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The battle for free speech on social media: navigating fake news in India

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Abstract

Social media sites like Facebook, Instagram, WhatsApp, and Twitter now X have fundamentally changed how people communicate worldwide during the 21st century. Social media has completely changed the nature of interaction, communication, and airing views among individuals. India is a country that accommodates a vast population with numbers in diverse diversity, and these numbers have recently become the way through which public opinion, social movements, and politics are increasingly affected. Still, the proliferation of misinformation and fake news on social media has raised concerns about how it may impact social cohesion, public trust, and democratic processes. This paper explores the complex interplay of regulation, free expression, and the diffusion of false information on Indian social media sites. It focuses on how the government, internet firms, and civil society may find a balance between maintaining free speech and mitigating the harms caused by misinformation. It would attempt to paint a holistic view of how India is negotiating the challenges of safeguarding both free speech and information integrity in this era of social media through analyses of current legal frameworks, case studies, and the evolving digital landscape.

Keywords: Democracy; Fake News; Free Speech; Media Ethics; Social Media Accountability

1. Introduction

Social media has been a vital tool for social movements, activism, and political engagement in India in addition to facilitating interpersonal communication. India is one of the biggest and fastest-growing digital markets in the world, above than 500 million internet users. Social media can democratize knowledge but, on the other hand, fuelled the spread of hate speech, fake news, and disinformation that are raising questions over national security, social cohesiveness, and public confidence. The advent of social media has irrevocably changed the mode of human relationships, information circulation, and democratic participation in the public sphere. In this aspect, the virtual space offers such a vast arena for democratic practice but poses so many challenges concerning the spread of misinformation. The most significant problem for India is the rise of fake news, affecting social cohesiveness, public trust, and even national security. Social media, which often runs on viral tendencies, sensational headlines, fabricated images, and baseless stories, spreads this information at a frightening pace.

In a multi-cultural society like India, where political, cultural, and religious divides are ready ammunition for anyone, the influence of such misinformation is horrifically dire. Apart from influencing elections, public health, and interpersonal relationships, fake news has also fuelled public discontent, communal tensions, and actual bloodshed. While regulation of undesirable information would ensure people's security, the balance to ensure free speech finds itself in abject risk. The Indian constitution protects the fundamental right of free expression, but it is not unconditional. It is quite challenging to define the limits for free expression today, especially with how easily, in the digital age, communications can easily degenerate into hate speech, false information, or violently provocative material.

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This paper explores the complex and evolving relationship of regulation, free speech, and fake news in India. The discussion will explore the challenges of balancing social media free speech with preventing the dissemination of harmful false information. Our review aims to assess how India is addressing this critical issue by reviewing legal frameworks, case studies, and actions by tech companies. It focuses on the very complicated issue of bargaining free speech and false information on Indian social media platforms. The paper will investigate how social media influences public opinion, the extend of false information, legislation, and regulations to stop fake news, and what tech companies can do to correct all these issues. This research will analyses the effects of fake news on Indian society, considering how false information impacts social peace, elections, and public opinion. This research will expose the relentless fight that the Indian nation is under in trying to protect the rights to free expression and halt the damage caused by false information through legal frameworks and government responses to fake news.

2. Literature Review

Social media has destroyed old barriers to information monopoly. Thus, individuals are now mobilized around social issues, propagate news, and amplify awareness instantaneously. Political influence: The political class has hijacked the space of social media and transformed it into a war zone by conducting propaganda campaigns and even propaganda as well as spewing disinformation to flip opinion. The entire social media website supported the movements such as #MeTooIndia, farmers' protest, and CAA protest. These examples reveal how social media can facilitate mass action and defy power. Spread of False Information and Fake News: Although the above benefits can be reaped by social media, it has emerged as a haven for false information. With this speed of spreading materials, in the absence of editorial control, it is only that fake news would flourish.

Shweta Sharma, 2019. A study of the role of social media platforms in spreading misinformation and the steps that Indian authorities have taken in this regard. Book by Santosh Kumar, 2020. The impact of disinformation on democracy: an Indian perspective. This book discusses the impact of fake news on Indian democracy and public opinion, specifically focusing on how disinformation can be used to influence politics. The book written by Pradeep Gohil (2020) is used to discuss digital advancements in India, especially the legal challenges involved with social media and false information control.

In the present paper, Peter Dahlgren will specifically look at the Indian media environment, but through this context will explore how digital platforms interact in public discourse with free speech that clashes with regulation. In 2020, Anjana Raghavan discusses the interface between fake news, democracy, and media literacy as an interesting source for looking into the effect of disinformation on Indian politics and society. This is a book examining the sociopolitical implications of digital media and social media sites in India with special reference to the spread of fake news and its implications on free expression by S. S. Agrawal.

Kiran Reddy (2020) paper explores the recent emergence of fact-checking groups in India to counter misinformation without compromising free speech and journalistic integrity. Nisha Sharma (2020) explores the complicated coexistence of Indian political discourse with social media: censorship, and fake news. Examining how business and government reacted to fake news, Pravin Kumar, 2021 explores the emerging issue of what this could mean for democratic practice. This report discussing how social media and technology have changed the political landscape of India was looking both sides of the benefit and drawback debate-the good of aiding the spread of false information.

Discusses alteration in political conversation through social media and the debates surrounding the myths of fake news. "The Great Hack" is a documentary, 2019. This documentary by Netflix explains social media manipulation all around the world and specifically in India. Elections and political divisiveness are its central themes. Internet Freedom Foundation (2022), Analysis on how India's internet governance frameworks treat digital rights, fake news, and free expression. The analysis of Intermediary Guidelines and other regulatory actions are based on this point. Centre for Internet and Society " (2018), This research explores the legal, sociological, and technological aspects of the issue as it relates to fake news in India.

"Social Dilemma" (2020) Netflix. This is an international document regarding the nature and impact of social media upon societies, concerning problems of free speech, fake news, and even privacy; notwithstanding, the discussion is not directed towards India alone. International Journal of Communication and Media Studies. (2021). Diffusion of misinformation among Indian social media, political and legislative consequences against this very trend. Journal of Media Studies (2022) An academic study discussing the tension in India's digital age between policing offending material and safeguarding the constitutional right to freedom of expression. Official governmental stance and policy on how the Indian government addresses fake news, including regulation. Official government documents on fake news

spreading, initiatives in controlling such spreading in general and on Indian social media sites. Accessible through PIB website.

3. The Challenge of Fake News in India

3.1. Nature and Scope of Fake News

Fake news is simply false or misleading information presented under the garb of news. Fake news presents itself in a very subtle but harmful manner often in India either as photos being manipulated, dubious headlines, and even stories for sensitive issues relating to elections, religion, social issues, or the like. Fake news intends to be fake or misleading or even incorrect for the sake of being passed as news. It is usually sourced poorly and plays for deliberately misleading, emotionally provoking, or to influence an opinion of the public. It spreads fake news occasionally in an Amalga in India with rumor, hoaxes, or scandalous headings to create the panic, scare, or sometimes violence in connection with sensationalized or controversial topical stories or quite literally, especially in tailoring or manipulating one's own style to influence some elections, instigate divisions within the people and discredit political foes. This mode has become most popular, usually during political riots or national campaigns. Fake news usually discusses religious or social issues, which fuels the fire between different social, religious, or ethnic groups. For example, violence has been linked to provocative rumors about certain communities or false reports concerning religious strife. Public health risks have emerged due to the mass spread of misinformation about medicine and health, such as fake remedies for diseases, especially during the COVID-19 pandemic. False information about government, corporate, or economic policies spread through fake news that may impact market behavior, investment decisions, and social stability in the real world.

Fake news can spread even in the most secluded areas of the country due to the high penetration of smartphones and social media. Among these, WhatsApp is an important medium in which false information spreads through more than 500 million users in India. Many studies suggest that a significant portion of Indian social media users is exposed to fake news, with about 60% of WhatsApp users admitting that they have received and shared false material, often without checking its veracity. In India, many people lack the ability to critically assess information. This is especially the case among older generations or in rural areas, where access to reliable news sources is limited and literacy rates are lower. Fake news spreads when people share material that reinforces their preconceived notions. Fake news often caters to political, religious, or ideological biases in a country as divided as India. With the passage of time, the credibility of traditional media in India has decreased, largely among the young generations. People reach the social media platform to get information from other sources, which is often non-official, because they believe that these major news sources have some bias or do not report with integrity.

3.2. Impact on Society

Some of the worst real-life implications of fake news include inciting communal violence, spreading false information regarding public health such as with the COVID-19 outbreak, and skewing political discourse. Fake news has a very profound and far-reaching effect on Indian society, touching everything from political processes to public safety. In most cases, the spread of false and misleading information has resulted in widespread effects, affecting social, political, and cultural structures in such a way that this results in division, mistrust, and injury. Fake news has been used to influence elections by spreading incorrect information about candidates, parties, or policies. For instance, fabricated news or false promises related to politicians are being spread to influence public opinion or to malign political opponents. In India, fake news is largely the cause behind the increase in political polarization. Misinformation can easily build intense frenzy before an election, thereby amplifying political polarization. The false narratives often target communities or geographic areas and perpetuate the "us vs. them" mentality. Fake news can undermine the confidence of citizens in democratic institutions, such as political leaders, electoral commissions, and the media. Voters begin to doubt the validity of the election process or the intentions of those in power if they are continuously exposed to inaccurate or misleading information.

Fake news has pervasive effects on the Indian society way and wide: it influences just about every issue in the present life, political, health matters, social accord, and finally economic stability of the nation, exacerbating previously existing divisions among the societal divides, institutional and community and citizen confidence are systematically eroded due to the spreading speed of disinformation. India needs a comprehensive strategy to address this issue, one that includes improved digital literacy, more responsible social media platforms, stricter regulations, and continuous attempts to restore public confidence in democratic institutions and conventional media. In addition to public safety, addressing the problems caused by fake news is essential for the wellbeing of India's democracy and social cohesion.

3.3. Role of Technology and Algorithms

Algorithm-driven social media sites give priority to content that engages users than that is true. This feeds provocative and oftentimes false information to become viral. One of the most vital and complex issues of the disinformation problem in India is that of the technology and algorithms, which play an important role in the spread of fake news. Algorithms on social media sites like Facebook, WhatsApp, and Twitter now rank content according to user involvement. More likes, shares, comments, and reactions on a piece of content make it more amplified regardless of whether it is true. As such, sensational or misleading content becomes more apparent than more objective or accurate content. Additionally, algorithms analyse user interactions, demographic information, and historical behavior to customize material to each user's tastes. This leads to a "filter bubble," in which people are largely exposed to information that confirms their own opinions and prejudices. This technique of customization facilitates the spread of fake news and is especially troublesome when it comes to divisive subjects like politics or religion in India.

Due to advancements in artificial intelligence and machine learning, deepfakes-the realistic, AI-generated movies or audio recordings that modify or invent events-are now possible. Malicious uses of deepfakes are on the rise, such as making films of politicians saying divisive things or altering images of celebrities to spread false information. Deepfake technology has the capability to spread false narratives about public people or contentious issues, further escalating misinformation in India, where political elections are hotly contested. This makes it harder for users to tell fact from fiction because such video might be almost identical to real footage, adding another level of complexity to the problem.

3.4. Case Studies

Fake news proliferated during the elections, mainly on issues related to caste and religion. False campaigns mislead voters, divide local communities, and changed the opinion of public opinion. Fast spread of fake news through social media platforms-from fake treatment to conspiracy theories surrounding the virus origin-onset a challenge in protection of public health. Such fake news and rumors about politicians, especially on WhatsApp and other websites and applications with similar natures, were common during the 2019 Indian General Elections. False information concerning such leaders' crimes, health issues, or foreign interference spread quickly, creating uncertainty and misplacing attention away from some much-needed discussions over policy.

The propagation of false stories about child kidnappers on WhatsApp in 2018 led to a surge of mob lynchings in India. At least 20 people were killed because of these rumors in several states, including Karnataka, Assam, and Maharashtra. The situation was not improved even though several steps were taken to stop such rumors by social media companies that cannot be held accountable and regulated. The COVID-19 pandemic has brought out the threat of false information regarding health in India. Misinformation about the vaccines causing infertility or containing "alien" substances harmed the government's efforts to promote vaccination. This led to mistrust from the people against the information provided by health authorities, hence, vaccine reluctance and delays in immunization rollout in India. Customers rushed to withdraw their funds in 2019 due to public fear triggered by speculations that the RBI wanted to freeze accounts of certain banks. The news was false, but the panic was so huge that it crippled the whole nation's financial operations. Social media has been used by several Indian political campaigns to address voters directly and bypass traditional media. This has even brought about increased levels of "alternative facts." For instance, there are certain platforms that people with political leanings, and sometimes celebrities use and even certain representatives of governments use to spew out such "alternative truths" or the truth with little embellishments at times.

In 2020, a viral false news article went around with a story saying members of a certain religious sect were intentionally spreading COVID-19. The fable stigmatized a community and brought it to the margins due to this false story, which sparked some areas in the country to perpetrate physical attacks and social boycotts. The Indian government banned more than 100 apps in 2020 based on their belief that it had security concerns for its nation and the maintenance of the privacy of Indian consumers, citing apps like TikTok, WeChat, and UC Browser among other Chinese apps. Going beyond the digital sovereignty debate, the ban can be viewed in relation to a component of a larger conflict between China and India over topics of geopolitics. The move triggered concerns on whether this step would spur more intervention from the center while rendering the justification about national security a mere pretext for the government's actions.

In 2021, Twitter shut down accounts of some of the leading political personalities for violating its policies on misinformation, including the Indian government's account. There were arguments on both sides about whether it was interfering in Indian politics and whether Twitter should police the filtering of offensive material. This case has brought out the issues between platform responsibility and government power on issues of the freedom of speech in a highly polarized political atmosphere.

4. The Intersection of Free Speech and Regulation

4.1. Constitutional Right to Free Speech in India

Article 19(1)(a) of the Indian Constitution protects free speech, but article 19(2) allows reasonable limitations to this freedom for the protection of morality, public order, and national security. There are numerous hurdles at the nexus of platform accountability and governmental regulation in India's battle against fake news. There is room for governmental as well as commercial tech firms to perform their job, but there is a necessity to balance which will give way to free speech and minimize damage from false information. The Indian government might have found ways to control digital platforms but at the same time needs to ensure that its approach does not silence opposition and prohibit free speech. The interim measure is for platforms to take a more aggressive stand against false news and take greater responsibility for the content they host, but in doing so, not sacrifice openness and objectivity in moderation procedures. It is cooperation between platforms and government, under tenets of transparency, accountability, and respect for democratic ideals, that will bring the solution.

4.2. Regulation of Speech on social media

Section 66A of the IT Act, which initially criminalized sending offensive communications over communication services, was quashed by the Supreme Court in 2015 on the ground that it was unconstitutional and a violation of free speech. The 2021 Information Technology (Digital Media Ethics Code and Intermediary Guidelines) Regulations seek to establish a framework for the regulation of content on social media sites. Their critics argue that they may have the impact of censorship and damage free speech because they increase responsibility that is lodged in the platforms to remove offensive information and comply with government orders. Government vs. Platform Responsibility: The great debate continues in terms of who should regulate content among the government, the platforms, and the users. While the platforms argue to be neutral intermediaries, the government argues that the platforms play an important role in protecting public safety and national security. The confluence of these two duties--platform duty and government regulation--is critical and highly contentious when pitted against one another in finding a balance to protect free expression versus combating disinformation, particularly in the context of fake news in India.

The rise of digital media, particularly social media sites such as Facebook, WhatsApp, and Twitter, has made it challenging for the Indian government and private tech firms to regulate content. This problem raises questions about who should control material and how much regulation is appropriate without infringing on personal liberties.

5. Technology Companies' Role in Managing Misinformation

Platform Policies: Facebook, WhatsApp, and Twitter have produced content moderation teams to devalue false information, fact-checking collaborations with third-party organizations, and technological innovations using artificial intelligence. However, the effectiveness of these strategies is yet to be proved, and bias in filtering of content and transparency are still the key concerns.

5.1. WhatsApp and Viral Messages

WhatsApp is one of the most popular apps in India, and it has been criticized for its role in spreading false information, especially in rural areas where people are more susceptible to false information. The platform has taken steps to curb this issue, including limiting message forwarding.

5.2. Challenges in Content Moderation

The sheer size of social media platforms makes content moderation a challenge. Since most fake news articles are in regional languages, India's cultural and linguistic diversity makes it even more challenging to identify damaging content.

5.3. Policy and Legal Frameworks in India

The balance between free speech and control has been actively interpreted by India's courts. Courts have often been asked to decide whether social media companies should be held accountable for the content that their users publish or whether content should be taken down. Best measures against fake news include media literacy programs, a course that informs individuals on identifying and responding to false information. Such programs should be taken through public awareness activities, academic institutions, and even schools. Increased research in the fields of machine learning and artificial intelligence may develop methods to automatically identify more fakes. A fair and responsible system must be built based on transparency in content moderation decisions and adherence to human rights standards. India's social

media regulation strategy is still in its infancy. The challenges and potential solutions for finding a balance between public safety and free speech can be understood by comparing India's legal system with that of other countries, such as the EU's General Data Protection Regulation (GDPR). The Personal Data Protection Bill 2019 intends to control data privacy as well as the social media companies misuse of data. Digital Media Code of Ethics the Digital Media code of ethics Although it makes the platform liable for the content and is enforced by the rules of 2021, it has raised concerns over censorship and the government's overreach

6. Conclusion

The issue of social media freedom in India is a complex and dynamic matter. While social media platforms offer unparalleled opportunities for democratic participation and communication, the spread of misinformation poses grave threats to social stability and public confidence. Issues of misinformation require a complex, cooperative strategy involving the government, digital firms, civil society, and the legal system. India needs to seize this moment to strike a balance between upholding free speech and the imperative of establishing legitimacy in the search for truth through information. This paper delves into the problematics of free speech, fake news, and regulation in India but can certainly be much better written up with additional case studies, references, and deeper thinking into each of these themes.

Compliance with ethical standards

Disclosure of conflict of interest

No conflict of interest to be disclosed.

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