



SOCIAL MEDIA AND LAW IN INDIA : BALANCING FREEDOM AND ACCOUNTABILITY

(SWEKSHA)

Abstract

Social media has transformed the way people communicate, share information, and participate in public discourse in India. While these platforms have strengthened freedom of expression and digital connectivity, they have also given rise to significant legal challenges such as misinformation, cyberbullying, hate speech, online defamation, and privacy violations. This blog examines the legal framework governing social media in India, focusing on the constitutional guarantee of freedom of speech under Article 19(1)(a) and the reasonable restrictions imposed under Article 19(2). It further analyses the role of the Information Technology Act, 2000, the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, and landmark judicial decisions such as *Shreya Singhal v. Union of India* and *K.S. Puttaswamy v. Union of India*. The blog argues that an effective regulatory framework must strike a balance between protecting individual rights and ensuring accountability of social media platforms. A balanced legal approach is essential to safeguard democratic values while promoting a secure and responsible digital ecosystem in India.

Introduction

Hey there, don't you think nowadays Social Media is a part of our life?? When we discuss about the contemporary digital era, social media is one of the most influential platforms of communication and public meet-ups. Application like Facebook, Instagram, X(formally called Twitter), WhatsApp and Youtube have transformed the manner in which individuals exchange

information, express opinions, conduct business, and participate in social and political discussions. However like everything social media too has flaws. Recently, the Supreme Court of India has raised concerns about the growing misuse of social media to spread misinformation about ongoing court cases. The court believes this "fake news" interferes with judicial proceedings and needs to be addressed.¹

This blog examines the major legal aspects associated with social media in India, including constitutional protections, provisions under the Information Technology Act, intermediary liability, emerging challenges, and the judicial approach towards digital rights and regulation.

Evolution of Social Media in India

Social media platforms initially emerged as tools for networking and communication, but gradually evolved into spaces influencing politics, commerce, education, entertainment, and public opinion. The Digital India initiative and increasing internet penetration significantly contributed to the growth of social media users in India.

Today, social media serves multiple purposes including:

- Communication and networking
- Business promotion and marketing
- Political campaigns and public discourse
- Educational awareness
- Entertainment and content creation
- Citizen journalism and activism

Constitutional Perspective on Social Media

- **Freedom of Speech and Expression**

¹ Social media Regulation in India, Drishti judiciary (15th May, 2026 7:30 p.m)

The Indian Constitution guarantees the fundamental right to freedom of speech and expression under Article 19(1)(a)². This right enables individuals to express opinions, share ideas, criticize authorities, and participate in democratic discussions through social media platforms.

Social media has strengthened democratic participation by allowing citizens to voice concerns and access information instantly. It has also enabled marginalized communities and independent creators to participate in public discourse.

○ **Reasonable Restrictions under Article 19(2)**

Although freedom of speech is a fundamental right, it is not absolute. Article 19(2) permits the State to impose reasonable restrictions³ in the interests of:

- Sovereignty and integrity of India
- Security of the State
- Public order
- Decency and morality
- Defamation
- Contempt of court
- Incitement to an offence

These restrictions become particularly relevant in the context of social media where inflammatory content, hate speech, fake news, and defamatory statements can spread rapidly and affect public order.

Thus, the constitutional framework attempts to maintain a balance between protecting individual liberty and preventing misuse of digital platforms.

Information Technology Act,2000

The Information Technology Act, 2000 is the primary legislation regulating cyber activities in India. ⁴Several provisions of the Act are relevant to social media offences.

² INDIA CONST. art. 19, cl. 1(a).

³ INDIA CONST. art. 19, cl. 2.

- Section 66C deals with identity theft and fake profiles.
- Section 66D punishes cheating through impersonation using computer resources.
- Section 67 prohibits publication or transmission of obscene material in electronic form.
- Section 69A empowers the Government to block online content in the interest of national security and public order .⁵



Landmark Judgment: Shreya Singhal v. Union of India

One of the most important judgments relating to social media regulation in India is *Shreya Singhal v. Union of India*.⁶In this case, the Supreme Court struck down Section 66A of the Information Technology Act because it violated freedom of speech and expression.

The Court held that vague expressions such as “offensive” and “annoying” could lead to arbitrary restrictions on online speech. The judgment was considered a landmark decision protecting digital free speech in India.

Major Legal Challenges

Social media creates several legal and ethical challenges in India.

Fake News and Misinformation

⁴ Information Technology Act, 2000, No. 21 of 2000 (India).

⁵ Information Technology Act, 2000, No. 21 of 2000, § 69A (India).

⁶ Shreya Singhal v. Union of India, (2015) 5 S.C.C. 1 (India).

False information spreads rapidly on social media and can create panic, communal tension, and public confusion.

Cyberbullying and Online Harassment

Online trolling, abusive comments, and cyber harassment particularly affect women and vulnerable groups.

Privacy Concerns

Social media platforms collect extensive personal data of users, raising concerns regarding surveillance and misuse of information.

Hate Speech and Defamation

Hate speech and defamatory posts may disturb public order and damage individual reputation.

Judicial Approach Towards Privacy

In *K.S. Puttaswamy v. Union of India*, the Supreme Court recognized the Right to Privacy as a fundamental right under Article 21 of the Constitution.⁷ This judgment significantly influenced discussions regarding data protection and digital privacy in India.

Indian courts have generally attempted to balance freedom of speech, privacy rights, and accountability of social media platforms.

Conclusion

Social media has transformed communication and public discourse in India. While these platforms promote expression and connectivity, they also create serious legal concerns relating to misinformation, cybercrime, hate speech, and privacy violations.

⁷ *K.S. Puttaswamy v. Union of India*, (2017) 10 S.C.C. 1 (India).

The Constitution, Information Technology Act, judicial decisions, and IT Rules collectively regulate social media in India. However, maintaining a balance between free speech and regulation remains a major challenge.

A transparent and balanced legal framework is essential to ensure that social media remains a safe and responsible digital space while protecting democratic freedoms and individual rights.

References

1. The Constitution of India.
2. Information Technology Act, 2000.
3. Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021.
4. Shreya Singhal v. Union of India, (2015) 5 S.C.C. 1.
5. K.S. Puttaswamy v. Union of India, (2017) 10 S.C.C. 1.