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Free speech and the digital public

Restrictions on social media platforms may seriously undermine social, political, and economic value, and above all, basic democratic rights



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Recently, there have been heated discussions on the State's role in the court revoking Twitter's intermediary status due to its alleged non-compliance with the latest IT rules.

This ostensibly makes the American microblogging company criminally liable to third party unlawful content shared via the platform. This has a critical unforeseen externality. First, it places further restrictions on society's use of the forum. Second, it could make Twitter more conservative about its content, posing profound political, economic, and social implications. Free speech, in this case on platforms, is inherently democratic. While it is a normative good and enshrined in constitutional rights, it also holds significant social, economic, and political value.

It is well documented that citizen-led action played an important role as the deadly second wave of the Covid-19 pandemic began to ravage India in early March. The nation faced an acute lack of necessary capacity and access to essential services, including lifesaving oxygen, compounded by the poor state of the public health infrastructure. Citizens had limited access to information on how to avail of government services and timely help, putting them in a trying predicament. Further, a significant deficit on the supply side in the face of rising demands, for instance, the acute lack of oxygen cylinders, elicited both ire and helplessness from citizens.

Facing a breakdown in trust and reliance on existing public measures, citizens mobilised to address

the gap in supply by sharing relevant information and resources through digital platforms. The flexibility and features of digital platforms enabled citizens to organise based on unique needs. The modalities in which crisis response groups evolved were diverse and problem-led, and systematised organically, increasing similar requests.

WhatsApp, Telegram, Facebook, and Instagram were other digital platforms through which citizens mediated resource sharing and crisis response. For instance, there emerged location-specific Facebook groups requesting plasma and blood. Also, several volunteers groups on WhatsApp emerged across India to mediate with municipal offices in ensuring access to ICU beds for Covid-19-hit citizens.

Free speech on digital platforms, a normative good

The hyperlocal penetration and in-app features of digital platforms, like Twitter, enabled citizens to reach pockets of people who would have otherwise relied on other undependable options. However, despite the relative success, there were reported retaliatory responses on the ways social media was used amidst the crisis. For instance, there were documented cases of social media companies taking down posts aiding Covid relief on the direction from the State. This may have set a precedent of caution for people's activity on social media platforms.

The move to strip platforms of their intermediary status may have further widespread consequences on how citizens express themselves on public platforms, and the high societal cost this poses. When powers to curb such freedoms are further centralised, it also limits how citizens utilise market-based solutions, thus posing economic costs as well.

The societal cost of limitations on free speech could result in bottlenecks that cut into dynamic decision-making and serendipitous access to information, which has proven to be lifesaving in the case of the recent second wave of the pandemic.

The political value of democratic speech on digital platforms can be seen in the ways platforms have shaped citizens' engagement with the political process at the grassroots. Furthermore, it has also framed how diplomatic relationships are fostered and strengthened at the administrative level.

Social media is a private channel that has evolved to be a pathway to address public grievances and make claims not only of the State but also other private entities. For instance, social media is often used for grievance redressal and dispute resolution across sectors, from social commerce companies to municipal offices. This streamlines otherwise cost-intensive processes, thus holding significant economic value. Social media networks also allow those without access to formal channels for marketing and sales, such as women-led small businesses, to engage in commercial activity.

When further limitations are imposed on such platforms through regulatory practices, it may curb the diverse and valuable ways citizens participate in the digital economy. Moving further in this direction may seriously undermine social, political, and economic value, and above all, basic democratic rights.

The role of the public in helping in bridging access gaps to rights is not a novel phenomenon, as evidenced by citizens' Covid relief efforts. However, the ingenuity lies in the emerging digital modalities through which citizens address these gaps and challenges and the necessity to imbue these digital pathways with democratic values.

(Lakshmee Sharma is a Senior Research Associate at Aapti Institute. Sarayu Natarajan is a Founder at Aapti Institute)

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