

2. Freedom of Internet and Social Media

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Abstract:

India is a democratic country. We need to give importance to the concept of internet freedom and social media. There should be a clear balance between freedom of speech and expression guaranteed by our constitution as a fundamental right and freedom of expressing views on Facebook and Twitter, WhatsApp Instagram and other social media plat.

Forms freedom of speech and expression includes any act of seeking, receiving and imparting information or ideas, regardless of the medium used. Based on John Milton arguments, freedom of speech is understood as a multi- faceted right including not only the right to express or disseminate information and ideas but also including the right to seek, receive and impart information and ideas.

The object of this paper is an attempt to understand internet freedom and how the people should utilise this type of freedom in a positive way. The availability affordability and accessibility of the internet is unique. This observation is being made with regard to the exercise of the right of freedom of speech and expression in the context of social media and the hurdles placed on that by the arbitrary use of the so called cyber laws of the nation, particularly Section 66A of the Information Technology Act, 2000

Keywords:

Internet, Freedom, Social Media, Democracy.

2.1 Introduction:

India is the second largest populated country. In India a large section of the society is still not familiar with the internet and social media and its multi-purpose uses.

The internet has become an integral part of life. In every individual Government and semi government at local or regional or national or international level.

In society there are the different perceptions about the uses of internet and social media and their implications on society in a democracy.

Government authorities and the common man both do not have enough awareness and skill to democratic and actual line between the internet freedom and view of people on social media sites like Facebook and Twitter. In a democracy there should be a clear demarcation between internet freedom and social media.

India is the largest democratic country in the world. Indian constitution provide freedom of speech and expression to all the people of India under article 19 (1).

India adopted to different method to control and misuse of the freedom of internet that is direct method and indirect method.

The direct method the legislation makes a law for the users and legislation for the intermediaries and internet service providers that is ISPs.

And is a concept of consultation of the intermediaries or internet companies where they are asked to act guided by the government on the blocking or removing of some content from the domain that is the second method or indirect method.

2.2 India made law when the country was transitioning to and electronic age:

Information and technology act 2000 has been passed in this field. And information technology amendment Act 2008 and information technology intermediary's guidelines rules of 2011 also passed. Now a days the topmost agenda in the policymakers mind that is e-commerce.

Right to freedom of speech and expression is a fundamental right of citizens but law posed a serious threat on freedom of speech and expression.

Example of Professor from Jadavpur University in West Bengal was arrested on the charge of circulating offensive cartoon of Chief minister Mamata Banerjee on wave in April 2012.

After the introduction of smartphones due to the technological revolution, internet has become a phenomenon. The website was blocked, website was used to display taxes and objectionable pictures related to Indian flag and emblem, In year 2011.

That was the Aseem Trivedi website cartoon against corruption .com, He was arrested on charges of sedition and later on he was released nevertheless this incident rest several questions about the prospects of internet freedom in India.

2.3 What is Social Media?

Social media includes web- based and mobile technologies used to turn communication into interactive dialogue.

Social media comprises primarily internet and mobile phone based tools for sharing and discussing information. It blends technology, telecommunications, and social interaction and provides a platform to communicate through words, pictures, films, and music.

The Organization for Economic Cooperation and Development (OECD) specifies three criteria for content to be classified as

- a. it should be available on a publicly accessible website or on a social networking site that is available to a select group,
- b. it entails a minimum amount of creative effort, and
- c. it is created outside of professional routines and practices.

Any web or mobile based platform that enables an individual or agency to communicate interactively and enables exchange of user generated content as Social media can be defined.

Social media as group of internet based applications that build on the ideological and technological foundations of Web and that allow the creation and exchange of user- generated content, refers to Internet platforms that allow for interactive participation by users.

Generated content is the name for all of the ways in which people may use social media.

Another variant of social media is mobile social media i.e. when social media is used in combination with mobile devices it is called mobile social media. Due to the fact that mobile social media runs on mobile devices,

2.4 Role of Social Media:

2.4.1 In Democratic Society's Role of Social Media:

Social media plays a very significant role in democratic society. In India Anna Hazare's movement in 2011 against the corruption saw its much success as it did because the media especially social media played a vital role in mobilizing people. In democratic countries social media apps horizontal and vertical ways. Horizontal method are movements among citizens.

2.5 Vertical Ways Are Between Citizen and State:

Internet and social media play an important role in public sphere in present scenario. This is called cyber transformation. It means time change oral culture has been replaced by print and then been replaced by electronic communication in quick succession. But it is very true fact that awareness of internet and social media is increasing day by day in our country. Especially youth of the society have become more aware about their rights duties and are more informed about the functioning of elected Government and issues of governance. It's the time of internet and social media. It's time of the voice to express views of the citizen who feel powerless and helpless through the internet and social media about the functioning of the Government. Government machinery takes steps to improve governance due to this change. Technology has transformed not only society but lives of individuals. But it is also true that technology does not change basic human nature.

That means bed civil society and its impact is there. Internet and social media play a significant role in democracy. We can see the effects as a transparency on the working of Government development and practice in clarity has also started in the policy making process. But a lot of the peoples who are not netizens are not mobilized by the social media. In India there is very minimal computer literacy but I cannot deny that internet and social media have entered disclosures and significantly impacting.

2.6 Effect of Internet and Social Media on Indian Society:

There are huge impact on Indian society of internet and social media. Banks convert in e banks schools converse in E school education in e education hospitals in e hospitals have considerable improved with the introduction of internet in the functioning of the government. There are some challenges between the technological over development and social underdevelopment. In Indian democracy the following are the challenges.

A. Region:

25% of Indian population that is 266 million live in cities and approximately 20% are active internet users that is 52 million. That means rest of the population that is 75% live in rural areas and 4.18 million are active user.

Fact is that out of non-users 78 percent are not even aware of the existence of internet. (Data collected through the internet and mobile association of India)

B. Language:

There is 125 million which is 12.16% of the total population who are able to speaking in English in India. English is the official language of the cyber space. That means in India the language is also a barrier in the spread of internet facilities.

C. Education:

According to the census 2011 India's literacy rate is 74.04 % gap between urban areas that is 84.9 8% and rural areas that is 68.9 percent.

D. Gender:

The literacy gap between the male and female population is also very big. The national average is 70 4.4 % but literacy rate among the male population is 82.1 4% as compared to the female population where it is at 65.4 6%.

E. Disability:

In Indian society there also exist disabilities such as economic cultural and psychological disabilities which curtail the benefits of the internet where availability accessibility and affordability are concerned.

The word and all democratic countries face an important challenge. Due to the introduction of basic internet facilities. In Twitter and Facebook people are expressing their views freely.

But things really become difficult when it is not just freely of speech and expression that is at stake but lives as well. The issues of Liberty of national interest come in direct conflict and pose a new kind of challenge for the state to intervene and yet try and create a balance.

2.7 Scope and Law in India for Internet Freedom:

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2.8 Freedom of Speech and Expression and Social Media/ Internet:

Individuals can exercise their right of freedom of expression and exchange information and ideas via internet and social media. The Internet and Social Media has become a vital communications tool.

In the past year or so, a growing movement of people around the world has been witnessed who are advocating for change, justice, equality, accountability of the powerful and respect for human rights. In such movements, the Internet and Social Media has often played a key role by enabling people to connect and exchange information instantly and by creating a sense of solidarity.

The UN Human Rights Committee has also tried to give practical application to freedom of opinion and expression in the radically altered media landscape, the centre stage of which is occupied by the internet and mobile communication.

Describing new media as a global network to exchange ideas and opinions that does not necessarily rely on the traditional mass media, the Committee stated that the States should take all necessary steps to foster the independence of these new media and also ensure access to them.

Moreover, Article 19 of the UDHR and Article 19(2) of the ICCPR also provides for freedom of speech and expression even in case of internet and social media.

Thus, it is seen that freedom of speech and expression is recognized as a fundamental right in whatever medium it is exercised under the Constitution of India and other international documents. And in the light of the growing use of internet and social media as a medium of exercising this right, access to this medium has also been recognized as a fundamental human right.

2.8.1 Restrictions on Freedom of Speech and Expression:

The freedom of speech and expression does not confer on the citizens the right to speak or publish without responsibility.

It is not an unbraided license giving immunity for every possible use of language and prevents punishment for those who abuse this freedom. Article 19(3) of the ICCPR imposes restrictions on the following grounds:

- a. For respect of the rights of reputations of others
- b. For protection of national security, or public order, or public health or morals.

As per Article 19(2) of the Constitution of India, the legislature may enact laws to impose restrictions on the right to speech and expression on the following grounds:

- a. Sovereignty and integrity of India
- b. Security of the State
- c. Friendly relations with foreign States
- d. Public order
- e. Decency or morality
- f. Contempt of court
- g. Defamation
- h. Incitement to an offence

2.9 Conclusion:

As technology is advancing, it is bringing us more gifts. Social media platforms are one of the boons of technology. Social media is the only connecting thread to the outside world during the coronavirus era. Facebook, Instagram, YouTube, Twitter, or TikTok for that matter, run the web world. If we think about it, these platforms or applications are one of the most powerful artefact of the 21st century.

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Having the ability to go online and see first-hand that you're not alone and not in your bubble of struggle is huge. It's been inspirational to see the world connecting, sharing positive stories, tips and ways to get through this.

That's when social media comes into its own, when it truly connects, motivates and enhances our lives. It should be a force for good. On one hand where social media platforms are doing wonders in many aspects, especially during the coronavirus pandemic, on the other hand it is leading to nowhere but hatred and chaos.

It is a well-known fact that the social media is evolving at 'mouse click' speed. The dynamism of the social media calls for all the governance guidelines to be regularly reviewed and updated.

It is required that the agencies make sure that they define the frequency of updates and the process for those updates. Such updating will certainly ensure that the governance model does not become outdated. It is also required that the employees be given training and education on responding to queries.

It has been a general observance that once an agency marks its presence on social media, they are enthusiastic in exchanging tweets and comments.

However over a period of time these pages on social media transform into a static page. So, it is required that not only accounts are set up but also they are actively managed and administered. Another problem with such account relates to transitioning of such accounts to a new person where the old employee leaves the agency.

No doubt, it is good to receive traffic updates, crime alerts and policy information but governmental agencies should not forget that the purpose of being available on social media is not merely information dissemination.

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The purpose to be on social media is to interact and to implement those suggestions which come out of community interaction.

Such interaction will certainly ensure transparency among government institutions and will sub serve the masses.

In the near future social media has much to contribute to the key goals of better, simpler, joined-up and networked government.

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