



Social Media Fake News Breaches People's Freedom of Speech

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Abstract: In human history, we have all stepped into a new media environment. As a result of the internet and mobile technologies, new media platforms are emerging and developing in the social media ecosystem. The digital era is not the source of disinformation. There has always been fake news in society. Freedom of speech is under significant difficulties from new digital media platforms. Among these difficulties is the audience's diminished capacity for critical thought, which leaves them more open to manipulation and false information. The term "fake news" has become widely used in international laws. However, there is currently no universal strategy for addressing the phenomenon that gives rise to the idea. "Fake news" has emerged as a fresh danger and obstacle to global order and democracy. Reviewed considering international obligations to media and expression freedom will be the decisions aimed at restricting "fake news." This paper will distinguish between the ideas of false news and disinformation, and it will also make a connection between the latter and the present media manipulation trend. This article will also provide a summary of the contemporary reaction to "fake news." We will examine the Indian Constitution's clauses pertaining to the right of expression.

Key Words: Constitutional Rights, Freedom of speech, Fake news, social media, courts verdict.

I. INTRODUCTION

Misinformation and anti-social networking are making it harder for us to engage in online conversation and participation. When opinions based on misinformation are exploited to boost online engagement and are given the same weight as expert opinions, we are heading down a dangerous path. Online social conduct is susceptible to a range of potentially damaging causes in the absence of community-established regulations. Freedom of speech does not mean that we can say anything we want, anytime we want, and wherever we want. Laws are designed to safeguard people and regulate the right to free speech, both offline and online. Revealed the strategies employed by strategists of all stripes to sway public opinion by persistently disseminating fake or deceptive photos, videos, and narratives over social media. In the ongoing discussion about whether social media might eventually supplant traditional media, fake news has gained traction. Social media sparked worries about false information skewing opinions in online discussions.

Social media provides advantages, but it also has disadvantages, like the ability to propagate hate speech and inspire violence in unprecedented ways. Some social media users' misperception of free speech exacerbates these inadequacies. Social media platforms like Facebook, X, and WhatsApp are used as marketing tools. People in the community that rely on these conversations for news are misinformed about current events and viewpoints on different issues. This is made worse social networks and search engine algorithms effectively classify content to reinforce preconceptions.

The digital environment emphasizes that the marketplace of ideas is not free but rather is shaped by both public and commercial interests. Public personalities and organizations that control internet communication both contribute to the perception of misinformation. Most individuals are controlled by fear. Negative online behaviour will take advantage of these worries, and attempts will be made to do the same through excessive responses. As more companies and governments become aware of their ability to sway public opinion in this manner, things are probably going to grow worse. Furthermore, these groups are skilled at getting past whatever security precautions that have been taken.

The apparent influence of social media use by political factions' organizations led to the emergence of the weaponization of social media and the capture of online belief systems, also referred to as "narratives." Allegations of Russian meddling in the US presidential election through social media exposed the methods used by strategists of all kinds to sway public opinion by disseminating frequently inaccurate or deceptive images, videos, and stories. Fake news gained prominence in the continuing debates around social media's potential to supplant traditional media. Social media expressed concerns about false information causing distorted perspectives in online conversation.

Specifically, social media communities like WhatsApp, X and Facebook serve as marketing tools as well. Sensationalism is commonplace here, and community members who rely on this discourse for news are misled about current affairs and opinions on various problems. The fact that social network and search engine algorithms efficiently categorize content to support preconceived notions exacerbates this.

Fear has the power to control most people. These worries will be used by negative online activity, and they will also be attempted to be exploited by exaggerated reactions. Before accessing the internet, everyone will soon undergo a dental examination. It is likely to get worse since governments and businesses are beginning to realize that they have the power to sway people's beliefs in this way. And these entities are quite skilled at getting past whatever security measures put in place.

When artificial intelligence (AI) divides the online world into controlled, separated social zones, there will be both human and technical solutions that will make things better. There will be a broad shift in the next ten years toward user-identification policies and services that are more robust and secure. Some have said that those raised in the social media era will adjust. There are predictions that more online systems will need participants to be clearly identified. This implies that the online social forums may split off into several forms, some of which may remain extremely guarded and regulated while others may continue to be open-ended and unrestricted like current platforms.

The term "disinformation" describes a wide range of grave issues, such as the propagation of hazardous conspiracy theories, encouragement to violence, and manipulation of the election process. This term refers to "false information that is created and spread intentionally or otherwise to harm people, institutions, and interests." The COVID-19 pandemic has brought attention to the possible harm that false information can do to people's health and the general public's health.

Through algorithms, Facebook, X, Instagram, Google, and other platform providers already shape and restrict what the public sees. When users get weary of the coarse language on open platforms, they either quit using them altogether or remove their accounts; occasionally, they migrate to more exclusive online communities with similar interests. Some analysts believe that these patterns will persist and that even more exclusion, separation, and division may surface when efforts are made to improve the situation. AI-powered chatbots, for instance, are expected to continue to advance in their ability to assist with security, information classification, and voice and content management in discussions.

The kind of fake news that can be spread and the degree of government regulation at all levels are restricted by the Supreme Court's interpretation of individual rights; these limitations are referred to as limits on freedom of speech under constitutional law. Due to these limitations, false news must be regulated both domestically and internationally as its spread jeopardizes the integrity of the democratic processes that support the Constitution. Additionally, the significance of the market that guides the Court's interpretation is diminished by robust and unrestrained free

expression. the right to express oneself freely. Fake news spreads quickly in the current era via the Internet, changing people's beliefs and actions in a matter of minutes.

The aim of this paper is to describe the many laws that now control the propagation and dissemination of false information in India, to highlight new legislation and legislative proposals, and to establish the constitutional framework that governs this activity. which concentrate on disinformation and its detrimental repercussions. The public. The problems with fake news and their remedies are ever-evolving. And allocates, as specified in the Constitution, the authority to enact laws to guard against the harm brought about by the dissemination of false information through the Government of India. Consequently, to address the problem of false news, this paper will examine various approaches taken by governments in various settings and offer examples of them. Enumerating every law would be incomplete.

II. RESEARCH PROBLEM:

Social media is permitted to voice opinions, shape public opinion, and bring attention to any subject under discussion by the public, the government, or the administration under Article (19)(a) of the Indian Constitution. The results of media trials are highly unpredictable and could influence public and mass media opinion in either a favourable or bad way. A legal system's function is to administer justice. wherein only verified proof and the truth are considered. The researcher believes that in these kinds of situations, the media is not providing the complete picture and that even the courts are not comfortable with the media trial. Furthermore, the media presents reality or unreality according to a variety of beliefs and reporting approaches. We must first address some important questions, such as: What is hate speech and how is it legally prohibited? How do we distinguish hate speech from free expression in questionable areas?

III. OBJECTIVES OF STUDY:

To research several empirical study findings on misinformation, disinformation, and malicious information that we believe will be useful in creating policies that successfully defend free speech, including news media and independent journalism. Determine which hazards to free speech we think are exemplified by some recent actions taken by various governments and platform businesses; and provide some suggestions that we feel will be helpful in the larger conversation. The question of why regulating disinformation is viewed as a danger to freedom of expression rather than whether it impacts it is the main source of worry. It follows that confronting false information necessitates examining the degree of protection afforded to the right to free speech. This is a complicated subject since different legal systems employ various types of protection, even in situations where their rhetorical matrices are comparable. Stated differently, the key to answering this question is figuring out where the freedom of expression ends and how to balance it with other essential rights that must be upheld.

IV. HYPOTHESISs

The rights of the citizens and the administration of justice are hampered by social media fake news. It is necessary to alter the current regulatory structure to reduce social media interference in information cases.

V. REVIEW OF LITERATURE:

The right to free expression is safeguarded by most constitutions and international human rights treaties, even though this right has little real protection in public spaces, online, or on social media. To combat this, it is critical to recognize the distinction between hate speech that should be

condemned and freedom of expression that is protected by the law. Since the definition of hatred differs by country and culture, hate speech on social media raises the possibility that repressive governments would use it as justification to further restrict the rights of their citizens. According to Article 19 of the Indian Constitution, all public servants and agencies are entitled to the freedom of expression. "Speech" encompasses spoken and written language as well as visual and performing arts, music, and other kinds of communication across all media. The guarantee of freedom of expression itself implements the values upon which it is based. These values include fostering knowledge and truth in the "marketplace of ideas," assisting representative democracy and self-governance, and promoting human freedom, self-expression, and self-fulfilment.

Freedom of speech and expression is the cornerstone of human rights and the basis of free democratic communities. The freedom of choice, the right to peaceful assembly, and the ability to participate in public affairs are all guaranteed by these freedoms. Digital platforms, especially social media, have enhanced people's ability to freely express ideas and information. Regulations meant to serve as a safety net for communities and individuals were established as a result of the abuse of the right to free speech, which allowed hate speech to proliferate. However, there have been concerns expressed regarding the possible harm that these legislative attempts to impose restrictions on free speech could do to the advancement of human rights in modern society.

International human rights accords provide the freedom of expression and opinion to all persons. In the meanwhile, some countries pass legislation restricting or banning forms of social media expression, like hate speech that calls for violence. Free speech advocates urge unfettered, public forums for the free interchange of ideas. A society that is free and self-sufficient must promote the expression of people's thoughts without fear of retaliation or persecution. This fundamental freedom is necessary to preserve the democratic system and uphold liberal values. Free and unfettered discussion of political and legal issues is crucial to enable voters to choose candidates with knowledge, to keep those in authority responsible to the public, and to stay current on both fronts. Encourage spirited discussion of contentious issues. Some scholars claim that hate speech can lead to complicated problems that eventually weaken the freedom of speech. They stress the significance of outlawing this kind of social media discourse in order to shield minorities from abuse, disdain, injury, and tyranny.

Regulation to stop misleading information from spreading must happen within the intricate framework of Article 19 of the Indian Constitution's provision of freedom of expression. One approach to implement such regulations is through false speech restrictions. However, the government is frequently obliged to employ less intrusive strategies, such as compelling speakers to include information in their remarks, because of the Constitution's stringent limitations on the government's authority to directly target speech content. Alternatively, restrictions on media platforms serve as a catalyst for their protests. Refrain from distributing or seeing misleading information. Both these indirect attempts to censor honest speech and the entire, intricate architecture of free speech provide a crucial foundation for the government's authority to regulate to avert the harm that comes from false speech.

Speech restrictions based on content give rise to the prospect that the government is genuinely removing some ideas from the market and suggesting that it is limiting speech or opinions that it finds objectionable, thereby weakening the protection of free speech. is transgressing. The Court has adopted a firm position about the circumstances in which the government may impose restrictions on content-based speech. The definition of each category contains a list of the qualities of speech that the government must prove a speech restriction is compliant with the rights to free expression. When establishing the conditions under which the government may impose content-based speech limitations, the Court has taken a categorical stance. The characteristics of speech that the government must establish to show that a speech restriction is compliant with the free speech guarantee are listed in the definition of each category. The categories of expression that the Court has determined to be protected by the free speech guarantee are those to which content-based limitations are in violation. The Court has held that most speech that takes place in casual conversations and a large portion of speech that takes place within government regulatory domains falls outside the purview of speech that is protected by the Constitution's strong presumption against content-based restrictions, even though speech is perhaps the most common form of human behaviour. The Court pointed out that there would be a "chilling effect" from having such complete accountability for factual errors made during political discourse.

"Restricting false statements about philosophy, religion, history, the social sciences, the arts, and the like" would "present a grave and unacceptable danger of suppressing truthful speech," according to most justices. The Court cited several reasons for this broad protection, the most notable of which being the extraordinary possibility that government prosecutors would misuse their authority to censor false speech to further

their political agenda. Other reasons included the often-ambiguous nature of determining falsity with this type of speech and the potential value of even verifiably false speech in enhancing public issue debate. In situations where purposefully false claims of fact address matters of public interest, the free speech principle may not be fully satisfied even if the speech is required to be false. Strict scrutiny demands that speech-limiting legislation be written narrowly to prevent speakers from being prevented from speaking the truth or from giving government officials the chance to prosecute them differently based on their opinions. It is prohibited by the Constitution to use deceptive speech in relation to election procedures. Such rules ought to safeguard the freedom of expression since it is feasible to corroborate false statements regarding the operation of the voting system. "Political cyber-fraud" is prohibited under cyber legislation.

VI. RESEARCH METHODOLOGY:

This study employs the doctrinal method of research, drawing on a wide range of secondary data sources, including books, journals, newspapers, websites, research articles, legislation, and conventions, that are available with respect to the current research topic.

VII. RESULTS OF THE STUDY:

The facts on media trials and their impacts on the legal system and society at large were examined in this study using a qualitative methodology. Following the analysis or evaluation of all the research data that was One of the main challenges in addressing the actual harm and risks posed by fake news is the combination of a lack of conceptual clarity and substantial agreement on what exactly constitutes disinformation, empirical research suggesting that, where such work has been done, identifiable "fake news" makes up a very small part of people's overall media use, and extremely widespread public concern over problematic information online. This concern is focused on much broader categories of political propaganda and poor journalism combined, rather than on demonstrably false information spread to harm.

VIII. LIMITATIONS OF THE STUDY:

A researcher may encounter restrictions during a research survey depending on the topic of the study. They may also be unable to obtain data because of geographical restrictions and legal. Therefore, it is possible that the right to free speech and expression will never be fully acknowledged. Common restrictions or boundaries on this right include those pertaining to libel, slander, obscenity, pornography, sedition, incitement, fighting words, hate speech, classified material, copyright violations and trade secrets.

IX. SUGGESTIONS:

It is important to recognize that, without infringing on people's rights to free speech or other fundamental liberties, empirical research has identified a range of workable solutions to various forms of fake news that have been successful in reducing their impact, halting their spread, and strengthening societal resilience to misinformation issues. will continue with some remarks about how concerns and risks arising from different possible reactions to disinformation should be controlled in a way that protects free speech and independent news media.

States could commit to strategies where any legal restrictions on speech are precisely and clearly prescribed by law, introduced only when necessary to protect other fundamental values, and proportionate to the threat at hand to ensure that measures to counter disinformation protect free expression. It is critical that platforms make sure their procedures and policies follow international human rights standards and indicate any instances in which they think these principles might conflict with regional legal frameworks.

Transparency in the way that platforms handle disinformation and content management in general would be a crucial first step. Documentation of the directives and requests platforms get from governments, as well as any actions the platforms take in response, must be a part of this transparency. Platforms should disclose more information about their programs because these strategies are hard for outside analysts to evaluate. especially in situations where governments could object to publication.

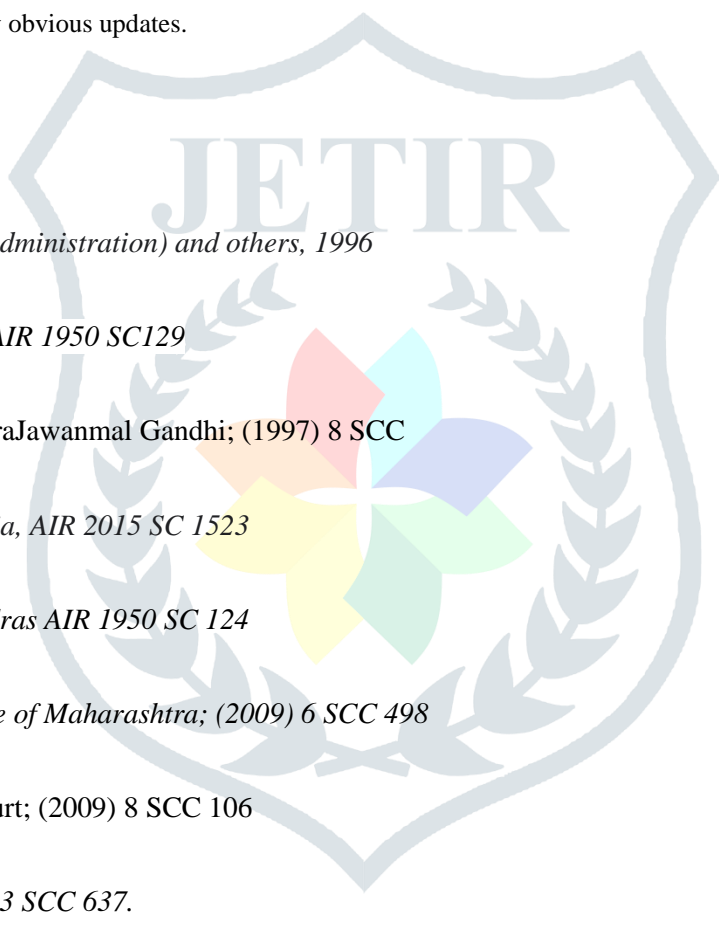
These are only a few of the potential actions that might be taken to help address diverse issues related to fake news without endangering the freedom of speech or other fundamental rights and guaranteeing greater accountability, uniformity, and transparency. Restricting the most

heinous instances of social media organizations disseminating fake news that harms individuals, institutions, and interests whether on purpose and necessary in certain extreme situations. However, these actions should only be done very cautiously, only when concrete evidence indicates that they are required, commensurate with the recorded harm caused by misinformation, and can be implemented without endangering the right to free speech in general.

X. CONCLUSION:

This paper gives a summary of the Court's interpretation of the Indian free speech guarantee, the restrictions it places on laws intended to stop the dissemination of false information, and the many types of regulations that fall under its purview. The laws governing false news and free expression in India are intricate and constantly changing. To facilitate comprehension and allow comparison with other countries' attempts to address the extremely urgent worldwide problem of the spread of disinformation, this report offers a sketch and snapshot of this significant juncture. The main concern of civil society was the possibility of fake news pieces causing harm to relations and inciting hostilities. Fake news still poses a problem, but it now has some glaringly obvious updates.

REFERENCE

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- The logo for JETIR (Journal of Emerging Technologies and Innovative Research) is a large, light blue watermark in the center of the page. It features a shield-like shape with a laurel wreath border. Inside the shield, the word 'JETIR' is written in large, bold, blue capital letters. Below the text is a colorful flower-like emblem with six petals in shades of red, orange, yellow, green, blue, and purple.
- [1] *Sushil Sharma v. State (Delhi Administration) and others*, 1996
- [2] *Brij Bhushan v. State of Delhi* AIR 1950 SC129
- [3] *State of Maharashtra v. RajendraJawanmal Gandhi*; (1997) 8 SCC
- [4] *Shreya Singhal v. union of India*, AIR 2015 SC 1523
- [5] *Romesh Thapar v. State of Madras* AIR 1950 SC 124
- [6] *Satish bhushan Bariyar v. State of Maharashtra*; (2009) 6 SCC 498
- [7] *R.K. Anand vs. Delhi High Court*; (2009) 8 SCC 106
- [8] *LIC vs. Manubhai Shah* (1992) 3 SCC 637.
- [9] *Saibal Kumar Gupta & Ors vs. B. K. Sen & ANR* [1961] INSC 12
- [10] *Sushil Sharma vs. The State (Delhi Administration and Ors)*, 1996 CriLJ 3944
- [11] *Zaheera Habibullah Shaikh v. State of Gujarat*, 2006