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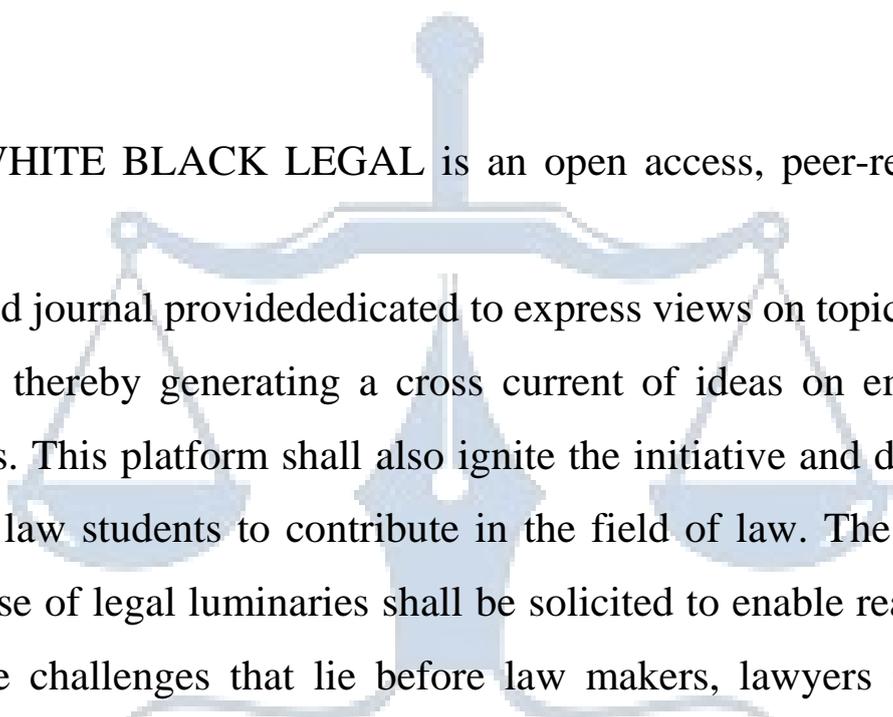


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ABOUT US



WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal providededicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

RIGHTS TO FREEDOM OF SPEECH IN **SOCIAL MEDIA**

AUTHORED BY: R .SHAFREN

ABSTRACT

The evolution of technology in the past years led the society into a dramatic growth, especially in the period of the COVID era the growth of the social media increases in such a way that can influence the people in their decision making, like what to eat , what to dress, what to buy. So it can influence the people in a bad or good way based on the contents they consumed in their account. As per the article 19(1)(a) everyone has the right to freedom of speech this includes speech, written, printing or any other forms but it applies with some exceptions like public order, sovereignty or integrity of India, security of the state, contempt of court, defamation. When it comes to social media anyone from anywhere can easily deliver their own opinion and it also influences and manipulates easily the large set of people in a bad or good way. There is a major problem that arises in the freedom of speech through social media where so many influences are misleading the people by giving rumours, And social media itself promotes the contents without proper research for money, and the social media creates the unwanted hatred for each other, where there are two types of influencers and they have their own set of audiences and they promote hatred between each other by their audiences and they generate money, where at some point social media becomes more vulnerable like fan wars, spreading rumours, spreading hatred between each other. We can see the influence of social media where it can change the results of elections, drastic change in the stock market, sudden growth of hatred in a set of people, it also influences the court decisions, etc. In this article we are going to discuss the freedom of speech in social media and how it influences peoples, what are the laws that deals with the freedom of speech in social media.

Introduction

Everyone has the right to freedom of opinion and expression in social media, no one can control any person.

Peoples have right to speech about their thoughts etc. in social media their no one can take any other persons data or their personal things and thoughts , in this society the peoples taking another persons privacy etc.,in this article I explained about what is the rights to speak in social media, preventions , impacts, and laws in society.

What is social media

Social media is one of the online platforms it shares the daily life connect with others share the emotions with others example tiktok Instagram YouTube Twitter what's app and may other online platforms Share the information social media is a collective term for website and application that focus on communication community based input interaction content sharing and collaboration Social media helps improve the business

benefit of social media

Benefits of social media people make it easy to communicate and share the idea and other people improve the lifestyle and improve the business and gain knowledge and know about social problems and social media teaching the new things to people and speak about the current porblam of social life And teaching some other skills To create new friendships to the StangerSocial media is commutation platform and share tha photo massage and daily activities and ect... And contact with Social media help to know about the current scenario Staying connected with the people and leaning the new things to the people it helps to reduce the unemployment it support the current porblam in society it use to the motivated the people and explore the new things

Social media Impact

Improve the communication skills to people improve the education resource social media provide the free knowledge social media give various education resource make the valuable tools for education free online course and online tution free viva online free classes the social media building community it's based on common interest among the people the social media use to entertainment video music and share the daily life porblam and apploud the social media

Instagram YouTube Twitter what's app ect... The social media increases the awareness of the uneducated people and is used to give the product feedback. Movie and product reviews

Information technology Act 2000

Key Provisions Related to Freedom of Speech on Social Media

- Section 66A (Struck Down in 2015):
This section initially penalized sending “offensive” messages via electronic means. However, it was struck down by the Supreme Court in the Shreya Singhal v. Union of India case, as it was vague and violated free speech rights.
- Section 69A:
Empowers the government to block public access to any information online for reasons like national security, public order, or to prevent incitement of offenses. Any blocking must follow proper procedures and safeguards.
- Intermediary Guidelines (Part of IT Rules, 2021):
Social media platforms (e.g., Facebook, Twitter) must adhere to certain rules to regulate user-generated content. Users have the right to appeal against takedown requests for their content if it violates platform guidelines.
- Restrictions Under the Constitution:
Free speech on social media is subject to “reasonable restrictions” (Article 19(2)) in matters of:
 - Defamation
 - Contempt of court
 - Security of the state
 - Public order
 - Decency or morality
- Sec 79
Intermediate social media platforms are protected from liability for user generated content provided they follow guideline like remove harmful content when notified
- Sec 67
Publishing or transmitting obscene material on social media is punishable under this section
Chapter XI of the Information Technology Act, 2000 deals with offenses related to

computers and digital platforms, including those that can be committed through social media. Below is a simplified explanation of the relevant sections and their punishments:

- Section 65 – Tampering with Computer Source Documents

What It Covers: Hiding, altering, or destroying computer source code (e.g., hacking or deleting evidence).

Punishment:

Up to 3 years of imprisonment and/or

Fine up to ₹2,00,000.

- Section 66 – Computer-Related Offenses

What It Covers: Unauthorized actions such as accessing, copying, or causing damage to a computer system.

Punishment:

Up to 3 years of imprisonment and/or

Fine up to ₹5,00,000.

- Section 66A (Struck Down in 2015)

What It Used to Cover: Sending offensive or false information online.

Current Status: Declared unconstitutional in *Shreya Singhal v. Union of India* for violating free speech rights.

- Section 66C – Identity Theft

What It Covers: Using someone's electronic signature, password, or unique identification without authorization.

Punishment:

Up to 3 years of imprisonment and/or

Fine up to ₹1,00,000.

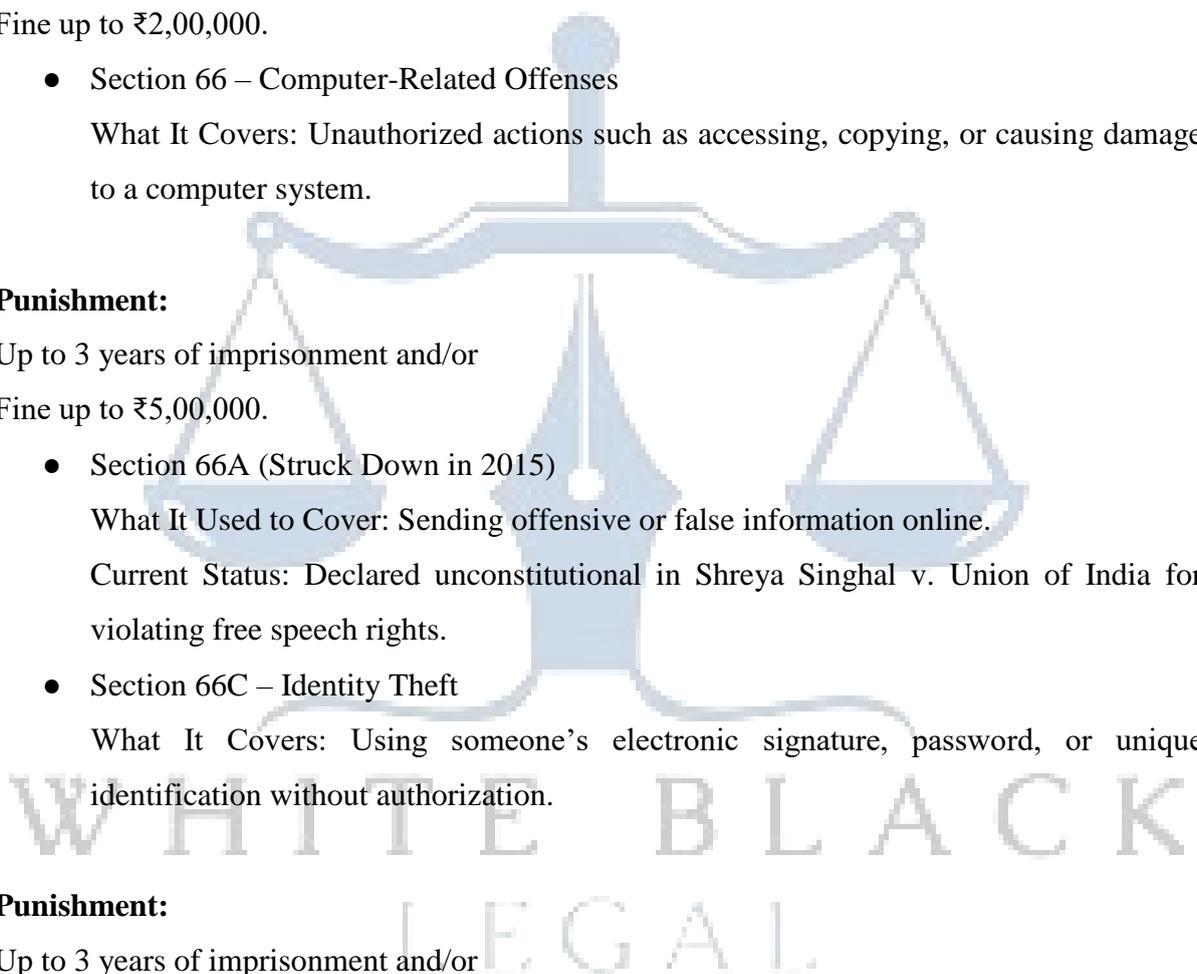
- Section 66D – Cheating by Personation

What It Covers: Impersonating someone online to deceive others (e.g., phishing, creating fake profiles).

Punishment:

Up to 3 years of imprisonment and/or

Fine up to ₹1,00,000.



- Section 66E – Violation of Privacy

What It Covers: Capturing or sharing private images or videos without consent (e.g., sharing private photos on social media).

Punishment:

Up to 3 years of imprisonment and/or

Fine up to ₹2,00,000.

- Section 66F – Cyber Terrorism

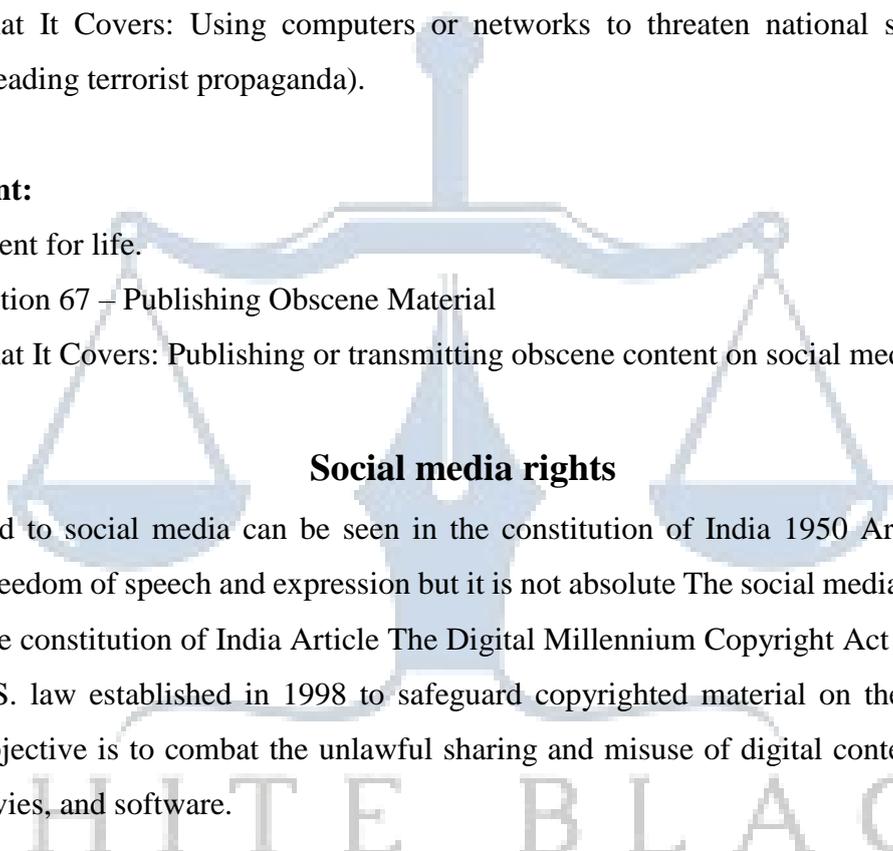
What It Covers: Using computers or networks to threaten national security (e.g., spreading terrorist propaganda).

Punishment:

Imprisonment for life.

- Section 67 – Publishing Obscene Material

What It Covers: Publishing or transmitting obscene content on social media



Social media rights

Law related to social media can be seen in the constitution of India 1950 Article 19(1)(a) provides freedom of speech and expression but it is not absolute The social media rights is free to speak the constitution of India Article The Digital Millennium Copyright Act (DMCA) is a pivotal U.S. law established in 1998 to safeguard copyrighted material on the internet. Its primary objective is to combat the unlawful sharing and misuse of digital content, including music, movies, and software.

In essence, the DMCA serves the following key purposes:

- Safeguarding Digital Content: The DMCA prohibits individuals from circumventing protective measures, such as passwords or Digital Rights Management (DRM), that safeguard digital content.
- Website Regulations: Websites are shielded from liability for user-generated copyrighted content if they adhere to specified guidelines, such as promptly removing infringing material upon request.

- Takedown Procedures: Copyright holders have the authority to issue a formal request, known as a DMCA takedown notice, to websites to remove content that violates copyright laws.
- Exceptions for Specific Uses: Certain entities, such as libraries, researchers, and educators, are permitted to utilize copyrighted material under specific circumstances.
- Fraud Prevention: Tampering with copyright information, such as removing watermarks from photos, is deemed unlawful under the DMCA.

The DMCA garners attention for its dual nature:

- Positive Aspects: It serves as a crucial tool in safeguarding creators' intellectual property from theft and misuse.
- Negative Aspects: At times, the DMCA is exploited to unjustly remove legitimate content or stifle creativity.
- In conclusion, the DMCA stands as a significant legislation that strives to strike a delicate balance between protecting creators' rights and fostering the fair use of content in the digital realm. The Communications Decency Act (CDA) of 1996 is a pivotal U.S. law designed to regulate online content and safeguard individuals, particularly children, from harmful material on the internet.
- In essence, the CDA focuses on protecting minors by prohibiting the dissemination of obscene or indecent content to them online.
- One of the most significant aspects of the CDA is Section 230, which remains a topic of discussion even today. This section stipulates that websites and social media platforms cannot be held liable for the content posted by users. For instance, if an individual shares inappropriate material on Facebook, the platform itself is not legally accountable. This provision empowers websites to moderate content, such as removing harmful posts, without fear of repercussions.
- Section 230 has played a crucial role in fostering the growth of the internet by shielding websites from excessive litigation. Additionally, it grants platforms the autonomy to curate the type of content they wish to host.
- Despite its benefits, Section 230 has sparked controversy. Some argue that it grants platforms excessive authority to censor content they disagree with, while others maintain that it is essential for maintaining an open internet and safeguarding free speech.

Related case laws:

Information technology law encompasses legal issues related to the use of computers, software, the internet, and other digital technologies. Several landmark cases have shaped this field, addressing topics such as privacy, intellectual property, cybercrime, and the responsibilities of intermediaries. Here are some notable cases:

1. Carpenter v. United States (2018)

Jurisdiction: United States

Summary: The U.S. Supreme Court ruled that the government must obtain a warrant to access an individual's historical cellphone location records. This decision underscored the importance of digital privacy and set a precedent for how Fourth Amendment protections apply to digital data.

2. Hiq Labs, Inc. v. LinkedIn Corp. (2019)

Jurisdiction: United States

Summary: The Ninth Circuit Court addressed the legality of web scraping public profiles on LinkedIn. The court ruled in favor of hiQ, allowing the scraping of publicly available data, which has implications for data privacy and the terms of service of online platforms.

3. Shreya Singhal v. Union of India (2015)

Jurisdiction: India

Summary: The Supreme Court of India struck down Section 66A of the Information Technology Act, which criminalized "offensive" online speech. The court held that the provision was vague and violated the constitutional right to freedom of speech and expression.

4. **WhatsApp's Challenge

In summary, the CDA, particularly Section 230, is fundamental to the functionality of the internet. Social media rights

- ❖ The rights to privacy is you can control who can see your profile and information
- ❖ **Rights to speak**

Everyone has the right to speak and say the eon thoughts

- ❖ **Rights to safety**

Safety is important to social media and if any use bad words or threatening ect it is used to

report the account or block that account

❖ **Rights to speak social media**

The rights to speak social media A person has without fear share the ideas and thoughts and opinions shared with the government it expires any way to share the image or speech video or message or any way they will be expected freedom of speech doesn't mean say anything any where most laws prevent hate speech that invites violence or discrimination against others and threats or violence the statement that harm or threaten other misinformation spreading harmful lies especially in sensitive areas like health or public safety According to Article 19(1)(a) Allah the citizens shall have the right to freedom of speech and expression

Related case laws:

The right to free speech on social media is a complex issue that has been addressed in various legal cases worldwide. Here are some notable cases that have shaped the legal landscape regarding freedom of expression on social media:

- **Shreya Singhal v. Union of India (2015)**

In this landmark judgment, the Supreme Court of India struck down Section 66A of the Information Technology Act, 2000, which criminalized the sending of "offensive" messages through communication devices. The Court held that the provision was vague and violated the constitutional right to freedom of speech and expression under Article 19(1)(a). This case significantly impacted online free speech in India, ensuring that individuals could express themselves on social media without fear of arbitrary legal action.

- **Mouthshut.com v. Union of India (2015)**

This case involved Mouthshut.com, a consumer review platform, challenging certain provisions of the Information Technology Act that imposed liability on intermediaries for user-generated content. The Supreme Court's decision emphasized that intermediaries cannot be compelled to remove content without a court order, reinforcing the protection of online speech and clarifying the responsibilities of online platforms in India.

- **TikTok Ban Legal Challenges in the United States (2024)**

In 2024, the U.S. government enacted a law requiring TikTok to sever ties with its

Chinese parent company, ByteDance, citing national security concerns. TikTok challenged the law, arguing that it violated the First Amendment by restricting the platform's ability to host user-generated content. Free-speech advocates contended that the ban resembled censorship practices of authoritarian regimes. The Supreme Court was set to hear arguments in January 2025, with the outcome expected to have significant implications for free speech and national security considerations in the digital age.

- **TikTok Liability Case Over User Harm (2024)**

A U.S. appeals court reopened a lawsuit against TikTok brought by the mother of a 10-year-old girl who died after participating in a challenge promoted on the app. The court ruled that federal law, specifically Section 230 of the Communications Decency Act, which typically protects internet companies from liability for user-generated content, does not shield TikTok from claims related to its algorithm recommending harmful challenges. This case highlights the ongoing legal debates about platform responsibility and user safety.

These cases illustrate the evolving legal standards governing free speech on social media platforms, balancing individual rights with concerns about national security, public safety, and platform responsibility.

Conclusion:

In this article the explanation of social media rights and how prevent the persons, privacy and their thoughts in social media.

Social media is the platform to express our thoughts, datas and privacy.

- It's also a helpful thing to everyone who lived in society. Lot of peoples using the social media wrongfully, they taking women and every gender peoples privacy without the consents this is a wrong think and wrongdoings , this article briefly explain about the problems and the preventions of right to speech in social media.