

# Freedom of Speech via Internet and Digital Rights: Analysis about Opportunities and Navigating the Challenges

**Ashok Kumar Karnani**

Assistant Professor, School of Law  
RNB Global University, Bikaner

**Prof. (Dr.) G. S. Karkara**

School of Law  
RNB Global University, Bikaner

## Abstract

One of the biggest democracies in the world is found in India, where the freedom of speech is regarded as a fundamental right. All citizens are entitled to this privilege by the constitution. As the fourth pillar of democracy in social, political, economic, and global concerns, the media is essential. Thus, a free press is necessary for a democracy to prosper and preserve an ethical and open style of government. The swift progress of technology has rendered digital and internet rights indispensable for our community. Digital security, privacy, freedom of expression, and information access are some of these rights. Internet rights, which include unrestricted access, freedom from online censorship, digital literacy, and the ability to engage in online activities without fear of reprisal, broaden them. These fundamental rights are threatened, meanwhile, by issues like false information, content filtering, data breaches, and online eavesdropping. In the digital realm, striking a balance between international agreements, legal frameworks, moral standards, and individual freedoms is crucial. In the current digital era, digital rights and internet speech freedom are crucial concerns. The internet has emerged as the main channel for idea expression, communication, and information sharing. It provides never-before-seen chances for free speech, but it also has drawbacks. The present analysis delves into the potential benefits and obstacles linked to digital rights and internet-based freedom of speech.

**Keywords:** Internet, Digital Rights, Media, Privacy, Access, Technology, Internet Policy, Digital Literacy Freedom etc.

## Introduction

The phrases “digital rights” and “internet rights” are currently used to refer to the essential rights and protections that control people’s online conduct, privacy, and ability to express them freely in the digital age. These rights have grown in significance as a result of the internet’s rapid integration into our daily lives, making it one of the most important aspects of our lives and a necessary component of our daily job. When we talk about “digital rights,” we’re talking about a wide range of human rights and civil liberties that apply to using digital technology and the internet. These freedoms are versions of other well-known rights, like as the right to a fair trial and the right to privacy that were created especially for the internet era. It is generally acknowledged that maintaining some degree of free expression is important for a democratic

society. But how far we take it is the real question. Some people think that the right to free speech should be protected at all costs, while others think that it can be used as a justification for expressing offensive things without facing consequences.

Generally many times, we hear about controversial opinions and statements that people have made via the internet. This is why it's important to evaluate the role of digital platforms and social media in the debate on freedom of speech. Digital platforms are therefore heavily involved in the discussion of free speech as, at the end of the day, they have to make sure that harmful conduct is not occurring on their platforms.

### **Freedom of Speech**

The complete growth of an individual is contingent upon the unavoidable conditions of freedom of speech and expression. They are the cornerstone of any society that is free and democratic. Since it gives life meaning, the freedom of speech and expression is the most fundamental human right, the prerequisite for all other liberties, and the mother of all rights.

Article 19(1)(a) of the Constitution of India provides freedom of speech and it's a fundamental right that cannot be taken away. *However, freedom of speech often poses difficult questions, like the extent to which State can regulate individual conduct. Since, individual's autonomy is the foundation of this freedom; any restriction on it is subject to great scrutiny. Although reasonable restrictions can always be imposed on this right in order to ensure its responsible exercise and to ensure that it is equally available to all citizens.*

The importance of freedom of speech cannot be emphasized in any democratic country. A really democratic society is characterized by the freedom to express one's ideas and feelings. However, it's important to note that the right enshrined under Article 19(1)(a) is not absolute and is subject to certain restrictions which are given under Article 19(2) of Indian Constitution. These restrictions are imposed to:

1. Safeguard the sovereignty and integrity of the country,
2. Prevent incitement of violence or unlawful activities,
3. Counteract hate speech and related harmful consequences.

### **Opportunities of freedom of speech in digital era**

Some of opportunities are as under:

1. One of the main factors contributing to the internet's democratizing impact is its global reach for free speech, which enables anyone to express their ideas, opinions, and thoughts to a global audience. Borderless communication, access to a range of viewpoints, the amplification of disadvantaged voices, citizen journalism, cultural interaction, political activism, educational opportunities, and international collaboration all contribute to this global reach. People from many nations and cultures can interact and share ideas because to borderless communication, which promotes a diversified global society. Digital platforms allow access to a diverse array of opinions, so enhancing public discourse and fostering a more profound comprehension of worldwide challenges. The internet empowers minority organizations and activists by giving voice to underrepresented communities on a worldwide basis. Through citizen journalism, anyone can report on topics and occurrences that traditional media might miss, which broadens our awareness of world events. Online forums encourage cross-cultural communication and tolerance by facilitating cultural exchange. The internet is used by political activity to gather support and spread awareness of environmental problems, violations of human rights, and other world issues.

2. One essential component of digital rights and online speech freedom is information access. It gives people the ability to look for, receive, and share information, which enables them to take part in democratic processes, make educated decisions, and engage in a range of activities. A full awareness of the world is made possible by the huge diversity of information available on the internet, including news, research, educational materials, and entertainment. It allows users to broaden their minds and learn new skills by

providing open access to digital archives, libraries, and educational platforms. People can stay informed about local and global events through blogs, independent journalism platforms, and online news sources, which encourage civic engagement and responsibility. The internet combats misinformation and censorship by promoting independent news and alternative voices. Accountability and transparency are encouraged by the availability of public records, government data, and policy information. Additionally, people can use the internet to voice their ideas and obtain information about problems that are important to them. This gives them the ability to participate in grassroots movements and advocacy.

3. The topics of digital rights and freedom of speech in user-generated content are intricate and varied. Users create and share material on digital platforms, including text, photos, videos, and other types of media. Maintaining privacy, protecting oneself from harm, and allowing for individual expression must all be balanced. A basic democratic tenet, freedom of speech allows people to voice their opinions without excessive intervention from the government or censorship. In order to handle negative content such as misinformation, hate speech, and harassment, many online platforms have content moderation policies. These regulations seek to achieve a balance between defending free speech rights and averting harm to people or the community. Under the Communications Decency Act of the United States, online platforms are protected from liability for user-generated content by Section 230. Nonetheless, there have been discussions about changing or doing away with this rule in order to make platforms more responsible for the information they host. Strong data protection mechanisms and user consent for data usage may be necessary to defend digital rights linked to privacy and control over data. In order to balance the right to free speech with the obligation to remove offensive material, governments must act. While some nations have taken action to safeguard online speech and privacy, others have passed legislation requiring online platforms to remove or restrict some sorts of content. In order to protect user-generated content's digital rights and freedom of speech, online platforms may need to be more open and accountable.

4. Whistle blower protection is a vital aspect of safeguarding and promoting freedom of speech and expression. It provides individuals with the confidence to report misconduct, corruption, or illegal activities within organizations, government agencies, or other institutions, fostering transparency and accountability. This accountability is essential for a functioning democracy and a just society. Whistle blowers often expose and prevent illegal activities, fraud, or abuses of power, leading to corrective actions, investigations, and legal proceedings against wrongdoers. Whistle blower protection laws shield individuals from harassment, retaliation, and legal consequences, encouraging them to exercise their freedom of speech without fear of negative consequences. These protections contribute to the health of democratic societies by enabling individuals to voice concerns and share information essential for public debate and decision-making. Without these protections, the risk of censorship, self-censorship, and silencing dissenting voices increases. Whistle blower protection laws prioritize the public interest by ensuring that information relevant to public health, safety, and welfare can be disclosed without fear of reprisal, especially in cases involving environmental concerns or public health crises. These laws often include provisions for legal remedies and compensation for those who face retaliation, further incentivizing individuals to come forward and speak out.

5. Online activism significantly impacts freedom of speech by offering a platform for individuals and groups to advocate for their rights and express their opinions. The internet provides a low-cost and accessible platform for individuals to voice their opinions, allowing marginalized and underrepresented voices to be heard. Online activism transcends national borders, enabling people to support causes and engage in global dialogue. This can put pressure on governments and organizations to respect freedom of speech and human rights, as they are under international scrutiny. Social media and other online platforms allow activists to quickly disseminate information, organize campaigns, and rally support. Hash tags, viral content, and online petitions can amplify messages and create momentum for social and political change.

Additionally, some anonymity offered by online platforms lets people express themselves without worrying about reprisals, which is especially helpful in oppressive regimes. Online communities help like-minded individuals, groups, and supporters form alliances and networks that can promote free speech and related causes. Online activism helps individuals comprehend the value of free speech by bringing attention to issues related to it and by offering educational tools.

### **Challenges of freedom of speech in digital era**

1. Censorship in the digital era poses significant challenges to freedom of speech. Governments worldwide are increasingly using digital tools to censor or control online content, including blocking websites, filtering keywords, and monitoring online activities. These actions can limit the free exchange of ideas, stifle dissent, and violate freedom of speech principles. Online platforms, social media networks, and tech companies often engage in content moderation to remove or restrict content that violates their policies, but there are concerns about overreach and bias. Algorithms are increasingly used to determine what content users see on digital platforms, potentially limiting the diversity of opinions and ideas available to users. In response to fear of censorship or backlash, individuals and organizations may self-censor their speech online, leading to a chilling effect and a loss of diverse perspectives. Internet content may be taken down in response to takedown requests pertaining to copyright violations or other legal concerns. Although lawful takedowns are essential for safeguarding intellectual property rights, the system can occasionally be manipulated to stifle free expression. People may become less inclined to freely share their opinions online due to a culture of self-censorship brought on by governments and internet companies' widespread surveillance. Because of the global nature of the internet, anything posted in one nation can be accessed anywhere in the globe, which can cause problems when different nations have different laws and norms pertaining to censorship and freedom of speech. The proliferation of misinformation on the internet and the development of deep fake technology can both be threats to free speech.

2. The intricacy of free speech has increased in the digital age, especially when it comes to hate speech and false information. Although it is a basic democratic right, the freedom of expression must be weighed against other considerations including individual rights and public safety. Hate speech is frequently seen as a kind of free speech even though it encourages violence, discrimination, or harm because of someone's gender, colour, religion, ethnicity, or other qualities. However, it can cause harm in the real world and poses a serious threat to underprivileged populations. The definition of hate speech differs throughout legal systems and cultures. Extremist ideas and hate movements can proliferate as a result of hate speech being amplified on digital media. Inadvertently amplifying hate speech on social media might result in echo chambers that further radicalize people. Misinformation, or the spread of incorrect or misleading information, can be dangerous, especially when it comes to elections, public health emergencies, and important events. It has the potential to spread quickly online, undermine public confidence in news sources, and spark debate about censorship, editorial accountability, and the influence of internet companies on public opinion. Clear legal definitions of hate speech and misinformation should be established, current laws should be upheld, social media platforms should improve content moderation, media literacy and critical thinking should be encouraged, digital platforms should be held accountable for their role in content moderation, and ethical AI systems should be developed to reduce the spread of hate speech and misinformation. All of these measures will help to strike a balance between the right to free speech and the need to combat hate speech and misinformation.

3. Although the digital age has greatly increased the accessibility and reach of free speech, it has also brought up a number of privacy-related issues. The chilling impact on free expression has been exacerbated by government surveillance, data collecting programs, cyber-attacks, data breaches, content moderation, online anonymity, legal disputes, filter bubbles, Doxxing, internet shutdowns, and censorship. Individuals'

privacy may be violated by government surveillance, which may cause self-censorship and stifle free expression. People should exercise additional caution in their online conversations and activities as a result of the potential for data breaches and cyber-attacks to compromise personal information. Social media and online forum content moderation can also give rise to worries about censorship and overreach, which could restrict free speech. Online anonymity permits people to voice their opinions without worrying about consequences, but it also makes trolling, cyber bullying, and the dissemination of misleading information possible. A big problem is striking a balance between accountability and anonymity. There have also been legal disputes pertaining to privacy and freedom of speech, including the right to be forgotten, defamation laws, and the taking down of internet information. Social media algorithms and recommendation systems have the potential to produce “filter bubbles,” which limit exposure to different viewpoints and reinforce pre-existing ideas. Doxxing is a privacy violation that can result in intimidation and a fear of being hurt when speaking freely. Additionally, the digital age has facilitated the formation of online mobs, which has led to uniformity and self-censorship. Concerns over digital corporations’ effects on free speech and privacy are raised by their lack of openness in content moderation and data usage decisions.

4. In the digital age, content moderation is a challenging responsibility that calls for striking a balance between upholding online safeties and allowing free speech. The problem is identifying harmful content because it might mean different things to different people depending on the platform, individual, and area. Moderation is difficult due to the overwhelming amount of content on the internet, which can cause mistakes or delays. Additionally, moderation must strike a balance between defending the right to free expression and suppressing offensive language or incitement to violence. False positives from automated content screening techniques may arise, sparking worries about censorship and the restriction of free speech. Speech freedom may be impacted by the subjectivity or prejudices that human moderators bring to the moderating process. Because content moderation must go by various national and regional regulations due to the global nature of the internet, it can be difficult to comply with differing legal norms. Platforms must take responsibility for their activities, and users want openness in moderation decisions. Additionally, they need to efficiently handle online abuse and harassment without restricting free speech. It is challenging for content moderation tactics to keep up with the emergence of new hazardous content forms as a result of changes in user behaviour and technology. Platforms need to maintain a consistent moderating approach while navigating cultural and geographical circumstances. Protecting the right to free speech requires giving people a way to contest content removals, but doing so can be difficult to do in a way that is both equitable and effective.

5. The term “digital divide” describes the disparity in access to digital tools and the internet, which can have a big influence on people’s ability to express them freely in the digital age. Individuals who lack internet or digital device access encounter challenges in obtaining information, news, and varied opinions, which restricts their capacity to engage in significant conversations and gain access to an extensive array of viewpoints. This gap may lead to unequal engagement in social media and online forums, which may affect their ability to express themselves freely. As a result of the digital gap, which frequently mirrors and amplifies already-existing social, economic, and geographic disparities, some groups tend to have greater access to digital tools and a greater voice in online discourse. Individuals with weak digital literacy abilities might be more open to abuse and harassment online, which would restrict their ability to express themselves freely. The digital divide also makes it more difficult for people to access online learning opportunities and resources, which restricts their capacity to gain the information and abilities needed for productive digital discourse. Governments may ban or prohibit internet usage, and the lack of high-speed internet in rural or underdeveloped areas can make it difficult for people to participate in online conversations and access online resources. Many individuals and families find it prohibitive to fully participate in the digital world due to the high cost of digital gadgets and internet connectivity.

6. The concept of “net neutrality” guarantees that internet service providers (ISPs) handle all data on the network equally, without charging or treating users, content, websites, platforms, or applications differently. Challenges to net neutrality have the potential to seriously affect free speech since they give ISPs the power to regulate and control the content that travels across the internet, thereby restricting people's freedom of expression. ISPs might restrict or prohibit access to specific websites, material, or services in the absence of net neutrality, which would hinder the free flow of knowledge and ideas. This would make censorship possible or give some content priority over others, which would reduce the variety of opinions and viewpoints that are accessible online. Smaller content producers may be disadvantaged and have fewer opportunities to reach larger audiences if ISPs establish “fast lanes” for content providers who can afford to pay more for quicker access to customers in a non-neutral internet environment. Innovative platforms and services that depend on an open internet may be stifled if ISPs were allowed to discriminate against specific kinds of data or applications in the absence of net neutrality. The internet is frequently used by online activism and movements as a medium for supporter mobilization and organization. In the absence of net neutrality, ISPs may erect financial obstacles in the way of fresh, creative voices, reducing the variety of viewpoints on the internet. ISPs may also collect additional information about users' online activity, thus undermining online privacy and possibly suppressing free expression if people fear being watched or subjected to reprisals.

7. The goal of striking a balance between cyber security and free speech ideals is difficult and multifaceted. Even though defending free speech is important for democratic society, doing so can leave openings for harmful individuals. These weaknesses can be used by hackers, trolls, and cybercriminals to carry out harmful operations. Strong encryption is necessary to safeguard speech and privacy, but it also makes it more challenging for cyber security professionals and law enforcement to keep an eye out for and neutralize cyber threats. Hate speech, false information, and disinformation can proliferate due to free speech, endangering both individuals and communities. It is extremely difficult to recognize these concerns and take appropriate action while maintaining the right to free speech. Deep fake technology and edited media have the ability to disseminate misinformation, assume the identity of others, and sow disbelief in society. The safety and well-being of individuals are seriously threatened by cyber bullying and internet harassment. It's difficult to find solutions to these problems without restricting the freedom to free speech. Governments may violate citizens' right to free expression by using cyber security concerns as an excuse to impose more censorship and surveillance. The difficulty for platforms is to successfully moderate content without going too far and restricting free speech. Investigating cyber threats involving free speech issues, such as safeguarding vital infrastructure and coordinating responses while honouring cultural and legal variations on free speech, may present ethical challenges.

### **Navigating the Path Forward:**

1. Navigating these opportunities and challenges involves a multi-faceted approach. It requires governments, tech companies, civil society, and individuals to work together to protect and promote digital rights while addressing harmful content and behaviours. Balancing freedom of speech and responsible content moderation is an on-going process that requires on-going dialogue and adaptation to the ever-evolving digital landscape.

2. The digital environment is a complicated and diverse subject that calls for cooperation from a range of stakeholders, including individuals, governments, tech corporations, and civil society organizations. Governments establish laws that safeguard individual rights and remedy online problems, and they also enforce the legal structure and rules that control the digital sphere. To avoid any overreach, they must find a balance between restriction and freedom of speech.

3. Tech businesses moderate content to prevent harmful content and uphold users' rights, playing a critical role in shaping the digital world. They make investments in human moderation teams, content moderation technologies, and moderation process transparency.
4. Civil society organizations hold governments and internet businesses responsible for their activities, advocating for digital rights and bringing attention to online issues. They can offer assistance and services to people impacted by inappropriate or harmful internet conduct or content. People have a responsibility to the digital realm, which includes reporting instances of abuse or false information, being critical consumers of digital content, and acting as responsible online citizens.
5. Digital education and media literacy are necessary to enable people to successfully traverse the digital environment. The digital landscape is always changing, and in order to handle new challenges as they arise, the effects of new technology, and legislative changes, all stakeholders must continue to communicate and work together. Clear explanations of moderation or removal, as well as appeal procedures, are essential components of transparency in content moderation choices and accountability for actions taken.

### **Conclusion:**

Digital rights and Internet rights, or the freedom to use the internet as one example, are essential for a society that is democratic and inclusive. Despite the difficulties, there are numerous chances for innovation, education, and international cooperation. To ensure that the internet continues to be a force for good, supporting freedom and human rights, it will take a concerted effort from governments, civic society, the commercial sector, and individuals to navigate this complex landscape. The digital world presents both benefits and difficulties that call for a multifaceted approach from individuals, governments, tech corporations, and civil society. In an ever-changing digital context, maintaining a balance between responsible content management and freedom of speech is a challenging challenge that calls for collaboration, flexibility, and a dedication to safeguarding digital rights.

### **References-**

1. Cyber Rights: Defending Free Speech in the Digital Age by Mike Godwin
2. No Place to Hide by Robert O'Harrow Jr.
3. A Citizen's Right to Know: Risk Communication and Public Policy by Susan G. Hadden
4. Introduction to the Constitution of India (2022) - 26/edition D. D. Basu
5. Tejaswini Kaushal (2023), A Bird's Eye View of the Right to Freedom of Speech and Expression in India, Manupatra, Available at <https://articles.manupatra.com/article-details/A-Bird-s-Eye-View-of-the-Right-to-Freedom-of-Speech-and-Expression-in-India>,(Access on 24.10.2023)
6. Article 19(1) of Indian Constitution.
7. Article 19 of Indian Constitution.
- 8.M. P. Jain Indian Constitutional Law Paperback – 4 February 2018
- 9.V. N. Shukla's Constitution of India; 14th Edition 2022, Reprinted 2023.
- 10.United nation (1948); Universal Declaration of Human Right, retrieved from <http://www.un.org/en/document/udhr/>
11. Kravets, David (June 3, 2011). "U.N. Report Declares Internet Access a Human Right". Wired. Archived from the original on March 24, 2014. Retrieved March 6, 2017.
12. Klang, Mathias; Murray, Andrew (2005). Human Rights in the Digital Age. Routledge. p. 1. ISBN 9781904385318. Archived from the original on 2023-01-17. Retrieved 2021-11-29.
13. Media Defence Training Manual on International and Comparative Media and Freedom of Expression Law