authorities claim that these actions are required for security, but they pose serious questions regarding how they comport with fundamental rights, such as the freedom of speech.

This incident shows how crucial it is to strike a balance between security issues and the protection of online liberties. It emphasizes the necessity for governments to implement reasonable and rights-respecting measures when addressing issues that develop in the digital sphere.

The internet blackout in Jammu and Kashmir serves as a vivid illustration of how limitations

on internet access may stifle digital speech and interfere with people's lives. It offers a fascinating case study for delving further into the wider effects of internet censorship on basic rights.

#### **(D) Twitter and Government Standoff**

The conflict between the Indian government and Twitter over content removal requests and following government orders sheds light on the regulatory challenges that social media businesses must contend with.

Twitter and other social media platforms have developed into significant venues for political communication and public conversation in recent years. Governments, however, are also scrutinizing them more and placing more pressure on them to comply with local laws and moderate their material.

When the Indian government sought the deletion of certain information and accounts it found objectionable, a conflict between Twitter and India's government developed. As an intermediate platform, Twitter has to strike a balance between the need to uphold free speech and the requirement to follow governmental regulations.

This demonstrates the difficulties in maintaining the right to free expression while navigating the complicated regulatory environment. It calls into question the responsibilities of social media platforms to control material as well as the culpability of intermediaries.

In order to preserve confidence in digital platforms, clear and content moderation procedures are essential. This was highlighted by the Twitter and government impasse. It brought home the fine line that social media businesses must walk when it comes to respecting local laws and preserving free expression.

The conflict between Twitter and the government sheds light on how digital expression is changing and how social media corporations play a mediating role between free speech and government restrictions. It highlights how difficult these problems are and how crucial it is to come up with fair solutions.

#### **(E) Digital Protests and the Citizenship (Amendment) Act and National Register of Citizens (CAA-NRC)**



In India, national protests against the Citizenship (Amendment) Act (CAA) and the projected National Register of Citizens (NRC) broke out in late 2019 and early 2020. This case study serves as an example of how digital expression may be used to mobilize and plan large-scale demonstrations against governmental policy.

Concerns concerning the exclusion of vulnerable people, especially Muslims, were voiced in light of the CAA, which was ratified in December 2019, and the prospective implementation of the NRC. As word of the law spread, demonstrations broke out all around the nation, with many utilizing online channels to express their opposition.

Social media was crucial in both coordinating demonstrations and spreading knowledge about the CAA-NRC and its possible repercussions. Social media sites like Twitter, Facebook, and WhatsApp made it possible for protesters to communicate with one another, exchange updates, and spread their message.

Digital expression was essential in bringing together many activist organizations and individuals who disagreed with the policy. Protesters used hashtags like #CAAProtests and #NoNRC as meeting places to exchange ideas and find like-minded people.

But the administration also used digital strategies in its reaction to these demonstrations. To stop coordination and the flow of information, internet shutdowns were imposed in a number of locations. The appropriate balance between security issues and the ability to free expression online has been questioned as a result.

The CAA-NRC demonstrations highlight the important role that internet expression plays in influencing public opinion and inspiring large actions in India. They also draw attention to how the government has repressed opposition using digital means, as well as the subsequent discussions regarding the function of digital platforms for democratic expression.

## **VII. IMPLICATIONS FOR DEMOCRACY**

The freedom to openly express one's thoughts online has significant political ramifications. The impact of digital expression on political participation, public debate, and India's democratic process is covered in this section.

### **(A) Information Manipulation and Misinformation**

The proliferation of false information and new obstacles in information manipulation brought about by the digital age pose serious risks to the democratic process. Various players, including foreign countries and individuals, have taken advantage of digital platforms to propagate false information and sway public opinion since it is so simple to do so online.

Fake news and misinformation tactics have been used in India's elections in recent years. These efforts have the potential to sway voter behavior, erode confidence in democratic institutions, and interfere with elections.

A multifaceted strategy is needed to address this issue, including media literacy campaigns, fact-checking programs, and increased transparency from internet platforms. Striking a balance between the need to protect people's right to free speech and the requirement to stop the damaging impacts of misinformation is crucial.

### **(B) Privacy Concerns and Surveillance**

Unprecedented threats to privacy rights have emerged in the digital age, with ramifications for democracies. Concerns concerning the deterioration of personal privacy have been raised by government monitoring and data collecting by both public and commercial organizations.

Citizens in India are exposed to data breaches and the exploitation of personal information because there is no comprehensive data protection law in place. Pegasus spyware, for example, has been used to watch journalists and activists, raising privacy concerns and issues with the proper use of surveillance authority in the process.

In the digital era, privacy protection is essential for upholding democratic principles. India has to pass strong data privacy legislation and set transparent, constitutionally compliant rules for surveillance activities.

### **(C) Threats to Freedom of Expression**

Digital platforms have increased the channels for speech, but they have also turned into places where that freedom is threatened. Individuals may be discouraged from expressing their opinions openly because of online abuse, hate speech, and legal ambiguity.

Rana Ayyub and Disha Ravi, two prominent journalists and activists, have endured legal threats and intimidation for their work. This atmosphere of dread might encourage self-

ensorship, which impedes free speech and democratic discourse. India must make sure that rules and regulations are clear and respect constitutional principles in order to protect freedom of expression. Additionally, harassment victims need support systems and awareness campaigns.

#### **(D) Disinformation and Polarization**

Online echo chambers and the spread of misinformation have exacerbated India's political division. Digital media have exacerbated divisions already present and aided in the dissemination of political content.

Social media algorithmic promotion of content that supports users' preexisting ideas has been linked to a fragmented information environment, according to studies. This division can hinder fruitful political debate and jeopardize the efficiency of democratic institutions.

Digital platforms must look at ways to combat echo chambers and encourage a diversity of viewpoints in order to solve this issue. Programs that promote media literacy can also provide people with the skills necessary to assess information critically and participate in informed debates.

### **VIII. RECOMMENDATIONS**

We will now go through a few suggestions for enhancing and defending the freedom of digital speech in India. These suggestions cover prospective legislative changes, programs to advance digital literacy, and the function of civil society in defending this basic right.

#### **(A) Strengthening Digital Literacy Programs**

Programs for digital literacy should be improved and expanded in order to improve citizens' capacity to assess online material critically. These programs ought to focus on a range of age and demographic groups and include subjects including media literacy, fact-checking techniques, and spotting false information. These efforts may be scaled up with the aid of partnerships between educational institutions, civil society groups, and internet platforms.

#### **(B) Enacting Comprehensive Data Protection Legislation**

India desperately needs strong data protection laws that defend people's right to privacy. Such

law should lay out precise rules for the gathering, holding, and utilization of personal data by both public and commercial organizations. It should also specify how people may control their data and how to get help if their rights are violated.

### **(C) Ensuring Transparent Content Moderation Practices**

Digital platforms must have democratic, transparent content moderation procedures. Platforms should post detailed policies on content deletion and offer channels for users to challenge rulings. Transparency and accountability may be improved by working with other groups to conduct third-party audits of content moderation procedures.

### **(D) Safeguarding Freedom of Expression**

It is crucial to defend free speech in the digital era. Constitutional principles must be considered and incorporated into laws and regulations that could hinder free speech. Threats and legal harassment of journalists, activists, and citizens must be immediately addressed, and methods for reporting such events must be responsive and available.

### **(E) Fostering Media Pluralism**

Diverse viewpoints and media diversity should be encouraged in order to overcome misinformation and division. In order to offer accurate and impartial information, support for independent journalists and fact-checking groups is crucial. By supporting diverse content and minimizing algorithmic biases, digital platforms may make a difference.

## **IX. CONCLUSION**

India's digital expression scene is diverse and ever-evolving. The internet era has increased chances for free speech and given people more power, but it has also presented serious problems for democracy. Government, public society, and digital platforms must work together to address the spread of disinformation, privacy issues, and challenges to the right to free speech.

India can manage the digital era while sustaining democratic ideals by enhancing programs for digital literacy, passing thorough data protection laws, establishing clear content moderation procedures, protecting freedom of expression, and encouraging media plurality.

India must find a careful balance between utilizing the advantages of the digital era and preserving democratic ideals as it struggles with the challenges of digital expression.

**X. REFERENCES**

1. Chakravarty, "Media Evolution in India: A Historical Perspective," *Journal of Media History*, vol. 25, no. 3, pp. 295-312, 2008.
2. S. Sen, "Pre-Independence Media Landscape: A Review," *Indian Journalism History*, vol. 15, no. 3, pp. 22-35, 2005.
3. R. Kapoor, "Print Media in India's Independence Movement," *Indian Journal of Press Studies*, vol. 40, no. 4, pp. 301-318, 2012.
4. A. Kumar, "Radio Broadcasting and the Freedom Struggle in India," *Historical Journal of Radio Studies*, vol. 22, no. 2, pp. 123-138, 1999.
5. M. K. Gandhi, "Mahatma Gandhi's Broadcasts," Navajivan Publishing House, 1942.
6. P. Bhattacharya, "Economic Liberalization and Internet Proliferation in India," *Information Technology and Society*, vol. 12, no. 2, pp. 87-104, 2010.
7. S. Patel, "Role of Online Platforms in Freedom of Expression," *International Journal of Media Studies*, vol. 38, no. 4, pp. 315-330, 1995.
8. R. Sahni, "Internet Cafes in India: Heralding a Digital Revolution?" *Information Technologies and International Development*, vol. 1, no. 4, pp. 45-65, 2003.
9. V. Kapoor, "IndiaWorld: Creating an Online Community," *Harvard Business School Case*, 598-046, 1998.
10. R. Sharma, "Historical Perspective on Digital Expression in India," *Contemporary Media Studies*, vol. 55, no. 2, pp. 187-202, 2019.
11. V. Shiva, "Staying Alive: Women, Ecology, and Development," Zed Books, 1988.
12. A. Baviskar, "In the Belly of the River: Tribal Conflicts over Development in the Narmada Valley," Oxford University Press, 1995.
13. Narmada Bachao Andolan, "Narmada Bachao Andolan," [Online]. Available: <https://www.narmada.org/>.
14. P. Sharma, "Political Influence on Media Ownership in India," *Media and Democracy Journal*, vol. 21, no. 3, pp. 187-202, 2014.
15. R. Gupta, "Media Independence and Freedom of Expression in India," *International Journal of Press Freedom*, vol. 36, no. 2, pp. 115-132, 2019.
16. P. Jayakar and B. Bowonder, "Indian Press During the Emergency," *Indian Journal of Mass Communication*, vol. 1, no. 2, pp. 5-18, 1979.
17. S. Bhatia, "Changing Contours of Media Ownership in India," *Economic and Political Weekly*, vol. 44, no. 3, pp. 19-21, 2009.
18. U. Narula, "Blogging: A New Form of Citizen Journalism," *Journal of Media and Communication Studies*, vol. 5, no. 2, pp. 49-60, 2008.
19. R. Singh, "Technological Advancements and Digital Transformation in India," *Technology and Society Journal*, vol. 42, no. 4, pp. 301-318, 2016.
20. A. Verma, "Democratizing Digital Expression in India," *Journal of Digital Inclusion*, vol. 50, no. 2, pp. 135-150, 2018.
21. "National Optical Fiber Network (NOFN)," [Online]. Available: <https://ofc.bsnl.co.in/>.
22. S. Malik, "Evolution of Online Platforms in India," *Digital Communication Studies*, vol. 28, no. 3, pp. 215-230, 2020.
23. N. Roy, "Challenges Posed by Online Platforms in India," *Media and Information Ethics Journal*, vol. 45, no. 1, pp. 68-83, 2019.
24. V. Deshpande, "Role of Social Movements in Shaping Digital Expression in India," *International Journal of Communication*, vol. 15, pp. 4127-4146, 2021.
25. A. Nandy, "The Information Machine: The Promise, the Reality, and the Perils of the Internet," HarperCollins, 2000.

26. Sen, "Role of Online Platforms in Freedom of Expression," *International Journal of Media Studies*, vol. 38, no. 4, pp. 315-330, 2017.
27. The Constitution of India, Article 19(1)(a).
28. P. M. Kamath, "Internet Freedom and Censorship in India," *Journal of Cybersecurity*, vol. 2, no. 2, pp. 93-107, 2013.
29. The Constitution of India, Article 19(2).
30. The Information Technology Act, 2000.
31. R. Prasad, "The Information Technology Act, 2000: An Introduction," *Information and Communication Technology Law*, vol. 9, no. 3, pp. 189-207, 2000.
32. *Shreya Singhal v. Union of India*, (2015) 5 SCC 1.
33. The Information Technology Act, 2000, Section 79.
34. The Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021.
35. U. Ramanathan, "The New IT Rules in India: Balancing Regulation and Freedom of Expression," *Carnegie Endowment for International Peace*, 2021.
36. The Cinematograph Act, 1952.
37. The Information Technology Act, 2000, Section 69A.
38. The Personal Data Protection Bill, 2019.
39. J. Venkatesan, "The Data Protection Bill: What's at Stake?" *Economic and Political Weekly*, vol. 54, no. 43, pp. 15-17, 2019.
40. *Justice K. S. Puttaswamy (Retd.) v. Union of India*, (2017) 10 SCC 1.
41. International Covenant on Civil and Political Rights (ICCPR).
42. S. Chaturvedi, "Hate Speech and Misinformation on Social Media: An Indian Perspective," *Journal of Media Ethics and Responsibility*, vol. 21, no. 2, pp. 79-94, 2019.
43. D. Varshney and M. Gupta, "The Impact of Online Hate Speech on Social Harmony in India," *International Journal of Communication*, vol. 14, pp. 3946-3965, 2020.
44. H. Madabhushi, "Fake News and Misinformation in India: Accuracy in the Age of WhatsApp," *Digital Journalism*, vol. 8, no. 5, pp. 647-668, 2020.
45. N. Chaudhary, "Cyberbullying in India: Challenges and Countermeasures," *International Journal of Cyber Criminology*, vol. 13, no. 2, pp. 157-170, 2019.
46. S. Sen, "Online Harassment and the Silencing of Women in India," *Feminist Media Studies*, vol. 18, no. 4, pp. 569-584, 2018.
47. #HerOnlineSafety Campaign, [Online]. Available: <https://heronlinesafety.in/>. [Accessed: Oct. 07, 2023]
48. A. Arora, "Data Privacy and Protection in India: A Comprehensive Review of the Legal Framework," *Computer Law & Security Review*, vol. 36, p. 105380, 2020.
49. *Shreya Singhal v. Union of India*, 5 SCC 1, 2015.
50. R. Dhavan, "Free Speech and Criminal Law in India," *Legal Studies*, vol. 38, no. 3, pp. 467-486, 2018.
51. P. Khosla, "The Battle for the Future of Online Speech in India," *Carnegie Endowment for International Peace*, 2020.
52. A. Sen, "The Right to Free Expression and Regulation of Social Media in India," *Global Policy*, vol. 12, no. 3, pp. 361-369, 2021.
53. S. Panda and D. Gupta, "Digital Divide and Its Impact on E-Governance: A Study in the Indian Context," *Information Development*, vol. 33, no. 2, pp. 163-175, 2017.
54. N. Kumar and P. Bino, "Digital Divide in India: Dimensions and Determinants," *Telematics and Informatics*, vol. 54, p. 101452, 2020.

55. World Wide Web Foundation, "Shutdowns and Free Expression: The Impact of Internet Shutdowns on Freedom of Expression," 2019.
56. M. Singh and S. Sinha, "Surveillance and Privacy in India: An Examination of Key Legal Provisions," *Surveillance & Society*, vol. 17, no. 3/4, pp. 353-359, 2019.
57. The Information Technology Act, 2000, Section 69A, 2000.
58. A. Roychowdhury, "Self-Censorship and Indian Journalism: A Mixed-Methods Study," *Media Asia*, vol. 45, no. 1, pp. 14-29, 2018.
59. The Hoot, "Journalism in the Time of COVID-19: A Year in Review," 2021.
60. Committee to Protect Journalists, "India: Reporting Under Pressure," 2020.
61. S. Srinivasan and S. Arun, "Internet Shutdowns in India: An Exploratory Study," *Information, Communication & Society*, vol. 23, no. 6, pp. 846-863, 2020.
62. S. Bhattacharya, "Economic Liberalization and Internet Proliferation in India," *Information Technology and Society*, vol. 12, no. 2, pp. 87-104, 2010.
63. National Optical Fiber Network (NOFN). [Online]. Available: <https://ofc.bsnl.co.in/>.
64. *Shreya Singhal v. Union of India*, 5 SCC 1, 2015.
65. "WhatsApp Lynching: How Rumours and Fear Ripped India Apart," BBC News, 2018.
66. "WhatsApp Limits Message Forwarding in Effort to Fight Fake News," Reuters, 2018.
67. "WhatsApp Launches 'Checkpoint Tipline' to Tackle Fake News Ahead of 2019 Indian General Election," News18, 2019.
68. "India Revokes Special Status for Kashmir in Historic Move," BBC News, 2019.
69. "India's Communication Shutdown Is a 'Collective Punishment' of Kashmir, Human Rights Watch Says," CNBC, 2019.
70. "India's Internet Shutdown in Kashmir Is the Longest Ever in a Democracy," Vox, 2019.
71. "Twitter vs Indian Government: Why Are Accounts Being Blocked and Should You Be Worried?" The Times of India, 2021.
72. "Twitter and the Battle Over Free Speech in India," BBC News, 2021.
73. "India's New Citizenship Act and the Fear of National Register of Citizens Explained," BBC News, 2019.
74. "Citizenship Act Protests: How the Digital World and Social Media Mobilised the Masses," The Economic Times, 2019.
75. "Anti-CAA Protests: How Twitter, Facebook, and WhatsApp Are Keeping Activists Busy," Business Today, 2019.
76. "Internet Shutdowns Cost India \$1.3 Billion in 2019: Report," Business Today, 2020.
77. J. A. Tucker and R. L. Guess, "Social Media, Political Polarization, and Political Disinformation: A Review of the Scientific Literature," *Political Polarization*, 2019, pp. 37-52.
78. T. Vishnoi, "Facebook, WhatsApp, Twitter under scrutiny as India gears up for polls," The Economic Times, 2019. [Online]. Available: <https://economictimes.indiatimes.com/tech/internet/facebook-whatsapp-twitter-under-scrutiny-as-india-gears-up-for-polls/articleshow/67804034.cms>.
79. A. Schraer, "Fake news sharing in US is a rightwing thing, says study," BBC News, 2019. [Online]. Available: <https://www.bbc.com/news/world-us-canada-47104914>.
80. S. Lewandowsky, U. K. H. Ecker, and J. Cook, "Beyond Misinformation: Understanding and Coping with the 'Post-Truth' Era," *Journal of Applied Research*



- in Memory and Cognition, vol. 6, no. 4, pp. 353-369, 2017.
81. R. N. Proctor and S. Schiebinger, "Agnotology: The making and unmaking of ignorance," Stanford University Press, 2008.
  82. S. Chakravartty and R. J. Zhao, "Surveillance, Privacy, and Democracy: The Widespread Consequences of India's Biometric Project," *International Journal of Communication*, vol. 9, pp. 1-20, 2015.
  83. K. D. Aswath, "Data Privacy and Protection in India: An Empirical Study of Data Privacy Framework," *J. Inf. Commun. Ethics Soc.*, vol. 14, no. 4, pp. 429-439, 2016.
  84. "NSO Group/Circus Cyber: Anatomy of a Global Hacking Operation," Citizen Lab, 2021. [Online]. Available: <https://citizenlab.ca/2021/12/nso-group-circus-cyber-anatomy-of-a-global-hacking-operation/>.
  85. R. Kumar and A. Dayal, "India's surveillance state: Unbridled and unaccountable," *The Indian Express*, 2019. [Online]. Available: <https://indianexpress.com/article/opinion/columns/india-surveillance-state-5989939/>.
  86. "The Supreme Court of India - Justice K. S. Puttaswamy (Retd.) and Anr. vs Union of India and Ors.," Supreme Court of India, 2017.
  87. L. Marwick and R. Lewis, "Media Manipulation and Disinformation Online," Data Society Research Institute, 2017.
  88. A. Sharma, "Digital News and the Threat to Indian Democracy," *NewsLaundry*, 2020. [Online]. Available: <https://www.newsLaundry.com/2020/01/17/digital-news-and-the-threat-to-indian-democracy>.
  89. Srivastava, "Chilling Effects: Online Surveillance and Wikipedia Use," *Berkeley Technology Law Journal*, vol. 35, no. 1, pp. 39-102, 2020.
  90. M. M. K. Raut, "Internet Shutdowns: A Threat to Freedom of Expression," *Economic and Political Weekly*, vol. 51, no. 50, pp. 32-35, 2016.
  91. K. Wadhwa and A. Jain, "Understanding Online Harassment: Gender and Marginalization in Indian Digital Spaces," *Feminist Media Studies*, vol. 21, no. 6, pp. 881-899, 2021.
  92. A. Flaxman, S. Goel, and J. M. Rao, "Filter Bubbles, Echo Chambers, and Online News Consumption," *Public Opinion Quarterly*, vol. 80, no. S1, pp. 298-320, 2016.
  93. M. Del Vicario et al., "The spreading of misinformation online," *Proceedings of the National Academy of Sciences*, vol. 113, no. 3, pp. 554-559, 2016.
  94. E. Sunstein, "The law of group polarization," *The Journal of Political Philosophy*, vol. 10, no. 2, pp. 175-195, 2002.
  95. J. A. Bail et al., "Exposure to opposing views on social media can increase political polarization," *Proceedings of the National Academy of Sciences*, vol. 115, no. 37, pp. 9216-9221, 2018.
  96. A. Guess, B. Nyhan, and J. Reifler, "Selective Exposure to Misinformation: Evidence from the consumption of fake news during the 2016 U.S. presidential campaign," European Research Council, 2019.