

Media And Constitution: Protecting Freedom of Expression in the Digital Era

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I. INTRODUCTION

The nature and extent of freedom of expression have changed due to the quick development of digital technology. The digital realm has become essential to political communication, public discourse, and social involvement due to unparalleled information access and new forms of contact. With over 700 million internet users, India is at a critical juncture where complex digital realities must interact with constitutional rights. The digital environment has raised issues that the framers of the Constitution could not have predicted, notwithstanding the document's continued relevance. Individual rights and democratic processes are now impacted by issues like data spying, algorithmic manipulation, cybercrimes, and the unrestrained dissemination of false information. This paper asks how India might safeguard free speech under the constitution while reducing the particular negative effects of digital technology.

Freedom of Expression in the Constitution

The Indian Constitution recognizes the right to free speech and expression as a fundamental component of democracy. This right gives people the ability to voice their thoughts, question authority, and actively engage in public conversation.¹

The Constitution also recognizes the need to strike a balance between responsibility and liberty. Reasonable limitations in the interests of sovereignty, integrity, public order, morality, decency, state security, and crime prevention are permitted under Article 19(2).² India's efforts to uphold social stability and safeguard human freedoms are highlighted by this

dual framework. The applicability of constitutional liberties in the digital sphere has been repeatedly affirmed by Indian courts. The Supreme Court invalidated Section 66A of the IT Act in *Shreya Singhal v. Union of India*³, highlighting the violation of Article 19(1)(a) by ambiguous and excessive limits on online communication. These legal rulings and constitutional precepts support the idea that the right to free speech is both evolving and protected, growing in scope in tandem with social and technical advancements.

Digital Platforms as the Future of Public Life

In a similar vein, privacy was acknowledged as a basic right in the historic ruling in *K.S. Puttaswamy v. Union of India*⁴. The nature of communication has changed as digital platforms have become the main forum for public discourse. Social media and new AI-powered communication platforms serve two purposes. On the one hand, by allowing users to freely interact, rally public issues, and access a variety of perspectives, they promote democratic involvement. However, they use opaque algorithms that promote interaction over accuracy to shape, filter, and frequently corrupt public opinion. This leads to problems like disseminating false information, polarizing viewpoints, and influencing public opinion. Platforms must assure accountability in algorithmic judgments, be transparent in their operations, and encourage user digital literacy in order to address these problems and allow citizens to participate critically and responsibly in online public discourse. Rethinking regulatory regimes that safeguard constitutional liberties while reducing technological damages is

¹Constitution of India, Article 19(1)(a).

²Constitution of India, Article 19(2).

³ (2015) 5 SCC 1

⁴ (2017) 10 SCC 1.

crucial as digital platforms increasingly take on the function of the contemporary public square.

Influence of Algorithms and Digital echo system: Platforms generates material based on user choices using algorithmic techniques. This boosts personalization, but it also magnifies extreme or sensational material, reinforces prejudices, and generates echo chambers. Thus:

- misinformation spreads quickly
- Hate speech becomes more visible
- democratic discourse gets divided

Digital Harms and Challenges to Democratic Communication: The advantages of digital communication come with a number of drawbacks that have an immediate impact on people's rights and the welfare of society. False information can travel quickly because to the internet environment, frequently with the goal of influencing political beliefs or igniting social unrest. Election integrity is compromised, public order is disturbed, and confidence in democratic institutions is eroded by deep fakes, fake news, and manipulated audiovisual content. Phishing attacks, identity theft, online frauds, cyberstalking, sexual exploitation, and blackmail have become more common as digital banking systems have grown. Vulnerable groups, including women, children, and elderly people⁵.

Diminishing Digital Privacy

Concerns over loss of autonomy, invasive surveillance, and citizen profiling have grown as a result of data collecting by social media businesses, internet advertisers, and even governmental organizations. Personal information is being utilized for profit, the right to privacy which is crucial for free thoughts and expression is under danger. Extremist ideology, hate speech, and targeted harassment are frequently spread via digital channels. Vulnerable communities are marginalized by such content, which also fuels discrimination and violence in real life. It is a constitutional challenge to address these concerns while upholding free expression. To preserve a healthy

digital public sphere and safeguard privacy, it is essential to promote digital literacy, protect data, and hold platforms responsible.

II.MEDIA DEMOCRACY IN THE DIGITAL ERA

Transformation of Conventional Journalism: Conventional journalistic methods have been upended by digital media. Accuracy and ethical standards are frequently compromised by the temptation to post quickly, compete with digital influencers, and attract traffic. Additionally, internet harassment of journalists is on the rise, undermining the profession's independence and credibility.

Social Media as a Primary News Source: Since many people now rely on social media for news, they are vulnerable to false information and selective exposure. Digital content lacks editorial responsibility and consistent ethical oversight, in contrast to traditional newsrooms.

Constitutional and Regulatory Challenges: The IT Act (2000), IT Rules (2021), and the Digital Personal Data Protection Act (2023) are examples of regulatory systems that aim to reduce digital damages⁶. However, worries about possible state overreach, the dangers of surveillance, and the ambiguity around the definition of damaging information continue. An increasing number of cases involving intermediary liability, content removal orders, privacy violations, anonymity, and account suspension must be decided by courts. Maintaining the balance of the constitution requires judicial supervision.

III. STRENGTHENING DIGITAL RESPONSIBILITY AND ETHICAL MEDIA PRACTICES

In addition to maintaining editorial independence, avoiding sensationalism, and encouraging pluralism reporting, media professionals must guarantee factual truth. A digitally literate populace is crucial. Programs that encourage fact-checking, cyber hygiene, and data

⁵CERT-In, *Cybercrime Trends Report* (2022).

⁶ Information Technology Act 2000; Information Technology (Intermediary Guidelines and Digital

Media Ethics Code) Rules 2021; Digital Personal Data Protection Act 2023.

rights awareness can greatly lessen vulnerability to online threats.

Platforms must implement transparent content monitoring, guarantee algorithmic decision-making is fair, and give users strong redress options. In the digital age, protecting freedom of expression necessitates a multi-stakeholder strategy. To defend autonomy and stop abuse, robust data protection frameworks are required. Regulations need to be democratic, flexible, and in line with new developments in technology. To stop the manipulation of public opinion, digital algorithms must be held accountable to the public. Journalists need to be shielded from threats, harassment, and censorship on the internet. Rebuilding trust in digital communication systems can be accomplished by cooperation between the government, academic institutions, civic society, and technology corporations.

Furthermore, ongoing communication between these stakeholders can support responsible media conduct and help improve ethical norms. Campaigns for public awareness, frequent training sessions on digital safety, and community involvement programs can all help citizens become more adept at using the internet appropriately. In the end, enhancing moral media practices guarantees that digital liberties are used sensibly while preserving the integrity of democratic dialogue.

IV.ROLE OF PEOPLE IN PROTECTING ONLINE FREEDOM

In addition to laws, rules, and platform obligations, common people have an equally significant role in safeguarding digital freedom of expression. A healthy digital environment depends on how people act, communicate, and react online as well as on technology advancements and governmental regulation. People need to develop into responsible users who check material before disseminating it and refrain from spreading false information, hate speech, or damaging rumors. In delicate circumstances like elections or public emergencies, this lessens confusion and stops the spread of incorrect information. People should learn to accept the perspectives of others and politely voice their disagreements. Behaving responsibly online fosters trust and lessens online disputes. To increase public understanding of digital

safety, communities should host talks, seminars, and awareness drives. These events can help people learn about secure online payment methods, safe passwords, and privacy precautions. By avoiding sensational or unreliable information and depending on reliable news sources, citizens can also promote ethical journalism. People can contribute to the development of a digital environment that upholds free speech, safeguards privacy, and promotes civil discourse by banding together and remaining vigilant. In addition to bolstering democracy, a responsible society guarantees that online environments continue to be secure, welcoming, and productive for all.

Free and Secure Online Environment

India must ensure that individuals can use the internet freely, responsibly, and safely in the rapidly expanding digital world. Digital platforms have grown to be important venues for addressing public topics, voicing social concerns, and exchanging perspectives. However, these advantages come with a number of drawbacks, including the rise in cyber bullying, online fraud, fake news, and personal data exploitation. Because of this, safeguarding freedom of expression in the digital era necessitates not only robust legislation but also unambiguous regulations, responsible technology, and public awareness. Many people still lack a thorough understanding of how to report dangerous online behavior, protect their privacy, and verify information. They are especially susceptible to internet dangers and manipulation because of this ignorance. As a result, one of the most crucial requirements of the modern period is digital literacy. Digital platforms must also be accountable for maintaining the security of the online environment. They should be open about how they handle hazardous content, how information is displayed to users, and how their content moderation operates. Platforms that behave ethically will increase public trust and make the digital sphere more conducive to dialogue.

The government must also make sure that legislation pertaining to digital safety are equitable, up to date, and considerate of constitutional rights. Genuine expression should not be restricted by regulations, but people should be shielded from harm when using the internet. Governments, IT firms, media outlets, and regular people may all work together to create a balanced digital environment. Citizens have a

significant role to play. People can contribute to the development of a positive digital society by reporting harmful behaviors, sharing only verifiable information, respecting the perspectives of others, and adopting safe online practices. The internet becomes a safer and more democratic place when everyone behaves appropriately. By doing this, India can build a digital future in which technology upholds the right to free speech while guaranteeing everyone's equality, safety, and dignity.

Measures to Preserve Digital Freedom of Expression
India needs to take decisive action to safeguard online freedom of expression as digital technology continues to advance. The development of a digital environment where people may express themselves freely, responsibly, and safely is essential to the future of free speech. Public awareness, platform responsibility, and media ethics are crucial for this. Digital rights and responsible online conduct should be taught in schools, universities, and community initiatives. This will assist citizens in knowing what is appropriate and inappropriate when using the internet, as well as how to safeguard from potential threats.

Digital platforms need to be more open. They ought to provide a clear explanation of how their algorithms operate, how they eliminate content, and how they uphold user rights. Independent organizations ought to verify that these platforms are abiding by laws pertaining to free expression, safety, and privacy. India should collaborate with other nations to develop shared regulations for cyber security, data protection, and the ethical application of AI. International collaboration will facilitate and improve regulation because digital platforms function on a global scale. People need to be involved in determining how digital spaces develop in the future. People should be vigilant, challenge misleading information, and hold the government, media, and digital businesses accountable. India can only create a free and secure digital environment where technology upholds democracy rather than undermines it if everyone cooperates.

V.CONCLUSION AND SUGGESTIONS

Communication, information flow, and democratic engagement have all undergone significant change in the digital age. The reach of public expression has been increased by social media platforms and AI-driven communication systems, allowing people to actively engage in social and political discussions. However, this technological change has also brought with it complicated problems including algorithmic manipulation, online exploitation, cyber fraud, misinformation, and dwindling digital privacy. These issues require a nuanced approach to strike a balance between liberty and accountability and pose serious risks to the constitutional guarantee of freedom of speech under Article 19(1) (a)⁷.

A combination of technology safeguards, digital literacy initiatives, and governmental monitoring is necessary to solve these issues. Platforms must guarantee equitable algorithmic procedures, transparent content moderation, and easily accessible complaints procedures. Through awareness campaigns that encourage fact-checking, safe online conduct, and knowledge of data rights, citizens should be empowered. It is equally important to protect journalists' autonomy, protect their privacy, and hold internet platforms responsible. In the end, maintaining democratic ideals while promoting a secure, transparent, and responsible digital environment requires cooperation between the government, civil society, academic institutions, and IT firms.

VI.SUGGESTIONS

1. Increase Digital Literacy:

People need to be taught how to spot false information, confirm sources, safeguard personal information, and use the internet responsibly. Digital literacy initiatives at the national level can greatly lessen susceptibility to manipulation.

2. Strengthen Data Protection and Privacy:

To stop surveillance, profiling, and illegal access to personal data, strong data protection laws and severe punishments for abuse are crucial. Protection of privacy promotes free speech and increases personal autonomy.

⁷Ibid., at 1

3. Encourage Ethical and Responsible Journalism: Media organizations need to maintain objectivity, truthfulness, and moral reporting. To preserve public confidence and fight false information, fact-checking, editorial responsibility, and openness are essential.
4. Assure Algorithm Transparency: Digital platforms ought to reveal how their algorithms rank content. To protect democratic debate and stop the manipulation of public opinion, algorithmic audits and accountability systems are essential.
5. Strengthen Legal and Regulatory Frameworks: Regulations need to be democratic, flexible, and up to date with technology. Safety and constitutional compliance are guaranteed by explicit regulations on intermediary liability, content moderation, and digital rights protection.
6. Protect Journalists: To protect journalists from internet harassment, threats, and censorship, strong institutional and legal protections must be in place. Maintaining media democracy requires an independent press.

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