
FREEDOM OF EXPRESSION IN THE DIGITAL AGE: THE ROLE OF SOCIAL MEDIA IN STRENGTHENING DEMOCRATIC PARTICIPATION IN INDIA

Neeraj Kumar, Ph.D. Research Scholar, Department of Law, Maharishi Markandeshwar
University, Mullana, Ambala, Haryana, India

ABSTRACT

The high growth of the social media has altered the way democracy is practised by providing new channels of communication, political activities and social discourse. Digital platforms have emerged as important platforms in India where the citizens voice their opinions and share information, gather community support, and debate governance-related issues. This has turned around the democratization of participation into an asset that has led to greater civic engagement, increased political awareness and interaction of the citizens of these institutions with the public. Simultaneously, the online space has established numerous legal and social issues that are associated with fake news, hate speech, cyberbullying, and the employment of algorithms, as well as the responsibility of the digital platform, which cannot be balanced without requiring the consideration of the freedom of speech and responsibility of digital communication.

In this paper we would use an interdisciplinary method in order to analyse the changing relation between freedom of expression and with democratic participation in Indian life using the approaches of constitutional law, political science, media studies and sociology and digital governance. It examines the constitutional right to freedom of speech and expression (Article 19(1)(a) of the Constitution of India), the reasonable restrictions (Article 19(2)) and legal guidance of digital platforms, such as the Information Technology Act, 2000, and the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021. The paper also analyses how social media has led to electoral participation, citizen journalism, digital activism and public accountability and how modern day problems with online information ecosystem are challenging.

To support the paper, the research methods are doctrinal and analytical, which rely on the decisions made by the courts, statutory and policy documents, and skimming literature. The argument is that a constitutional-based value-driven regulatory framework based on digital literacy, transparency, and platform responsibility is crucial to democratically

appreciating freedom of expression and ensuring meaningful democratic involvement in the fast changing digital society of India.

Keywords: Freedom of Expression; Social Media; Democratic Participation; Digital Governance; Constitution of India.

1. Introduction

The quick development of the digital technology changed the way individuals communicate, access information, and engage in democratic mechanisms. Social media sites have become significant online platforms where citizens share ideas about issues, find out other opinions and discuss the matters of the society and communicate with government institutions. Social media make democratic participation inclusive as it can be used instantly and interactively unlike the traditional media. Consequently, the sites have been important resources that apply to politeness, voter turnout, and governance transparency.¹

The freedom of expression is one of the key elements of democracy and it is assured by the Article 19(1)(a) of the Constitution of India. It enables people to defend their opinion, exchange the news, engage in the general discussion, and hold authorities to responsibility. This right is however subject to reasonable restrictions that are given under article 19(2) which attempts to guarantee the protection of the civic order, national security, morality and other justifiable national interests.²

The emergence of social media has increased the possibilities of the freedom of expression. Facebook, X (previously Twitter) “Instagram, YouTube, and WhatsApp have allowed political communication, citizen journalism, digital campaigns, and participation by the audience. Simultaneously, they have expressed issues of misinformation, hate speech, online harassment, privacy and platform accountability as well. Such issues demand a moderate state of law that safeguards constitutional rights, and fosters accountable online communication.”³

This paper is inter-disciplinary, integrating constitutional law, political science, media studies, sociology, and digital governance to focus on the role of social media in enhancing democratic aspects of participation in India. It examines both the constitutional and legal framework of

¹ Ministry of Electronics and Information Technology, Government of India, *India's Digital Economy Report* (2023).

² V.N. Shukla, *Constitution of India* (13th ed., Eastern Book Company, 2017).

³ Apar Gupta, *The Informational Freedom: Essays on Law, Technology and Liberty in India* (LexEmporia, 2016).

digital expression, assesses the possibilities and limitations of social media, and recommends actions to enhance a clear, participatory, and democratic digital economy.⁴

2. Conceptual Framework: Freedom of Expression, Social Media and Democratic Participation

2.1 Freedom of Expression

The right to express yourself is a basic human right and the establishment of democratic leadership. It helps people hold an opinion, share ideas, get and pass information as well as engage in open discussion. This right encourages the liberty of individuals, political responsibility, and informed decision-making and guarantees free exchange of ideas needed to have a democratic society.⁵

Freedom of speech and expression in India is under Article 19(1)(a) of the Constitution. But it remains subject to reasonable limitations; under Article 19(2) to the interests of sovereignty and integrity of India, State security, public order, decency, morality, contempt of court, defamation and incitement to an offence. The constitutional set up is thus aimed at striking a balance between the individual freedom and the bigger communal good.⁶

The digital revolution has tremendously increased the exercise of this right by availing these online platforms to the citizens at a go. The freedom of expression has become increasingly accessible and powerful in the digital age as a result of social media allowing individuals with varied backgrounds to take part in the public discourse.

2.2 Social Media as a Digital Public Sphere

Social media include internet-based platforms that enable the production and sharing of user-generated content by interactive communication. Social networks, including Facebook, X (previously Twitter), Instagram, YouTube, and WhatsApp, have changed the production, sharing, and consumption of information.⁷

⁴ *Shreya Singhal v. Union of India*, (2015) 5 SCC 1.

⁵ M.P. Jain, *Indian Constitutional Law* (9th ed., LexisNexis, 2023).

⁶ INDIA CONST. art. 19(1)(a), art. 19(2); *Shreya Singhal v. Union of India*, (2015) 5 SCC 1.

⁷ Apar Gupta, *The Informational Freedom: Essays on Law, Technology and Liberty in India* (LexEmporia, 2016).

Wood (2011) has defined such platforms as digital public sphere in which citizens deliberate on issues of the public, share political opinions and engage themselves in democratic procedures. Social media has expanded the civic horizons through online campaigns, public consultations, online communities and citizen journalism. It has enhanced transparency as well because it has made communication between the people, the government and the elected officials transparent.⁸

2.3 Democratic Participation in the Digital Era

Democratic participation goes beyond voting and also covers active involvement in the political affairs, policy development, and governance. Social media has widened such possibilities by offering easy avenues where the citizens can deliberate on issues in the legislature, take part in awareness campaigns, mount social movements, and communicate with the institutes of state.

Digital platforms have likewise enhanced inclusion of the youth, women and the marginalised communities in the democratic discourse. Through its ability to promote the quick spread of information and elicit citizen input, social media has enhanced transparency, accountability, and participatory governance in India.

2.4 Interrelationship between Freedom of Expression, Social Media and Democracy

Democratic participation, social media, freedom of expression interrelate. Freedom of expression gives the constitutional framework of appropriate open communication whereas social media offers the technological platform through which the citizenry share ideas, information access, and have a democratic decision-making platform. Combined, they encourage enlightened citizen discourse and enhance democracy institutions.⁹

Misinformation, hate speech, cyberbullying, and fake news are the other types of digital challenges that may compromise the quality of the discourse in society. Consequently, freedom of expression needs to be guarded by relevant legal procedures, accountability of platforms, digital literacy, and clear regulatory frameworks. A cross-cutting methodology of constitutional law, political science, media studies, sociology, and digital governance is needed

⁸ S.C. Kashyap, *Our Constitution* (National Book Trust, rev. ed. 2019).

⁹ INDIA CONST. art. 19(1)(a); *Shreya Singhal v. Union of India*, (2015) 5 SCC 1; M.P. Jain, *Indian Constitutional Law* (9th ed., LexisNexis, 2023).

to grasp how social media can enhance democracy engagement, and how constitutional values ought to be maintained in India.¹⁰

3. Constitutional and Legal Framework Governing Freedom of Expression in India

3.1 Constitutional Protection of Freedom of Expression

Freedom of Expression is a right guaranteeing the right to communicate. The right to free speech and expression is enshrined in the Constitution of India, under Article 19(1)(a) as a basic right. It allows people to share their views, ideas, communicate, receive and spread information, and engage in democratic governance. In the digital era, this defense is carried over to expression in social media, blogs and podcasts among other online means. The Supreme Court has always realised that freedom of expression is fundamental to the democracy; the limitation of this right should meet the requirements of legality, necessity and proportionality.¹¹

3.2 Reasonable Restrictions under Article 19(2)

Article 19(2) accords the right to free expression, but it is limited to the reasoned restrictions (imposed). They are the interest of the sovereignty and integrity of India, security of the State, maintaining amicable relations with foreign States, the order of persons, decency or morality, contempt of court, defamation, and incitement to an offence. These constitutional restrictions can be applied in the context of social media in the legal establishment of unlawful content on the internet including hate speech, defamatory remarks and incitement to violence. Nevertheless, these limitations should be considerate and in a good measure that will not impinge on the framework of the basic right.¹²

3.3 Statutory Framework Governing Digital Expression

The Information Technology Act, 2000 is the major legislature of the regulation of electronic communication and digital platforms in India. It gives the legal framework of electronic governance, cybersecurity and intermediary liability. The Act considers the social media use and the use of internet service providers as intermediaries and sets terms according to which

¹⁰ *Ibid.*

¹¹ INDIA CONST. art. 19(1)(a); M.P. Jain, *Indian Constitutional Law* (9th ed., LexisNexis, 2023); *Shreya Singhal v. Union of India*, (2015) 5 SCC 1.

¹² INDIA CONST. art. 19(2); V.N. Shukla, *Constitution of India* (13th ed., Eastern Book Company, 2017).

they might get relief of liability as to third-party content so long as they adhere to the statutory requirements.¹³

Another provision that enhances this framework, through prescribed due diligence of the intermediaries, is the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021. The Rules demand important social media institutions to have grievance redressal frameworks, station compliance officials, come out with transparency updates, and eradicate unlawful contents in line with the legal protocol. The practices are aimed at enhancing accountability without jeopardizing constitutional freedoms of speech.

3.4 Judicial Interpretation of Digital Free Speech

Indian judiciary has been instrumental in safeguarding the freedom of speech in the digital age. The Supreme Court in *Romesh Thappar v. State of Madras* (1950) identified the freedom of speech as the basis of the democratic rule. In the case of *Bennett Coleman and Co. v. Union of India* (1973), the Court affirmed that freedom of expression encompass the right to communicate information, which provided the press with greater freedom of expression.¹⁴

The decision of *Secretary, Ministry of Information and Broadcast against Cricket Association of Bengal* in 1995 stated that the freedom of speech applies to electronic media. Another seminal case was *Shreya Singhal v. Union of India* (2015), in which the Supreme Court declared the vague and unreasonable (disproportionate) restrictions on online speech found in Section 66A of the Information Technology Act, 2000, as unconstitutional. The ruling clarified that digital speech had the same constitutional safeguard as the offline speech.¹⁵

The Supreme Court in *Anuradha Bhasin v. Union of India* (2020) acknowledged that use of the internet is part of exercising freedom of speech and expression. It also believed that limitations on internet services should be legal and proportional and periodically reviewed to reinforce constitutional protection of online communication.¹⁶

¹³ Pavan Duggal, *Cyber Law: The Indian Perspective* (Saakshar Law Publications, latest ed.).

¹⁴ *Romesh Thappar v. State of Madras*, AIR 1950 SC 124; *Bennett Coleman & Co. v. Union of India*, (1972) 2 SCC 788.

¹⁵ *Secretary, Ministry of Information & Broadcasting v. Cricket Association of Bengal*, (1995) 2 SCC 161; *Shreya Singhal v. Union of India*, (2015) 5 SCC 1.

¹⁶ *Anuradha Bhasin v. Union of India*, (2020) 3 SCC 637.

3.5 Need for a Balanced Digital Regulatory Framework

The fast growth of social media has provided new possibilities of democratic participation and also presented various challenges of misinformation, hate speech, online harassment, algorithmic amplification and privacy issues. This trend underscores the necessity of having a rational legal framework that enhances constitutional liberties but at the same time makes digital governance responsible.

A proper regulatory policy must facilitate transparency, platform accountability, procedural fairness and effective redressal of grievances without raising undue limitations on the legitimate expression. Balancing the rights of the individual and the good of the people, the constitutional and statutory framework of India offers a robust framework to safeguard freedom of expression and encourage democratic involvement in the digital era.¹⁷

4. Role of Social Media in Strengthening Democratic Participation in India

Social media is now an important tool of democratic due process through the restructuring of the way citizens communicate, get information and interact with the institutions of the state. In contrast to conventional media, digital platform allows the viewer to create, share, and discuss content in real time, thus promoting a higher level of civic engagement, political awareness, and accountability of the government. Consequently, social media has enhanced democracies through the interaction of people, government, civil society organisations and the media.¹⁸

4.1 Enhancing Political Awareness and Civic Engagement

Social media also has enhanced access of citizens to political data which informs them of real-time updates of government policies, the development of a bill, elections and programs offered by the government. Digital platforms are becoming the increasingly popular way of interaction with the rest of the population by government agencies, political representatives, and civil society organizations. Presence of a variety of perspectives will allow citizens, especially young voters, to be a part of policy debates and become intelligent voters, therefore,

¹⁷ M.P. Jain, *Indian Constitutional Law* (9th ed., LexisNexis, 2023); *Shreya Singhal v. Union of India*, (2015) 5 SCC 1.

¹⁸ Ministry of Electronics and Information Technology, Government of India, *Annual Report 2023–24*; S.C. Kashyap, *Our Constitution* (National Book Trust, rev. ed. 2019).

contributing to active civic participation.¹⁹

4.2 Promoting Electoral Participation

Digital platforms are also significant in motivating people to participate in the electoral processes as they can spread information on the voter registration, election dates, voting processes, and electoral rights. Political parties, political contestants, and electoral commissions make use of the social media to communicate directly with the electorate via online campaigns, live chats, and even online debates. This type of communication increases transparency, and citizens can participate better in the processes of electing a leader.²⁰

4.3 Citizen Journalism and Public Accountability

Citizen journalism has increased its presence on social media since people are now able to cover stories about things that have happened, bring to light issues that are happening in their home towns and provide information simply because they are able to use social media not necessarily the traditional media. The content created by citizens tends to attract attention to a problem with governance, state services, environmental, and corruption, and promote an immediate response on the part of the administration. This has in turn enhanced transparency and public accountability through the social media.²¹

4.4 Digital Activism and Social Movements

The digital platforms have emerged as significant instruments in the organisation of the awareness campaigns and social movements. Social online campaigns on environmental protection, health of people, education, gender equality and community benefits allow citizens to find support and engage in social discussions. Social media has enhanced civic mobilization and action due to the use of hashtags, webinars, online petitions, and awareness campaigns.²²

4.5 Government–Citizen Interaction

The social media has also enhanced better communication between the government and the citizens by availing convenient platforms through which governments share official

¹⁹ Ministry of Electronics and Information Technology, Government of India, *Digital India Programme*.

²⁰ Election Commission of India, *Handbook for Media* (latest ed.); Representation of the People Act, 1951.

²¹ *Secretary, Ministry of Information & Broadcasting v. Cricket Association of Bengal*, (1995) 2 SCC 161.

²² Apar Gupta, *The Informational Freedom: Essays on Law, Technology and Liberty in India* (LexEmporia, 2016).

information and announce their policies, handle complaints and also get their feedback on their policies. Through the official digital platforms, citizens are able to report civic cases, and ask questions about government programmes and engage in policy debate. This type of interaction fosters transparency and responsiveness and participatory governance.

4.6 Inclusion and Public Awareness

Digital platforms have expanded democratic participation through increased involvement of women, youth, rural, people with disabilities and other marginalised groups into the realms of public discourse. They also can be used effectively to spread information in times of emergencies as well as to promote awareness about the health of populations, environmental conservation, financial inclusion and educational programs. Availability of social media has hence played a role to a more engaging democratic process.²³

5. Challenges to Freedom of Expression in the Digital Age

Social media has opened up possibilities to greater democratic participation and freedom of expression. But it has also resulted in big legal, technological and social problems. Speedy Information diffusion on digital platforms has elevated the threat of misinformation, hate-speech, online threats, data breaches, as well as the question of accountability of platforms. To solve these issues, a fair regulatory model is needed to guarantee constitutional protection of freedoms and a reasonable digital governance.²⁴

5.1 Misinformation and Disinformation

Misinformation and disinformation have become a significant issue of the digital era, as they are spread globally. Misinformation is described as any false or inaccurate information that is sent out without the intention to mislead and disinformation is the act of sending false information with the aim of influencing the thoughts of people. The high rate of proliferation of such contents especially in time of elections, in any health emergency and other major events can misrepresent the discourse of the people and jeopardize informed democracy. The battle against fake news thus entails proper fact checks, online literacy, and proper platform

²³ Ministry of Electronics and Information Technology, Government of India, *Annual Report 2023–24*.

²⁴ M.P. Jain, *Indian Constitutional Law* (9th ed., LexisNexis, 2023).

management.²⁵

5.2 Hate Speech and Online Harassment

On the social media, hate speech, internet bullying and cyber bullying have also been on the rise. Such discriminatory and offending content mentioned by religion, caste, gender or ethnicity or any other personal factors can make people unwilling to engage in common discussions. Online abuse is highly prone to women, journalists, researchers, and officials of the government, which could make a chilling effect on personal freedom of speech. Restricting people against the illegal online conduct and the right to a legal democratic argument is an uphill task in regulation.²⁶

5.3 Algorithmic Amplification and Platform Accountability

More and more social media are dependent on algorithms to decide the visibility of online content. Whilst these algorithms enhance user interaction, the algorithms have the side effect of enhancing sensational or misleading information. Individualised content suggestions may also produce so-called echo chambers, restricting users to insights of varied contemplates and causing a democratic and political polarisation.

The accountability of the platform is as such critical. Digital platforms should maintain clear policies to guide content moderation, strong mechanisms to redress grievances, and enforce community standards fairly to make sure they support responsible communication and do not place undue limitation on lawful expression.²⁷

5.4 Privacy and Data Protection

The large amount of personal information gathered and processed by social media platforms is a significant subject of concern as it affects privacy and data security. Digital services and adverts are often personalised with the use of personal information, which poses dangers of surveillance, profiling, and unlawful data utilisation. Privacy protection is thus necessary to be able to guarantee that people could enjoy freedom of expression without the fear of their

²⁵ Apar Gupta, *The Informational Freedom: Essays on Law, Technology and Liberty in India* (LexEmporia, 2016).

²⁶ Information Technology Act, 2000.

²⁷ *Shreya Singhal v. Union of India*, (2015) 5 SCC 1.

personal data and information being used against them.²⁸

5.5 Balancing Freedom of Expression and Regulation

Controlling online communication poses a challenging constitutional question. This over-regulation will make it difficult to allow the honest criticism and democratic debate, and bad regulation will allow excessive spread of harmful content that impacts the stability and integrity of the population, the dignity of each individual, and the election outcomes. The principles of the rule of law, proportionality, transparency, accountability and procedural fairness should therefore guide regulatory measures. At the same time, by spreading digital illiteracy, the citizens can be empowered to find dependable information and engage in the online debate in a responsible manner.²⁹

5.6 Need for Collaborative Digital Governance

The issues related to social media are not something that can simply be dealt with through legislation. Governments, technology firms, civil society organisations, schools, media firms and citizens should collaborate to enhance digital literacy, enhance mechanisms of fact-checking, ensure that user privacy is upheld, and create greater openness in managing the platforms. This needs a collaborative and rights-based approach that would maintain freedom of expression as well as the success of social media as a positive tool of democratic engagement in the digital era.

6. Judicial Approach and Comparative Perspective

The judiciary has also been gradually interpreting the constitutional right of freedom of expression to respond to the changes that technology and online communication present. Indian courts have regularly appreciated that democratic governance is reliant upon the unrestricted transfer of ideas and at the same time affirmed that rational restrictive measures could be taken on the existence of constitutional tenets. Experiences of other jurisdictions also show that democratic societies are still trying to find the correct balance point between safeguarding free

²⁸ *Justice K.S. Puttaswamy (Retd.) v. Union of India*, (2017) 10 SCC 1; Digital Personal Data Protection Act, 2023 (Act No. 22 of 2023).

²⁹ INDIA CONST. art. 19(1)(a), art. 19(2); *Shreya Singhal v. Union of India*, (2015) 5 SCC 1; V.N. Shukla, *Constitution of India* (13th ed., Eastern Book Company, 2017).

speech and being responsible enough to regulate digital platforms.³⁰

6.1 Judicial Approach in India

6.1.1 *Romesh Thappar v. State of Madras (1950)*

Romesh Thappar v. State of Madras one of the first constitutional cases to deal with freedom of expression came around and stated that the cornerstone of democratic government is freedom of speech and expression. The Supreme Court declared free political debate and the free flow of ideas as essential to the existence of a democratic society. The decision established the constitutional basis of jurisprudence safeguarding freedom of expression in the future.³¹

6.1.2 *Bennett Coleman & Co. v. Union of India (1973)*

In this landmark case, the Supreme Court realised that the freedom of the press and freedom to distribute information is part of the freedom of expression. The Court noted that limitations that impact on the spread of information in an indirect manner limit the constitutional rights of citizens to access information and this upheld the significance of an informed electorate in a democratic society.³²

6.1.3 *Secretary, Ministry of Information & Broadcasting v. Cricket Association of Bengal (1995)*

The Supreme Court broadened the meaning of Article 19(1) (a) by ruling that Article 19(1) (a) encompassed the right to publish information using electronic media. The Court appreciated the fact that broadcasting and electronic communication form significant tools of engaging in public discourse and democracy.³³

6.1.4 *Shreya Singhal v. Union of India (2015)*

The ruling of *Shreya Singhal* is a step forward in digital freedom of expression jurisprudence in India. The Supreme Court declared in the case that Section 66A of the Information Technology Act, 2000 was unconstitutional as its broad and ambiguous wording subjected

³⁰ V.N. Shukla, *Constitution of India* (13th ed., Eastern Book Company, 2017).

³¹ AIR 1950 SC 124.

³² (1972) 2 SCC 788.

³³ (1995) 2 SCC 161.

Internet users to unconstitutional limitations of freedom of expression. The Court highlighted what must be reviewed prior to imposing restrictions on speech to meet the constitutional requirements laid out in Article 19(2) and reiterated that freedom of expression egregiously extends to the internet and social media platforms.³⁴

6.1.5 *Anuradha Bhasin v. Union of India* (2020)

Realising the increasing importance of digital communication, the Supreme Court made the decision that the internet access has turned into an indispensable tool to exercise the freedom of speech and expression. The Court decided that the limitations on the usage of internet services should meet the legality, necessity, proportionality, and periodic review requirements. The decision underscored the pivotal nature of internet access in promoting democratic involvement and access to information.³⁵

6.2 Comparative Perspective

6.2.1 United States

Freedom of expression by the United States is one of the best constitutional guarantees of freedom of expression in the United States Constitution in the First Amendment. The courts tend to take a constrained stance in regard to the issues of government through restraint on speech since the democratic governance contains open debate that forms the core of governance. Civic engagement and political discussion have been transformed into crucial aspects of social media. Even though the private platforms create their community standards, the government limits on political expression are strongly scrutinized by the constitution.³⁶

6.2.2 European Union

Balanced approach is taken by the European Union that secures freedom of expression and considers the significance of privacy, dignity, consumer protection and digital responsibility. One of the efforts that have been achieved by the EU regarding online platforms, the transparency issue, the matter of illegal content, and the circumstances of the user right is a set

³⁴ (2015) 5 SCC 1.

³⁵ (2020) 3 SCC 637.

³⁶ U.S. CONST. amend. I; Erwin Chemerinsky, *Constitutional Law: Principles and Policies* (6th ed., Wolters Kluwer, 2019).

of radical regulations. Online governance programs promote the responsibility of platforms without violating the basic rights to which the Charter of Fundamental Rights of the European Union grants individuals.³⁷

6.2.3 United Kingdom

The United Kingdom acknowledges the freedom of expression as a core value of democracy but allows the reasonable regulation to help achieve unlawful content on the internet, community security, and negative online activities. The regulatory frameworks compel the technology firms to embrace best risk management frameworks, enhance transparency, and enhance security of the users. The practice in the UK is an indication of a compromise between freedom of expression and effective governance in the digital sphere.³⁸

6.3 Comparative Analysis

A comparison between India and other democracies based on jurisdictional considerations indicates that a number of common constitutional principles exist in India. The freedom of the speech is considered by every jurisdiction as an essential part of the democratic governance coupled with the acknowledgement that some restrictions can be imposed to safeguard interests of different groups of people. Nevertheless, the extent and characteristics of control vary based on constitutional tendencies and priorities in the policies.

The constitutional system in India gives a lot of importance to the anteriority between the liberty of people and the rational limitations as outlined in Article 19(2). The courts have always upheld the rights of digital free speech but allowed regulation to be applied selectively in order to preserve the order of nations, state security and privacy rights of individual citizens. Broad protection on interference by the government by the United States is generally greater in comparison to the European Union and the United Kingdom which have more comprehensive regulatory frameworks, which are highly reliant on accountability of platforms and digital governance.

The examples of those experiences indicate that neither permissive dispersion of poisonous contents, nor excessive restrictions on the exercise of the usual democratic rights, should apply:

³⁷ Charter of Fundamental Rights of the European Union, arts. 7, 8 & 11 (2000); Regulation (EU) 2022/2065 (Digital Services Act).

³⁸ Human Rights Act 1998, c. 42 (U.K.); Online Safety Act 2023 (U.K.).

such elements ought to be regulated to balance gains and losses. Rather, democratic states are moving towards more transparent, accountable and rights based forms of governance that do not violate constitutional freedoms but find a way to deal with modern technological issues.³⁹

7. Recommendations and Conclusion

7.1 Recommendations

The increasing role of social media as a tool in defining the democratic participation requires a balanced regulation framework that at the same time employs freedom of speech and also seeks to provide solutions to the arising issues that relate to digital communication. Following the above discussion, it is suggested to offer the following recommendations:

7.1.1 Strengthening Constitutional Protection of Digital Free Speech

Freedom of expression as guaranteed in the constitution should also be left to be the guiding principle in the regulation of digital communication. Whatever limit is placed upon any kind of expression online should meet the constitutional test of legality, necessity, proportionality and reasonableness according to Article 19(2). Executive and legislative actions must hence maintain the provenance of the democratic discussion but consider the real issues of people.

7.1.2 Enhancing Transparency in Platform Governance

The social media platforms ought to implement open and uniform content moderation policies. Clear formats of community standards and effective grievance redressal policies, and significant avenues through which users can appeal decisions made by the company regarding content removal or account suspension should be available. Increased clarity in algorithms decision making would also contribute to building confidence of the people in digital platforms.

7.1.3 Promoting Digital Literacy

Digital literacy is necessary as a prerequisite to responsible democratic involvement. Schools and universities, government authorities, civil society groups and technology firms can come together and make citizens better at recognising trustworthy information, fact-checking information on the internet, detecting fake content and having responsibility in digital

³⁹ M.P. Jain, *Indian Constitutional Law* (9th ed., LexisNexis, 2023).

communication. By developing greater digital literacy, we can add to enlightened public conversation and resistance to democracy.

7.1.4 Strengthening Privacy and Data Protection

Personal data security is critical towards guaranteeing the confidence of people in online services. This will be done by the appropriate enactment of data protection concepts, accountable data processing and open privacy policies which will motivate citizens to freely engage in online debates devoid of fear of mishandling of personal data. Strong privacy protection strengthens the autonomy of individuals and democracy.

7.1.5 Encouraging Responsible Use of Artificial Intelligence

AI gains more and more influence on the content regulation, the system of recommendations, and the flow of information on the social media. Technology firms must make sure that AI systems are transparent, reduce the bias to algorithms” and they include a human element. Accountable AI governance will allow enhancing platform responsibility, somewhat minimizing the external risk of automated decision-making.

7.2 Conclusion

Constitutional democracy is founded on freedom of expression, which is critical in facilitating political participation, transparency, and accountable government. During the digital age, social media has greatly facilitated the practice of this right because of the accessible platforms through which citizens can share ideas, engage in mass discourse and engagement in the democratic processes. It has empowered democratic engagement by promoting political awareness and citizen journalism, as well as digital activism and the interaction between citizens and the public institution.

Nonetheless, the rising usage of social media has also posed threats like misinformation, hate speech, online bullying, privacy, and responsibility of the platforms. These concerns confirm the necessity to find a balance between the constitutional right to the freedom of expression and the decent digital governance. Articles 19(1) (a) and 19(2), the Information Technology Act, 2000, the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 and judicial interpretations offer a legal perspective on overcoming these difficulties without infringing on constitutional principles.

This interdisciplinary research shows that the solution to the lack of democratic participation is not only the good legal framework but open governance of the platforms, digital literacy, privacy protection and collaboration between governments, technology corporations, civil society and citizens. With digital technologies constantly developing, the regulatory framework of India should be flexible and rights-based to protect the constitutional values and promote innovations. A middle ground that ensures the freedom of speech and a responsible use of social media will result in a more inclusive, knowledgeable and participatory democracy in the digital age.