

## Social Media: An Extension to Article 19(1) a

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### Abstract

*It has been seen that in recent times social media is being used as the platform to express views, opinions, ideas, stand, etc. by a lot of people who want to put forward their views. It has also become a great source of news and information. Presently everything gets discussed on social media either in the form of a comment or in the form of a status message put forward by someone. Every educated person has access to social media as it can be accessed free of cost. One only needs good internet facility which in turn helps people to access their right to freedom of speech. It is a global platform where whatever you write, post, share, etc. can be seen by everyone across the globe so people have begun to use it for saying what they want to say and want to be heard by the world. This paper tries to scan the positive and negative usage of social media for exploiting the freedom of speech & expression.*

**Key words:** Social media, Freedom of Speech & Expression, Negative usage &

Positive usage

### Introduction

Social Media has provided a space to every individual to share his views and opinion.

Some of the leading platforms are (Kaplan and Haenlein, 2010, p.62-64):

- ∞ Facebook (Social Networking Site)
- ∞ Twitter (Micro – blogging Site)
- ∞ Instagram (Photo – Sharing Site)
- ∞ Youtube (Video – Sharing Site)
- ∞ Word Press(Blogs)

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These platforms are helpful and dangerous both at the same time because they are providing space to people where they can put forward their ideas so this leads to few people saying things which are not worthy of being mentioned and on the other hand it helps to see what the majority of the society has to say on a particular issue. It is like a coin which has a head and a tail.

Social media has led to an increase in the involvement of youth in daily affairs and issues because now they have a space where they can state their opinion about everything. It has led to an overall indulgence of people in every matter and has also made every single issue look big out of proportion because of the number of people talking about it accessing their right to 'Freedom of Speech.'

Earlier, it was seen that social media was only used for interacting with new or same people that you know but now a new revolution has taken place where social media helps people to say what they want to say and how they want to say it. At times, wrongly used right has also led to few people behind the bars because one's freedom of speech cannot lead to hinder someone else's right.

It's not that the previous generations were not expressive. We all remember the mass agitations in pre-independence era and also during the Emergency in 1976. But there was a gate-keeping say by editors when someone sends either a letter to the editor or an article. Radio and television was far beyond the reach of the common man.

Social Media has no gate-keeping and it's free of cost. Thus, it can be considered as one of the reasons for an increase in the use of freedom of speech.

Here people feel their voice would reach out to lot of people that is why new posts on the same issue can be seen by new people because everybody now wants to tell what are his/her views about a particular event.

Since these platforms provide access to people, it has led to an increase in the number of people voicing their opinions.

It is true to say that freedom of speech is an important part of a democratic set up but every individual needs to realise the importance of it and should know how, when and where to use it so that maximum advantage can be drawn out of it and social media is playing a great role in making people exercise their right.

### **Objectives**

This study attempts to –

- ☞ Find the positive usage of social media in strengthening the freedom of speech and expression.
- ☞ Find the negative usage of social media in weakening the freedom of speech and expression.

### **Methodology**

Qualitative approach is applied for studying the subject using the following methods:

- ☞ Content Analysis
- ☞ Case - Study

Since it is subject to Article 19(1) a; the cases of social media usage in India were studied.

### **Review of Literature**

On reviewing the existing literature, the present research papers have highlighted the challenges before law in curbing the misuse of social media in India. As Shishir Tiwari and Gitanjali Ghosh (2014) stated how Section 66A of the Information Technology Act, 2000 which says that any electronic message that is grossly offensive disseminated with a purpose of causing annoyance shall be

punishable with imprisonment up to three years with fine is hugely misused. They have given the incidences of infringement of Freedom of Speech and Expression -

“In April 2012, Ambikesh Mahapatra, a Professor of Chemistry in Jadavpur University in West Bengal, was arrested for posting a cartoon on West Bengal Chief Minister Mamata Banerjee on social networking sites.

In May 2012, two Air India employees were arrested by the Mumbai Police for putting up content on Facebook and Orkut that was against a trade union leader and some politicians. They were in custody for 12 days.

In October 2012, Ravi Srinivasan, a businessman, was arrested by the Puducherry Police for tweeting that Kartik Chidambaram (son of Union Finance Minister P. Chidambaram) appears to have amassed more wealth than Robert Vadra, son-in-law of Congress president Sonia Gandhi.

In November 2012, Shaheen Dhada was arrested for questioning the shutdown of Mumbai following the death of Shiv Sena supremo Bal Thackeray in her Facebook post, which was “liked” and shared by her friend, Renu, who was also arrested by the Thane Police in Maharashtra.”

To overcome such embarrassment before the world, the Ministry of Communications and Information Technology, Government of India has advised the State Government to arrest any person under Section 66A only with prior approval from an officer above the rank of Inspector General.

Looking on to the censorship of social media, Senior Vice President at Leo Burnett Layla Revis (2016) believes that in India there is a “divide that exists between science, empirical fact, cultural traditions, and spiritual beliefs that require us to put

faith in that which can neither be seen, proven, nor measured. This leads to blind faith coupled with social media where for some the content is trivial and offensive and for few it is worth reading.” As a result people have developed fear in sharing their opinions and views, also they have stopped supporting through likes and comments to issues which are sensitive as per the article 19(2) of the Constitution of India.

Even the Indian Internet Service Providers continue to selectively filter Web sites identified with content on political conflict/security, social, and cultural aspects. With increasing cyber crime, Government of India is gradually planning to subject mass surveillance which blocks potentially unfavorable incoming data from foreign countries. The Great Firewall of China is a major example which is operated by the Ministry of Public Security of the Government of China initiated in 1998 and began operations in November 2003.

Orkut and Indian law enforcement agreement (2007) is an incidence where censorship on a social networking site (popular in 2007, now non-functional in India) was performed to track down what it deems defamatory content which, in their example, includes content critical of Bal Thackeray.

States like J&K (17–18 March 2014, July 2016), Gujrat (September 27-30, 2014, 25-31 August 2015), Nagaland (7-9 March 2015) and Manipur (1 - 8 September 2015) have witnessed internet shut-down to control riots.

### **Positive Usage of Social Media**

☞ **Nirbhaya case** : It was seen that social media played a great role in making this case as major story across the nation and the world because the entire youth was seen supporting Nirbhaya and asking for justice for the girl. It was the most talked about incident and no one was letting it go easy. Large amount of rallies in support of the girl demanding capital punishment for the accused

were being organized on the social media which lead to great turn out on each rally. Social media helped people to show their anger against the issue and raise their voice in support of the victim. The social media pressure also played a role in making the case fast track and putting the guilty behind bars and bringing **change in the Juvenile law**.

☞ **Hanumanthappa story** : A great support for this brave heart soldier was seen on the social media where everybody was giving out words of respect and honour for this soldier and praying for a better tomorrow for his family. Somewhere or the other the support he got on social media made him a national hero, leading to a **sense of Patriotism amongst the masses**.

☞ **Dettol – Banega Swatchh India** : Swatch Bharat Abhiyan is re-launched by Dettol along with the Indian Ocean, lyrics penned down by Praseen Joshi, show-casing historical and most persevered monuments like Qutub Minar, Gateway of India, Amer fort, and Humayun’s tomb.

☞ **Agricultural Extension in Udalguri District, Assam**: The Krishi Vigyan Kendra, Lalpool, Cold Storage Campus, Sarbaherua is running a project since April 2016 which will complete in March 2017 where Social Media is to cover 100 farmers by forming different groups like agriculture, horticulture, fisheries, animal science and allied sectors to share necessary information on management of different crops and problems faced by the farmers.

### **Negative Usage of Social Media**

☞ **Shahid Kapoor’s Wedding**: In this event it was seen how social media can play a spoiler in someone’s personal life. Everybody was seen commenting about the star’s wedding and giving views about his decision of getting married and about his age gap with his would be.

- ☞ **Sanjay Dutt Bail:** It was seen that many people on social media were seen opposing untimely bails given to Sanjay Dutt during his serving time in prison which was wrong because Indian jurisdiction is good enough to take such decisions.
- ☞ **Manjunath Mudugal's Tipu Sultan controversy:** On 26 January 2016, while India was celebrating the Republic Day, Manjunath Mudugal, an ITI student from Koppala (Karnataka) was arrested for allegedly posting derogatory comments about Tipu Sultan on Facebook. As reported by India today, the incident was highlighted to the police by a few local residents and he was asked to remove all “controversial” pictures from his Facebook account. The Hindu reported the incidence, stating, “The police said Manjunath Mudugal, an ITI student, was held for **attempting to disturb communal harmony** by sharing objectionable pictures.
- ☞ **Kiku Sharda's Gurmeet Ram Rahim controversy:** A few days back, when **Kiku Sharda** was arrested for mimicking Gurmeet Ram Rahim, people ensured that their angry voices reached governments and lawmakers. The outrage went beyond social media to news headlines and TV debates. Even in 2012, when girls from Palghar, Maharashtra were arrested for an ‘offensive’ Facebook post on Bal Thackeray, the news escalated as an abuse of power. However, the media is apathetic towards Manjunath Mudugal for a similar case.
- ☞ **Patidar Reservation Agitation:** Public demonstration across Gujarat for seeking Other Backward Class reservation turned violent on 25 August 2015, the internet service on mobile phones and certain websites like WhatsApp and Facebook on broadband were blocked for six days from 26 August 2015 to 31

August 2015 across the state. This was a precautionary step to curb the negative usage of social media which could lead to unrest in other parts of the country.

### **Conclusion**

Social media is not only restricted to social networking sites like Facebook, LinkedIn, Snapchat, etc. but goes further ahead to writing blogs and posts. Earlier social media was only used for the purpose of socially interacting with others or for posting updates of what was happening in one's life but now the scenario has changed it is not only being used for leisure purpose but also for important work.

Another important role being played by social media in today's time is acting as a platform for people to enjoy their right to freedom of speech and expression by micro-blogging like 'TWITTER' which can be considered as a major player because it clearly provides a space to people to put forward whatever comes in their mind in the form of Tweet which could be read by others and then people could give their response on it. Earlier everybody use to have an opinion about everything it has been happening ever since the evolution took place that everyone has a say on everything but dint know how to get it across but now social media has made it easy. You just have to get on to one of the social media platform and say whatever you want to say and everyone on that same platform would come to know what you feel about a particular situation.

Social media has both a positive and negative impact because of providing a space to people for using their right to freedom of speech. The positive side is that people can now put forward their views on anything which is under the sun but on the contrary some people use it for all the wrong reasons and put forward content which is not in favour of anybody. They use this platform to showcase their anger against something

or someone by using all the wrong means because of which the police also has to develop a new cell called the Cyber crime cell.

Celebrities have made use of Twitter for putting forward their views or talk to their fans and increase their fan following. Everyone has got access to web space where they can say whatever they want to using the right to freedom of speech without thinking the result of it. At times immature behavior can also be seen which is putting forward views without even knowing full facts of an incident. It is somehow time to lay down proper rules and regulations for the law of freedom of speech because of the growing strength and use of social media for putting forward views so that it does not become a serious issue and it could be said that the social media have lead to an increase in the use of the right to freedom of speech which is good for a nation as it could lead to development when everyone is allowed to say what he/she wants and what he/she feels.

It is advised that a responsible citizen of India should understand the strength of this medium and make optimum use of it to confer development communication rather than destructive communication.

It is noteworthy that the champions of “Freedom of Speech” have decided to ignore such incidence to an extent that it could hardly be read on any of the national newspapers or twitter timelines of mainstream media journalists.

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