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FREEDOM OF EXPRESSION ON SOCIAL MEDIA: MYTH OR REALITY

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Abstract: *It has been a few decades since Internet took over the information age by storm. It has now become an integral part of people's lives. The Internet has revolutionized the way information is shared and the way people communicate. Social media is now one of the most popular means of computer mediated communication. It has shrunk the world into a global village. With people sharing information from every nook and corner of the world, information overload has become the norm. What kind of information a person shares is, to some extent, controlled by the government in a majority of the countries. There comes the concept of censorship. This paper aims to explore the Internet censorship policies of a few important countries and then goes on to talk about the pros and cons of such censoring, with special emphasis on the situation in India.*

Keywords: *Internet, censorship, government, policies, social media, information sharing, India.*

Overview of Social Media Censorship

When censorship is implemented in any form, it is one's freedom that is questioned. So when applied to the context of social media, it is the right to freedom of speech and expression that is under threat, though the extent of this threat is debatable. When a particular piece of information is censored, it means that the censoring authority does not want the public to know about it. Censorship generally comes into play in the light of either foreseen adverse impact or any adverse impact that might have occurred in the past due to sharing of similar information or content. The justification of this kind of censorship is that public consumption of such information might result in disrupting the integrity or harmony of the state, or a particular community or individuals as such. Thus, either social media itself censors its users to not post content that is condemnable (mentioned through their Terms of Service) or sometimes the government censors the way social media is used by its citizens.

However, such censorship becomes more complicated as the concept of international boundaries does not exist when it comes to social media. When social media is used as an outlet of expressing one's thoughts, the entire world is merely a click away. Further, content posted online might be legal in the country it originated but illegal in other places where there might be stricter policies. In this paper, we begin with an overview of internet regulatory policies in different countries and later, through analysis of different alleged social media misuse cases (specifically in India), we analyze how social media censorship currently operates in the country.

International Laws Pertaining to the World Wide Web

With social media, the users become global publishers. The pace at which any form of content can be spread through social media is tremendously high so much so, that many a times, it becomes a question of concern, especially when the disseminated content could be potentially defamatory or inflammatory.¹ While traditional media edits information before publishing it according to the media house's policies, the content goes instantaneously viral with minimal editing in case of social media. The end result is that any kind of message, which could be easily tailored or interpreted according to the requirements of the source, can have voluminous impact on the intended receivers, as the medium is easily accessible for both the source as well as the receiver. Due to the significance of the Internet in spreading information in the current age, laws pertaining to the same in different countries become crucial as an area of study.

In November 2015, the Bangladesh government blocked six social media sites namely Facebook, WhatsApp, Line, Messenger, Tango and Viber. This was done for security reasons following the Bangladesh Supreme Court's decision to uphold the death sentence of two influential opposition leaders (SalaudinQuaderChowdhury and Ali Ahsan Mohammad Mojaheed) for committing war crimes during the 1971 independence struggle.² Later, on December 14, the ban was lifted as the government felt that the threats had subsided. Social media ban is not new to Bangladesh. In 2010, a temporary ban was invoked by the Bangladesh government on Facebook when satirical pictures of Prophet Mohammed were uploaded online³. In countries like Myanmar and Bangladesh, internet is equivalent to Facebook owing to the reach and popularity of the social networking website. Within a year, Bangladesh's mobile and social presence tripled, making way for 80 percent of internet users to access Facebook. This ban had dire consequences on businesses that depended on the social media platforms as well as news publishing websites like the BBC which consider social media as their backbone in the current digital age.

China, one of the largest socialist economies in the world, has always had authoritarian control over traditional media houses. This control has now seeped into social media as well. Every year, we see that the numbers of social media regulations in the country keep increasing. China's tactics include strict monitoring systems and firewalls, shutting down websites, and imprisonment of non-conformist bloggers and journalists. In 2010, the Chinese government

brought in the concept of “internet sovereignty” which made all the users of Internet in China, which also included foreign companies and individuals, to adhere to the government’s laws and regulations. The Great Firewall of China, a nickname for The Golden Shield Project, is China’s online surveillance and censorship center.⁴ An internet committee led by President Xi Jinping was appointed by the State Internet Information Office which went rigid on the internet content in 2013. In early 2015, the government made it difficult for the internet users to access U.S websites like Google and Facebook by clamping down on Virtual Private Networks (VPNs). At the same time, the ban on popular foreign social media has resulted in the flourished growth of state-approved Chinese equivalents. Youku and Tudu (equivalents of YouTube), Sina Weibo (equivalent of Twitter), Douban and Renren (equivalents of Facebook) are examples of such state-approved equivalents.⁵

The Middle East countries have not exactly been the most lenient ones when it comes to policies of any kind. The Internet is no exception to this either. In 2014, Saudi Arabia passed a Counterterrorism Law that “criminalizes online expression that promotes atheism, insults the state’s reputation, harms public order, or threatens state security, among other things.” This definition is quite broad and it is easy to deduce that in this country of absolute monarchy, the King wields a lot of power over any content published online. There have been a lot of reports about people arrested for their activity online and so, Saudi Arabians believe that freedom of expression online is still a distant dream for them. From bloggers to social media users, all of them come under the scanner of the Saudi government. A lot of websites are banned in Saudi Arabia. Furthermore, a Human Rights Watch and Amnesty International report stated that the government uses malware to target activists and condemn the actions of those who state views that are critical of the government.⁶

2015 brought in the USA Freedom Act into place. The bill, passed by the United States senate, resulted in bringing down the mass surveillance powers of the National Security Agency (NSA). This was a welcome gesture, as the entire world was taken aback by Edward Snowden’s shocking revelation of NSA spying on phone and internet communication earlier.⁷

Censorship Scenario in India

Censorship, in the official sense of the word, is currently not in place in India when it comes to social media like it is in the case of films. However, the Information Technology (IT) Act had Section 66A which stated that:

"Any person who sends, by means of a computer resource or a communication device
(a) any information that is grossly offensive or has menacing character; or

(b) any information which he knows to be false, but for the purpose of causing annoyance, inconvenience, danger, obstruction, insult, injury, criminal intimidation, enmity, hatred or ill will, persistently by making use of such computer resource or a communication device,

(c) any electronic mail or electronic mail message for the purpose of causing annoyance or inconvenience or to deceive or to mislead the addressee or recipient about the origin of such messages, shall be punishable with imprisonment for a term which may extend to three years and with fine."

From the above definition of the Act, we can deduce that there are a lot of subjective terms mentioned like "grossly offensive" or "causing annoyance". Hence there were a lot of loopholes in this section. Quite lot of people came under the scanner for what they posted on social media, thanks to this Act. Consequently, there were a lot of protests and loud uproars over individuals' freedom of speech and expression being curbed by the law.

Social media primarily serves the purposes of connecting, networking and voicing out opinions. While in the recent past, it is felt that people do tend to overreact on social media to certain situations, it is largely held that unless posts contain sedition (which is an offence under section 124-A of the Indian Penal Code), individuals should be allowed to voice their personal opinions. But Section 66A of the IT Act curbed that freedom of speech to a large extent and like with a lot of other laws in our country, the Act had a lot of grey areas as was pointed out earlier. A lot of people were arrested after being booked under this Act. We take a look at a few of these cases to better understand how Internet censorship worked in our country.

In November 2012, a girl was arrested for a Facebook post on her profile in which she had questioned why the city had come to a standstill following Shiv Sena leader Bal Thackeray's death. The post she updated, quoted verbatim was: "With all respect, every day, thousands of people die, but still the world moves on. Just due to one politician died a natural death, everyone just goes bonkers. They should know, we are resilient by force, not by choice. When was the last time, did anyone showed some respect or even a two-minute silence for Shaheed Bhagat Singh, Azad, Sukhdev or any of the people because of whom we are free-living Indians? Respect is earned, given, and definitely not forced. Today, Mumbai shuts down due to fear, not due to respect." A friend of hers who had 'liked' the post was also arrested. There was a lot of uproar following their arrests and the court later dropped charges against the two girls.⁸

In another similar instance in October of the same year, three youngsters from Kishtwar were arrested for their Facebook activity, after they were tagged in a video which was termed blasphemous by the Government. One of them had merely commented on the video and met with the same fate as the other two. Furthermore, there was no prima facie evidence that they had actually uploaded the video either. They spent 40 days in jail for this after which they were let free.

Apart from these two specific incidents, there were several other cases where people were arrested for posting, commenting or sharing content which was termed either seditious, insulting or offensive by the government. All of these terms are, however, not clearly defined by the law and uproars over such arrests only grew more intense.

Due to social media activism and all the widespread protests over such arrests, the Supreme Court finally struck down Section 66A in March, 2015.⁹ The Court clearly stated that Section 66A was in violation of Article 19(1) (a) which deals with freedom of speech and expression. This was met with approval and restored some semblance of freedom on social media and on the Internet per se.

It is also important to look at the other side of the coin. It is true that social media is a platform to voice one's opinions and thoughts on any subject. There have been instances when social media has been lauded for playing a major role in overthrowing oppressive governments (like the Arab Spring) or bringing activists together, for various social issues. However, if the idea or content posted and disseminated is capable of igniting ill-feelings and violence among people, it becomes exploitation of the freedom of expression rather than exercising it. In such cases, social media does not actually play the role of a liberator as it ought to, but instead, causes public menace.¹⁰ There have also been instances when the government has had to censor social media content to ensure public harmony. Thanks to social media, it becomes quite easy to create a strain between two communities which could become dangerous if left unattended. In a country like India which is a potpourri of hundreds of languages and varied religious beliefs, social media can easily be misused to crush the age-old mantra of unity in diversity.

In 2012, Assamese migrants were brutally attacked by Muslim groups during a peaceful protest at Azad Maidan in Mumbai against the then ongoing Assam riots. This was followed by rumors that the entire Muslim population of the country was turning against the Assamese migrants (the Bodo community) and that Muslims in Assam will be evicted out of the state. At that time, social media was vital in acting as a vehicle for instantly disseminating these inflammatory messages/rumors across large distances. What followed were Assamese migrants fleeing to their homeland from Mumbai and a lot of brutal attacks on Muslims in Assam. The more people read such rumors, the more they started believing them to be true. The absence of self-verification of facts before posting content online is a major reason for this. The situation did not take too long to spiral out of control as was obvious from all the attacks and widespread riots that followed.

This incident is a classic example of why censorship sometimes becomes crucial and almost mandatory. Rumors, hate speeches, anti-national remarks are merely some instances of content that could disrupt the harmony and unity in any country. Taking all of this into account, it is difficult for any government to completely avoid censoring any content online. After all, governments are the public bodies who are responsible for the law and order situation of their countries.

Survey Findings and Recommendations

Having looked at the pros and cons of censorship on the Internet in our country, we wanted to know what the public thought about freedom of speech and expression on the Internet. We conducted a survey among people who access the Internet frequently. Some of the questions listed in the survey were:

1. How safe do you think it is to post controversial opinions on the Internet?
2. After a few arrests made in the past for social media activity, do you think twice before posting content online?
3. Do you believe you have complete freedom of speech and expression on the Internet?
4. What do you think the government can do to ensure there's complete freedom of expression online?

A total of 100 respondents completed the survey and though majority of them were in the 17-24 age group (65.98%), there were respondents from other age groups as well to give us an idea as to what they thought about internet freedom. Out of the 100 respondents, 36% said that they refrain from posting anything controversial online and another 26% felt that it was not safe to post anything ambiguous or remotely controversial. Further, a whopping 83% said that owing to past arrests made in the country, they think twice before posting anything on social media networks. More significantly, a majority 61.62% of the respondents felt that they did not have complete freedom of speech and expression though Section 66A of the IT Act is no longer in place.

The survey also brought up certain interesting findings. When asked what suggestions they would give the government to ensure complete freedom of expression online, quite a few of the respondents mentioned that in a democratic country, there can be no such thing as complete freedom of expression because it could lead to unrest in some form or the other.

From all that has been discussed about social media censorship in the country and people's opinions about the same, we come to the realization that though individuals should have the freedom to express their opinions on cyberspace, the government would not be completely in the wrong to regulate social media activity to an extent in order to preserve harmony among people and communities. Having the second largest population in the world, it sometimes becomes easy to instigate communities or individuals in our country merely with inflammatory content. So the government would have to serve as a watchdog now and then, in the larger interest of the country.

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