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THE DIGITAL DILEMMA: FREE EXPRESSION VS. ACCOUNTABILITY IN SOCIAL MEDIA REGULATION

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ABSTRACT

Social media platforms have revolutionized public conversation, opinion expression, and communication in the modern digital age. By enhancing the right to free speech and expression, these platforms have empowered users all over the world, but they have also created difficult social, ethical, and legal issues. The necessity for accountability and regulation without violating fundamental rights has been highlighted by the unregulated spread of hate speech, misinformation, online bullying, and incitement to violence. This research paper investigates the complex contradiction between the right to free expression and the requirement of regulating digital speech to ensure responsible online behavior.

The initial part of the paper traces the legal underpinnings of the right to free expression, especially in democratic nations, both in the constitution and internationally. It then looks at social media's dual roles as a platform for democratic engagement and an alternative for malicious content. This study examines the disparate regulatory approaches implemented globally by analyzing India's IT Rules and Article 19(2) of the Indian constitution which imposes reasonable restrictions on freedom of speech and expression.

With the use of comparative legal analysis, the study highlights the difficulties in developing regulations that are reasonable, accessible, and respectful of people's rights. It also takes into account the significance of platform transparency, the ethical responsibilities of digital corporations, and the effects of automated categorization of content. In the final analysis, this report prioritizes a multi-stakeholder strategy which includes users, governments, tech corporations, and civil society.

The study ultimately arrives at the conclusion that it is simultaneously necessary and possible to achieve an equal balance between accountability and freedom of expression. In order to prevent

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the unlawful use of digital platforms and safeguard democratic principles context-sensitive strategy is essential. Conclusions offer useful suggestions for future policy development adding to the current discussions on digital governance.

Keywords: Freedom of expression, Social media expression, Digital governance, Accountability, Content moderation.

INTRODUCTION

The foundation of any democracy is the right to free speech and expression. By giving people the opportunity to express differing opinions and criticize governmental decisions, it promotes free discourse, public involvement, and accountability. Governments often do not censor speech in democracies like India, which promotes a pluralistic atmosphere where the finest ideas can be discussed and found. For an informed and literate population to participate in substantive political conversation, this right is essential. All Indian people are guaranteed the freedom of speech and expression under Article 19(1)(a) of the Constitution. This right is not unrestricted unfortunately. In order to protect India's sovereignty and integrity, public order, decency or morality, contempt of court, defamation, and incitement to unlawful activity, the State may impose reasonable limits, according to Article 19(2). The right to peaceful assembly is a component of free speech and is necessary for civil participation and democratic criticism. Democracies must, however, find a balance between defending this right and restricting speech that incites violence, fosters hatred, or threatens public order. Maintaining free speech while appropriately handling communication that infringes moral or legal bounds is the challenging aspect.²

Concerns about India's sovereignty and integrity, state security, good relations with other nations, public order, decency or morality, contempt of court, defamation, and incitement to crime have all been incorporated into the list of reasonable limits. These restrictions must be reasonable, appropriate, and not capricious. The requirement that the limitations be acceptable in both content and method has been highlighted by courts. Court rulings, such those in **Romesh Thappar v. State of Madras** and **Shreya Singhal vs. Union of India**, have made it clear that limitations shouldn't be vague or ambiguous. The Supreme Court ruled in **Shreya Singhal** that Section 66A of the IT Act was unconstitutional and violated free speech. Therefore, even if a democratic society requires freedom of expression, its use must respect others' rights as well as the necessity of

²“Freedom of Speech — Principles of Democracy” (*Principles of Democracy*) <[529](https://www.principlesofdemocracy.org/speech-dem#:~:text=Freedom%20of%20speech%20and%20expression,even%20contrary%20ideas%20and%20opinions.>.”</p></div><div data-bbox=)

safeguarding public order and the interests of the country. The limitations are protective measures rather than tools of oppression.

UNDERSTANDING FREEDOM OF SPEECH AND EXPRESSION

EVOLUTION OF THE RIGHT TO FREEDOM OF SPEECH AND EXPRESSION

With roots in the Preamble and protection under Article 19(1)(a) of the Constitution, the right to freedom of speech and expression is highly valued in India. This right has a long history, having developed from antiquity and been represented in early charters like the Virginia Bill of Rights (1776) and the English Bill of Rights (1689), as well as international human rights agreements like the UDHR. Freedom of expression was acknowledged as an inalienable right throughout the French Revolution as well. The First Amendment's crucial importance in American democracy is highlighted by Justice Holmes' dissent in *Abrams v. United States*.³

The judicial system in India has continuously underlined how crucial free speech is to democratic governance. In ***Maneka Gandhi vs. Union of India***, Justice Bhagwati characterized it as crucial for transparent discourse and public accountability. The Supreme Court has upheld the freedom of the press by confirming that the right to free expression includes the right to share the opinions of others. The Court reaffirmed that free speech is fundamental to the Constitution in ***Mahesh Bhatt vs. Union of India***. Maintaining democracy, guaranteeing political participation, and influencing public opinion ultimately depend on free speech. The democratic system and the ability of individuals to make wise judgments are jeopardized by any limitation or violation of this right.

INTERNATIONAL PERSPECTIVE ON FREEDOM OF SPEECH AND EXPRESSION

A cornerstone of international law, the right to free expression is protected by national laws, regional human rights frameworks, as well as international conventions. The freedom to seek, receive, and disseminate information across national boundaries via any medium is guaranteed by Article 19 of the Universal Declaration of Human Rights (UDHR). In the same manner, other

³ Manupatra, "Articles – Manupatra" <<https://articles.manupatra.com/article-details/A-Bird-s-Eye-View-of-the-Right-to-Freedom-of-Speech-and-Expression-in-India>>.

types of communication, such as written, spoken, artistic, and nonverbal expressions, are protected by Article 19 of the International Covenant on Civil and Political Rights (ICCPR).

Article 9 of the African Charter, Article 10 of the European Convention on Human Rights, and Article 13 of the American Convention on Human Rights are additional important documents that acknowledge this right. A democracy cannot function without free speech because it allows people to voice their political opinions, make an impact on decisions, and promote social progress. The safeguarding of this right is essential for guaranteeing all other freedoms since it is also connected to personal growth and fulfillment.

ESSENCE OF FREEDOM OF SPEECH AND EXPRESSION IN THE PREAMBLE OF THE INDIAN CONSTITUTION

The Preamble of the Indian Constitution, which places a strong emphasis on ensuring that every citizen has the freedom to contemplate and express themselves, is the foundation of the theory behind the right to freedom of speech and expression. This right is the cornerstone of all other liberties in India, a sovereign, democratic, secular, socialist nation. It is necessary to promote a free and just society in which the people's informed will is reflected through the government. By guaranteeing that everyone can freely express their thoughts, feelings, and opinions—whether orally, in writing, or through any other medium—this right upholds democracy and safeguards the rights of all people, particularly minorities.⁴

SCOPE OF THE RIGHT TO FREEDOM OF SPEECH AND EXPRESSION UNDER ARTICLE 19(1)(A) OF THE INDIAN CONSTITUTION

All Indian people have the right to freedom of speech and expression under Article 19(1)(a) of the Constitution, which enables them to express their opinions using a variety of media, including writing, speech, gestures, pictures, and more. This right guarantees the free flow of information required for a thriving democracy and encompasses the freedom of the press and the expression of other people's opinions. Self-fulfillment, seeking the truth, making educated decisions, and striking a balance between society development and stability are among of its many uses. Only Indian citizens are entitled to this right, which is upheld by international agreements like the

⁴ LawBhoomi, “Freedom of Speech and Expression under Article 19(1)(a)” (*LawBhoomi*, May 16, 2025) <https://lawbhoomi.com/freedom-of-speech-and-expression-under-article-191a/#The_essence_of_Freedom_of_Speech_in_the_Preamble>.

Universal Declaration of Human Rights (UDHR) and International Covenant on Civil and Political Rights (ICCPR).⁵

Broadcasting, commercial speech, the right to knowledge, and even the right to silence have all been included. However, under Article 19(2), this freedom is subject to reasonable limitations for the sake of public order, morality, sovereignty, security, and other considerations. Important decisions from the courts have acknowledged the importance of free speech in preserving democratic principles and guaranteeing responsible government.

REASONABLE RESTRICTIONS ON THE RIGHT TO FREEDOM OF SPEECH AND EXPRESSION UNDER ARTICLE 19(2) OF THE INDIAN CONSTITUTION

The Indian Constitution's Article 19(2) permits the State to put reasonable limitations on the right to freedom of speech and expression in order to protect the public interest and guard against abuse. These limitations are essential for striking a balance between community order and individual liberty. Speech that poses a threat to national stability, such as revolt or insurrection, may be suppressed on the grounds of state security. Restrictions implemented by the First Amendment in 1951 can also be justified by friendly relations with other nations.⁶

In contrast to state security, public order focuses on suppressing speech that threatens safety or incites violence. According to Sections 292–294 IPC, decency and morality restrict offensive or obscene content. The 1971 Contempt of Courts Act defines contempt of court as limiting speech that undermines judicial authority. A person's reputation is protected under Sections 499–500 of the Indian Penal Code (IPC) which constitutes the offence of defamation. Speech that encourages criminal conduct is prohibited under the 1951 addition of "incitement to an offence." The 1963 Sixteenth Amendment's addition of India's sovereignty and integrity limits anti-national speech.

⁵ Testbook, "Freedom of Speech Article 19(1)(A): Background, Scope & Restrictions" (*Testbook*, March 3, 2025) <[https://testbook.com/ias-preparation/freedom-of-speech-article-19-1-a#:~:text=Scope%20of%20Freedom%20of%20Speech,Article%2019\(1\)\(a\)&text=This%20right%20includes%20the%20freedom,dissemination%20of%20information%20is%20involved.>](https://testbook.com/ias-preparation/freedom-of-speech-article-19-1-a#:~:text=Scope%20of%20Freedom%20of%20Speech,Article%2019(1)(a)&text=This%20right%20includes%20the%20freedom,dissemination%20of%20information%20is%20involved.>)>.

⁶ Free Law, "Free Law" *Free Law: Get Free Headnotes & Judgments* (April 24, 2024) <<https://www.freelaw.in/legalarticles/Freedom-of-Speech-Expression>>.

LIBERTY OF PRESS ALONG WITH FREEDOM OF SPEECH AND EXPRESSION

In a democracy, freedom of speech and expression—especially freedom of the press—is crucial. Renowned philosophers such as George Orwell and Voltaire highlighted its significance for political independence and educated public discourse. In India, press freedom is implicit within the larger right to free speech, even though it is not specifically mentioned in Article 19(1)(a). In the case of **Romesh Thapar v. State of Madras**, Justice Patanjali Shastri argued that democracy is predicated on an unfettered press. The press include all outlets that disseminate information and viewpoints, not just newspapers. Additionally, Lord Mansfield pointed out that press freedom encompasses publication without prior consent, despite with the potential for legal consequences.

The freedom of the press comprises the capacity to obtain and exchange information, express one's own opinions, and influence public opinion. The Supreme Court acknowledged this right in **Prabha Dutt v. Union of India**, emphasizing that it is not unfettered. The role of the press in education, particularly in underdeveloped countries, was further demonstrated by the case of **Indian Express Newspapers (Bombay) Pvt. Ltd. Vs. Union of India**. The press is essential to informing the public, encouraging political participation, and holding governments responsible, even though the Indian Constitution does not offer it any more rights beyond those granted to citizens.

The Supreme Court has linked privacy rights to journalistic freedom. The Court underlined in **Union of India v. Manohar Lal Sharma (the Pegasus case)** that monitoring journalists might restrict free expression and undermine democracy. Similarly, the Court upheld press freedom as a fundamental component of democratic engagement in **Vinod Dua v. Union of India**, dismissing sedition charges against a journalist for dissenting from government policy.⁷

Article 19(1)(a), which encompasses the right to receive and distribute information through all accessible channels, including telecasting, includes the freedom to broadcast. This right is further strengthened by the Right to Information Act of 2005, which permits citizens to request government data, subject to specific limitations under Section 8. These limitations are in line with Article 19(2)'s legitimate speech restrictions, which include those related to public order and national security.

⁷ Manupatra, “Articles – Manupatra” <<https://articles.manupatra.com/article-details/A-Bird-s-Eye-View-of-the-Right-to-Freedom-of-Speech-and-Expression-in-India>>.

The press functions as the "fourth pillar" of democracy, promoting openness, responsibility, and the empowerment of citizens. Even though press freedom is not unequivocal, maintaining it is essential to maintaining democracy and enabling citizens to engage in public life with knowledge.

RIGHT TO THE ADVERTISEMENT (COMMERCIAL SPEECH)

Article 19(1)(a) of the Indian Constitution also encompasses the right to advertise a product or service by applying different strategies including loudspeakers, banners, radio, newspapers, direct mail, circulars, handbills, televisions, internet, etc. The Supreme Court ruled in the case of **Hamdard Dawakhana v. Union of India (1959)** that commercial advertisements are not completely protected by Article 19(1)(a) of the Constitution. Although advertisements are a kind of speech, the Court determined that content that is solely commercial and intended to advance trade does not have the necessary component of idea propagation and consequently is not fully safeguarded as free speech. In order to protect the public, the Court defended government control of deceptive advertising. It also invalidated a section of the Act that granted an unwarranted and excessive transfer of power. The Act's prohibitions on fraudulent advertisements have been accepted as constitutional.⁸

However, this decision was overruled in the case of **Tata Press Ltd. vs. Mahanagar Telephone Nigam Ltd.** It was held by the Honourable Supreme Court that Article 19(1)(a) provides protection to commercial speech and this right cannot be violated simply because of the fact that it has been issued by a businessman. The right to read and listen to the commercial speech has been granted to people as a fundamental right. Both speakers and the recipients of the commercial speech are protected under Article 19(1)(a) of the Indian Constitution.

RIGHT TO CIRCULATE

The right to circulate has been included in the right to freedom of speech and expression guaranteed under Article 19(1)(a) of the Indian Constitution. The Honourable Supreme Court ruled in the case of **Sakal Papers vs. Union of India** that the State cannot enact legislation that directly impact newspaper circulation since doing so would violate the right to free speech and expression. Both the amount and volume of the circulation as well as the content that the citizen

⁸ LawBhoomi, "Hamdard Dawakhana v Union of India" (*LawBhoomi*, February 20, 2025) <<https://lawbhoomi.com/hamdard-dawakhana-v-union-of-india/#:~:text=The%20case%20of%20Hamdard%20Dawakhana,in%20relation%20to%20commercial%20speech.h.>>.

is allowed to distribute are protected by the right under Article 19(1)(a) of the Indian Constitution. This dispute started when the newspaper agency contested the government's newsprint policy, which limited the agency's ability to print more newspaper pages than authorized.⁹

RIGHT TO CRITICIZE

Everyone has the fundamental right to express their opinions on any matter of public concern, according to the judgement given in the case of **S. Rangarajan vs. P. Jagjivan Ram**. Restricting expression is not justified by open criticism of government operations and policies. Intolerance is just as harmful to democracy as it is to the individual. Everyone does not have to keep voicing the same thoughts or viewpoints that you have already voiced.

RIGHT TO FREEDOM OF SPEECH AND EXPRESSION BEYOND NATIONAL BOUNDARIES

In the case of **Maneka Gandhi vs. Union of India** it was assessed whether Article 19(1)(a) of the Indian Constitution was limited to Indian territory. The Supreme Court ruled that the freedom of speech and expression crosses national borders.

RIGHT TO RECEIVE INFORMATION

The freedom of speech and expression consist of both the right to receive information as well as the right to disseminate and publish information. The Honourable Supreme Court gave Article 19(1)(a) a wide interpretation, stating that it guarantees citizens' right to know information about public matters and encompasses not only communication and circulation but also information receiving as they constitute two sides of the same coin.

THE RIGHT TO FREEDOM OF SPEECH AND EXPRESSION ALSO INCLUDES THE RIGHT TO SILENCE OR THE RIGHT TO REFRAIN FROM SPEAKING

Three students were dismissed from the school for refusing to perform the national anthem in the National Anthem case. But when the national anthem began to play, the kids stood up in devotion.

⁹ LawBhoomi, "Freedom of Speech and Expression under Article 19(1)(a)" (*LawBhoomi*, May 16, 2025) <https://lawbhoomi.com/freedom-of-speech-and-expression-under-article-191a/#Right_to_the_advertisement_commercial_speech>.

The Kerala High Court heard a challenge to the validity of the students' expulsion and supported it, citing the students' fundamental duty to sing the national anthem as justification.

However, the Supreme Court determined in an appeal against the Kerala High Court's decision that the students had not violated the Prevention of Insults to National Honour Act, 1971. Furthermore, there was no legislation that might restrict their fundamental right guaranteed under Article 19(1)(a) of the Indian Constitution.

RIGHT TO INFORMATION ACT, 2005

As upheld in the case of **People's Union for Civil Liberties vs. Union of India**, the right to information (RTI) is regarded as a basic right under Article 19(1)(a) of the Indian Constitution. According to the judgement given in the case of **Government of India vs. The Cricket Association of Bengal**, it is associated with the freedom of speech and expression, allowing citizens to learn and disseminate information. According to RTI Act, 2005 Sections 2(f) and 2(j), inspection of government-held information is permitted in a variety of formats, including papers, emails, records, and digital media.¹⁰

In the case of **Raj Narain vs. State of Uttar Pradesh**, the Supreme Court highlighted that as the people are the genuine leaders in a democracy, informed citizens are crucial to its operation. An essential component of accountability is the right to know how public funds are being used. However, in accordance with Article 19(2), Section 8 of the Right to Information Act, 2005 lists some exclusions that permit reasonable limitations in the service of public order, security, sovereignty, as well as other areas of protection.

SOCIAL MEDIA PLATFORMS' CONTENT MODERATION POLICIES

Moderation is defined as the surveillance and oversight of content through multiple platforms on the internet, such as social networking sites. It is also referred to as social media content moderation, and it is a means of moderating various forms of objectionable and inappropriate content for normal users. This moderating process moderates user-generated information on social media platforms such as Twitter, Instagram, Facebook, Tumblr, and others that is abusive or obnoxious and inappropriate for all age groups. The true requirement for content filtering exists

¹⁰ Manupatra, "Articles – Manupatra" <<https://articles.manupatra.com/article-details/A-Bird-s-Eye-View-of-the-Right-to-Freedom-of-Speech-and-Expression-in-India>>.

on social media sites, since the public has unlimited freedom to post whatever they want. They are allowed to express their thoughts, experiences, and feedback, which can be viewed by other users.¹¹

Content moderation services, such as picture and video moderation, are available to govern such content on web platforms. These are carefully tracked by experts known as content moderators, or social media moderators, who review them and decide whether to allow or remove such content. Selecting a content moderation outsourcing service can help businesses address every one of the company's obstacles at a lower cost while maintaining high quality. The content moderation system based on artificial intelligence dynamically evaluates information posted by any individual. If something is deemed offensive or unacceptable, it is submitted for approval. When it comes to content moderation on social media, it is rigorously evaluated to decide whether to make it visible to all users or delete it from the user's account and take steps such as blocking them following a warning.

STRIKING A BALANCE BETWEEN LEGAL AND ETHICAL CONSIDERATIONS

In a democratic country like India, the press is an important means of communication and news distribution. While the Constitution makes no explicit mention of press freedom, it is commonly accepted as part of the fundamental right to free speech and expression guaranteed by Article 19(1)(a). During the Constituent Assembly Debates, Dr. B.R. Ambedkar stated that there ought to be no need for an independent mentioning of press freedom because citizens' and journalists' rights are intrinsically the same in this context.

The judicial system has performed a significant duty in upholding this freedom. In the case of **Romesh Thapar vs. State of Madras**, the Supreme Court stressed that freedom of speech includes the freedom to spread ideas, which is safeguarded within the scope of freedom of circulation. In the case of **Indian Express Newspapers vs. Union of India**, the Court recognized the important role of press in maintaining democracy and emphasized the obligations of judiciary in safeguarding it. Furthermore, in the case of **Union of India vs. Association for Democratic Reforms**, the Court stated that free expression includes both transmitting as well as receiving information. The suppression or misinterpretation of facts leads to an uneducated public,

¹¹ “Social Media Content Moderation: How It Works & Importance” (*Maxicus*, May 11, 2023) <[537](https://maxicus.com/social-media-content-moderation/#:~:text=Takeaway-,What%20is%20social%20media%20content%20moderation%3F,for%20normal%20users%20are%20moderated.>”.></p></div><div data-bbox=)

which undermines democracy. Thus, while not specifically mentioned, press freedom is critical for a robust and effective democracy.

Article 19(1)(a) of the Indian Constitution safeguards freedom of speech and expression, including the freedom of the press. However, Article 19(2) states that this freedom is not absolute and may be limited by legislation imposing reasonable restrictions in the interests of sovereignty, public order, morality, or other implied challenges. Among the primary restrictions that journalists face include defamation, sedition, and obscenity.

Defamation is outlined under Section 499 of the Indian Penal Code (IPC) includes any spoken or written comment designed to injure someone's reputation. It can be prosecuted as both a civil as well as criminal offense. Defamation can take the form of libel (written or printed) or slander (said or gestured), and Indian law does not distinguish between both of them.¹² Individuals can be deemed accountable even if they did not intend to do harm to another person's reputation. This was affirmed in the landmark judgements of **E. Hulton & Co. vs. Jones** and **T.V. Ramasubba Iyer vs. A.M. Ahamed Mohideen**. In **Arundhati Roy's contempt case**, the Supreme Court emphasized the need of respecting reasonable restrictions on free expression, especially when directed against judges.

Accountability also applies to the publisher and editor. In the landmark judgements such as **Balasubramania Mudaliar vs. Rajagopalachariar** and **Ramaswamy vs. Lokananda**, it was determined that editors are liable for libelous text unless they can show their absence during publishing.

Section 124A of the Indian Penal Code defines sedition as words that promote hatred or disaffection against the government. It is essentially a slander of the State. The legality of this law was reaffirmed in **Kedar Nath vs. State of Bihar**, when the Supreme Court stated that only speech encouraging violence or public disruption is considered sedition. Criticism or dissent without instigation does not constitute sedition. This premise was upheld in the **Vinod Dua case**. It was highlighted **Bal Gangadhar Tilak case**, while political opinion is permitted, it must be carried out with strict rules and regulations.

Obscenity is penalized under Section 292 IPC, which forbids the selling and dissemination of content that is considered offensive to public decency. The Hicklin Test, developed in **Queen vs. Hicklin**, evaluates obscenity based on whether the content tends to corrupt persons who are

¹² AmicusX, "Freedom of Press and Its Limitations: Where Do We Draw the Line?" (*AmicusX*, December 19, 2021) <<https://www.amicusx.com/post/freedom-of-press-and-its-limitations-where-do-we-draw-the-line>>.

vulnerable to immoral influences. The same test was used in the case of **Ranjit D. Udeshi vs. State of Maharashtra**, when a work was deemed obscene despite arguments about literary excellence. Section 292 of IPC was declared constitutionally valid by the court.

However, in the case of **Samaresh Bose vs. Amal Mitra**, a broader approach was used by the Supreme Court, taking into account both the author's intent and the overall theme. The Court determined that, while the book had sexual content, it addressed social issues and hence did not qualify as obscene. Finally, while the press is legally protected, it is limited by regulations that safeguard persons, the state, and public morality.

The Indian government has introduced new guidelines for social media giants. The Indian government established the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, for regulating significant social media platforms such as Facebook, WhatsApp, and Twitter. These rules are intended to combat counterfeit news and illegal information online. Important regulations include tracing the originator of illegal messages, removing illegal content immediately as it is discovered, releasing monthly compliance reports describing grievances and steps taken, and establishing local offices with top administrators to work together with law enforcement to resolve issues raised by users. These steps aim to improve accountability and enable safer digital communication over multiple platforms.

COMPARATIVE ANALYSIS OF FREEDOM OF SPEECH IN INDIA AND UNITED STATES OF AMERICA

Both India and the United States acknowledge freedom of speech and expression as fundamental rights enshrined by their respective constitutions. Yet, the nature and constraints imposed by these rights differ greatly between both of these democracies.¹³

In the United States of America, the First Amendment expressly prevents the government from restricting freedom of speech or freedom of the press. This results in one of the world's most permissive speech regimes, with practically all communication protected unless it falls under previously prohibited categories that include obscenity, defamation, threats, as well as fraud. Constraints on speech must pass the "strict scrutiny" test, which requires an overwhelming public

¹³ Psa, "Say What You Will: A Comparison of Free Speech in India and the United States - PSA Legal Counsellors" (*PSA Legal Counsellors*, December 9, 2021) <<https://www.psalegal.com/say-what-you-will-a-comparison-of-free-speech-in-india-and-the-united-states/#>>.

interest and minimal restrictive methods. Despite symbolic acts, that include flag burning, have been recognized as expressions of politics.

Contrary to this, India's Constitution provides freedom of speech and expression under Article 19(1)(a) while permitting "reasonable restrictions" under Article 19(2). These involve constraints determined by national security, public order, morality, defamation, and various additional considerations. The Indian Supreme Court highlighted the fact that freedom of the press is an important aspect of this right. Indian law also allows for constraints on hate speech, especially speech that insults religion or undermines public order, emphasizing the country's diversity and matters of international politics.

India has taken an anticipatory strategy to social media regulations with the Information Technology Rules of 2021, which require platforms to trace message originators, remove unlawful content as soon as possible, and maintain local compliance officers. Failure to comply could give rise to liability. In the United States, the debate centers around whether or not platforms serve as neutral intermediaries or publishers regulating information.

While the United States strives for deeper speech protection, India's approach is more balanced, with an emphasis on societal stability and security. The ongoing development of such frameworks, especially within the context of digital communication, will have an impact on global free speech governance dynamics.

ARTIFICIAL INTELLIGENCE (AI) AS A THREAT TO FREEDOM OF SPEECH AND EXPRESSION

The rapid development of artificial intelligence (AI) poses a serious but overlooked danger to freedom of expression. While public conversations sometimes focus on extreme narratives, including AI replacing jobs or aggressive robots, the most serious issue is how AI affects legal frameworks that safeguard free speech in democratic nations. Unlike with previous technological revolutions, AI and social media have disturbed the delicate relationship of individual freedom and social harmony. Platforms now enable worldwide networking while also increasing divisiveness, harassment, along with misinformation.¹⁴

¹⁴ Philip Sargeant, "How AI Threatens Free Speech – and What Must Be Done about It" (*The Conversation*) <<https://theconversation.com/how-ai-threatens-free-speech-and-what-must-be-done-about-it-221330>>.

Modern free speech protections are rooted in centuries-old legal assumptions: that individuals independently express their thoughts, and that governments should not exercise “prior restraint”—preventing speech before it occurs. AI, however, enables real-time censorship at an unprecedented scale, undermining this foundational legal principle. Tools like upload filters, as seen in the UK’s Online Safety Act or proposed regulations in the US and EU, promote the use of automated systems to detect and block harmful content before it’s even published.

While artificial intelligence (AI) provides practical solutions for filtering the content, it lacks human judgment and frequently makes choices without taking into consideration accountability and transparency. This increases the possibility of over-censorship, the suppression of valid speech, and a decline in confidence among individuals. Furthermore, it simplifies the complicated legal safeguards to simple technological procedures, eliminating the public discourse that is fundamental to determining permitted speech.

Lastly, free speech is not something that is static or absolute right; it exists on open debate and must be safeguarded by clear, susceptible to appeal legal systems. As artificial intelligence continues to change the way people communicate online, authorities and platforms need to prioritize upholding the procedures that protect freedom of expression. Any legislative framework has to make sure that automatic moderation does not impede democratic discourse or hinder society's freedom to determine its own ideals by means of discussion.

REGULATORY BODIES ASSOCIATED WITH PRESS FREEDOM IN INDIA

Numerous regulatory and governmental bodies in India protect and promote journalistic freedom. The Press Council of India (PCI) supports journalistic ethics and standards, and the Ministry of Information and Broadcasting develops media policies. The News Broadcasters Association (NBA) operates on its own private television news networks. Organizations such as the Editors Guild of India campaign for journalists' rights. The judiciary, particularly the Supreme Court, protects journalistic freedom with legal safeguards. International organizations including Reporters Without Borders (RSF) along with the Committee to Protect Journalists (CPJ) monitor and raise awareness about press freedom issues in India on a worldwide scale.

OBSTACLES IN REGULATING PRESS FREEDOM IN INDIA

The freedom of the press in India encounters numerous challenges. Journalists who report on sensitive topics like as corruption and communal tensions can suffer threats, violence, and possibly

death. Laws such as IPC Section 124A (sedition) raise legal concerns. Corporate and political influence jeopardizes media independence, whereas misleading information, hate speech, and paid news undermine trustworthiness. Social Media internet fuels hatred for journalists, threatening their lives. Self-censorship is frequent owing to fear of repercussions, and moral dilemmas occur when balancing truth with constraints. Government influence, particularly control over advertising, erodes editorial freedom by encouraging compliant media and punishing dissent, distorting public opinion and neutrality of media.¹⁵

STRATEGIES FOR ENHANCING THE FREEDOM OF PRESS IN INDIA

Boosting press freedom in India demands a diversified approach. Implementing recommendations from committees such as the J.S. Verma Committee entails legal and ethical training, openness, and constitutional rights protection. It is critical to strengthen Article 19(1)(a) by establishing strong legal safeguards against threats and violent acts. Independent media regulating organizations with accessible appointments can provide unbiased supervision. Whistle blowers and journalists are encouraged to report freely when they are protected by laws such as the Whistle blowers Protection Act. Addressing cyber threats, increasing media literacy, and providing ethics training are critical. Ultimately, international collaboration with organizations such as the International Programme for the Development of Communication (IPDC) that is included in the United Nations Educational, Scientific and Cultural Organization (UNESCO) facilitates the adoption of global standards and the reinforcement of press freedom norms in India.

CONCLUSION

The complex relationship between the freedom of speech and expression and the increasing importance for regulation in the digital world especially on social media platforms has been analyzed in this research paper. It has examined the constitutional provisions governing the right to freedom of speech and expression such as Article 19(1)(a) of the Indian Constitution which outlines the fundamental right and Article 19(2) of the Indian Constitution which imposes reasonable restrictions on the fundamental right and the manner in which these standards are being increasingly tested by the threats resulting from the artificial intelligence and policies of the digital platforms.

¹⁵ “Press Freedom in India: Challenges and Strategies” (*Drishti IAS*) <<https://www.drishtiias.com/daily-updates/daily-news-editorials/press-freedom-in-india-challenges-and-strategies>>.

Social media encourages public discourse while simultaneously spreading disinformation and hatred, necessitating control. AI-powered content monitoring poses legal concerns, including prior restraint and a lack of transparency. Governments face the difficulty of balancing free expression with social responsibility. Effective regulation must be consistent with democratic ideals, promote due process, and be proportionate in order to preserve individual liberties while preserving a secure, inclusive digital world.