



## Mains Practice Question

**Q.** Social media freedom should not become an impediment in curbing the spread of hate speeches online. Comment. (250 words)

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### Approach

- In the introduction, briefly explain the importance of freedom of social media.
- Cite recent examples of hate speech on the internet leading to enmity.
- Discuss issues related to social media misuse.
- Give measures to effectively tackle the problem.
- Conclude suitably.

### Introduction

- Social Media has become a vital communications tool through which individuals can exercise their right of freedom of expression and exchange information and ideas.
- Social media treats all internet communications equally, and does not discriminate differently based on anyone's caste, religion, race, and content etc.
- However, the freedom of speech and expression does not confer on the citizens the right to speak or publish without responsibility and the legislature may enact laws to impose restrictions on the right to speech and expression on the several grounds.

### Body

It is alleged that hate speech on social media (esp. Facebook) has helped fuel a genocide against the Rohingya Muslims in Myanmar. Similarly, in 2019, a gunman used the social network to Livestream the mosque shootings in Christchurch, New Zealand

### Misuse of Social Media freedom

- **Rumour Mongering:** Fake narratives on online platforms have real-life implications. For example, recently in India, online rumours, regarding child traffickers, through popular messaging platform WhatsApp, led to a spate of lynchings in rural areas.
- **Facilitating Polarisation:** It enables the communalising agents to polarise people for electoral gains.
  - For example, during the election campaign of recently conducted Delhi legislative assembly elections, a leader enticed crowds with the use of communalising and violence on social media platforms.
- **Social Media AI poorly adapted to local languages:** Social media platforms' artificial intelligence-based algorithms that filter out hate speeches are not adapted to local languages.
  - Due to this, social media fails to stop any miscreants from disseminating hate speech which eventually lead to enmity in the society.

## Measures to be Taken

- **Harmonising the Laws:** Harmonising the regulations to check misuse of social media are scattered across multiple acts and rules.
  - Thus, there is a need to synchronise the relevant provisions under the Indian Penal Code, the **Information Technology Act** and Criminal Procedure Code.
- **Obeying the regulation by Supreme court:** In **Shreya Singhal v. Union of India** (2015) case, the Supreme Court gave a verdict on the issue of online speech and intermediary liability in India.
  - It struck down the **Section 66A** of the **Information Technology Act, 2000**, relating to restrictions on online speech, on grounds of violating the freedom of speech guaranteed under **Article 19(1)(a)** of the Constitution of India.
  - It also gave the direction on how hate content should be regulated and the government should follow this direction, where the user reports to the intermediary and the platforms then takes it down after following due process.
- **Transparency obligation for digital platforms:** Digital platforms can be made to publish the name and amount paid by the author in the event that content is sponsored.
  - For example, with regard to fake news, France has an 1881 law that defines the criteria to establish that news is fake and being disseminated deliberately on a large scale.
  - A legal injunction should be created to swiftly halt such news from being disseminated.
- **Establishing regulatory framework:** Responsible broadcasting and institutional arrangements should be made with consultations between social media platforms, media industry bodies, civil society and law enforcement are an ideal regulatory framework.
  - Even global regulations could be made to establish baseline content, electoral integrity, privacy, and data standards.
- **Creating Code of Conduct:** It can be framed without creating an ambiguous statutory structure that could leave avenues for potential legislative and state control.
  - For example, the European Union has also established a code of conduct to ensure non-proliferation of hate speech under the framework of a 'digital single market.'

## Conclusion

- Establishing a regulatory mechanism to control hate speech without impeding the spirit of social media freedom is the need of the hour.
- It is necessary to ensure that such a regulatory mechanism not only protects the right to free speech in a democracy but equally creates safeguards and curbs against social media amplification of hate speech that can lead to real world violence.