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FREEDOM OF SPEECH & EXPRESSION VIS-À-VIS SOCIAL MEDIA

By Animesh Rajpurohit and Nili Khandelwal

ABSTRACT

The right of freedom of speech and expression, also understood as the right to express opinions without restraint of the government, is a democratic model that dates back to prehistoric Greece. This right plays a vital role in the present times where information can be shared transparently through a mass medium called the 'internet' and 'social media'. Today, information travels to millions only with a simple click on the screen. Social media allows its users to share information, ideas and thoughts freely, efficiently and in real-time. But the harsh reality strikes when such right is curtailed by the respective governments with the arbitrary reasoning of 'to maintain law and order in the society'. This article seeks to discuss such recognition of right and how it has been regulated by different states.

RECOGNITION OF FREEDOM OF SPEECH AND EXPRESSION AS A RIGHT

United States

The United States of America has similar provisions as of India. The right of freedom of speech and expression is guaranteed under the First Amendment of the American Constitution and is subject to restrictions as to avoid defamation, obscenity, incitement. The US government has given control of online freedom of speech and expression to Internet Corporation for Assigned Names and Numbers.

South Africa

This is the most liberal among all the democracies around the globe. The right is protected under section 16 of South African Bill of Rights.¹The state can, however, impose restrictions on the

¹ S. AFR. CONST., 1996 s. 16.

grounds of propagation of war, incitement of violence and advocacy of hatred on grounds of race, gender or religion.

Canada

This right has been enshrined under Section 2 of the Canadian Charter of Rights and Freedom as a Fundamental Right²subject to Section 13 of the Canadian Human Rights Act. In addition to this, numerous statutes namely Protection of Privacy Act of Ontario and The Freedom of Information in Canada also protect the right.

Japan

The Japanese Constitution under Article 21 protects this right.³However, it is subject to restriction on the sole ground thatthe content isunfavourable to the government.

China

The right is protected under Article 35 of the Chinese Constitution.⁴Along with this, the right to equal knowledge and information are monitored and regulated as per the government's whims, therefore, guaranteeing them only on papers. Not only this, the internet and social media are also regulated aggressively thereby banning most of the content for selective access of the online content.



POSITION IN INDIA

"OUR MISSION YOUR SUCCESS"

The Indian constitution, the lengthiest constitution in the world, recognizes right of free speech and expression in different parts of it. The Preamble, a part of basic structure,⁵ enshrines liberty of the thought and expression.⁶ The said right has also been guaranteed as a fundamental right under Part-III with reasonable restrictions⁷. The term used is 'expression' which is wider in

²CONSTITUTION ACT, s. 2 (1867) (Canada).

³ NIHONKOKU KENPO [KENPO] [CONSTITUTION], Art. XXI (Japan).

⁴ XIANFA, Art. XXXV, (1982) (China).

⁵KesavanandaBharti v. State of Kerala, AIR 1973 SC 1461.

⁶Atul Kumar Tiwari, "Right to free speech in the Internet Era:Avoiding Chilling effect in India", *RMLNLJ*, 6, (2014) 14.

⁷INDIA CONST., art.19 (2).

connotation as it includes written, oral expressions as well as internet within its ambit.⁸ The apex court in *Sakal Paper*,⁹ held that the right of free speech cannot be curbed by state by framing any law. The apex court also explained the term 'reasonable restriction' as those restrictions that must not be arbitrary or excessive in nature in *ChintamanRao*¹⁰. Further in the article are discussed specific provisions under various statutes and role of judiciary in upholding the said right.

RECOGNITION OF THE RIGHT VIS-À-VIS SOCIAL MEDIA

In India, provisions of Information Technology Act¹¹ (hereinafter referred as IT Act) and the rules thereunder provide redress in case of violation of any right over the internet, social media or any online medium.

Chapter XI of the IT Act, that includes sections 65,66, 66A, 66C, 66D, 66E, 66F, 67, 67A and 67B, provides the provision for punishments if any wrong is committed via any computer resource, thereby including social media in its ambit. In addition to this, sections 69 and 69A grants power to the government to issue directions to interrupt or monitor any data in national interest and to block public access to any information in national interest respectively. The section 69 of the IT Act plays a vital role in curbing the right of speech and expression as it allows the government to block any information or content if it believes that it poses a threat to national security, integrity, sovereignty and defence of the country. For implementation of this act, the government has made rules under this Act.¹²

The apex court has reiterated that this right is subject to reasonable restriction.¹³ However, these restrictions require proper accountability and oversight mechanisms. There are many instances of misuse of this provision and one such incident occurred in Jadavpur University case¹⁴ where the police arrested the petitioner as he parodied CM and Union Minister Mukul Roy in the scene of a

⁸U.R Rai, Fundamental rights and their enforcement, 35 (2011).

⁹ Sakal Paper (P) Ltd., v. Union of India, AIR 1962 SC 305.

¹⁰ChintamanRao v. State of MP, AIR 1951 SC 118.

¹¹The Information Technology Act, 2000, No. 21, Acts of Parliament, 2000.

¹²r. 3(4), The Information Technology (Intermediaries Guidelines) Rules, 2011.

¹³Abhishek Manu Singhvi, Privacy right vital to civilised existence but it is subject to reasonable restrictions, The Economic Times, July 23, 2017,

https://economictimes.indiatimes.com/articleshow/59716655.cms?from=mdr&utm_source=contentofinterest&utm_medium=text&utm_campaign=cppst.

¹⁴AmbikeshMahapatra v. State of West Bengal, 2015 CriLJ 3622.

movie named 'sonar kella'. The Calcutta High Court ordered his release with a compensation for being harassed for spreading a cartoon on CM.¹⁵ Another incident occurred in 2015 when a girl of Grade 11 was imprisoned over posting an objectionable content on Facebook relating to a minister in UP government. The apex court ordered her release and asked for a concrete basis for her arrest.¹⁶

In 2017, the Indian Freedom Report published that over 54 cases of attacks on journalists were reported, around 3 television news channel were banned, 45 internet websites shutdown and over 45 sedition charges on individuals and groups between January 2016 and April 2017.¹⁷ These instances clearly show that India despite being a democratic country and a guarantor of the right of freedom of speech and expression fails to endorse the right. Therefore, this right appears to be curbed at its very essence, thus, leaving the country as a democratic nation only as a namesake.

Right and Online Platforms: A Complex Issue

India is a vast country where, due to its diversity, the disputes are not reported until and unless they involve any eminent personality or powerful groups. This is the harsh reality of the controversies regarding the curtailment of right of freedom of speech and expression over social media and internet as many a times they are not even given due attention.

In 2011, a famous cartoonist, Aseem Trivedi, was arrested over sedition charges. It was observed that he uploaded cartoons depicting corrupt practices in parliament and administrative machinery.¹⁸ In addition to this, he showed parliament as toilet and changed the lion in national emblem into wolves. As a consequence, he was charged under IT Act and Prevention of Insult of National Honour Act. The Bombay High Court released him and held that it was a way of portraying anger over existing problems in the country. Another controversy involved

¹⁵"Professor Jailed For Circulating Mamata Cartoons to be Compensated, Says Court", NDTV, march 10, 2015, <https://www.ndtv.com/india-news/double-the-compensation-of-jadavpur-professor-arrested-for-circulating-mamata-cartoons-court-tells-g-745593>.

¹⁶ "Arrest over a Facebook status: 7 times people landed in jail for posts against politicians", Hindustan Times, March 24, 2017, <https://www.hindustantimes.com/india-news/arrested-over-a-facebook-status-7-times-people-landed-in-jail-for-posts-against-politicians/story-ON1jukoStfV6T8aYcJEVGJ.html>.

¹⁷ Maya Prabhu, "Is free speech under threat in Modi's India?", Al Jazeera, August 3, 2017, <https://www.aljazeera.com/indepth/features/2017/07/free-speech-threat-modi-india-170712131837718.html>.

¹⁸"Anti-Corruption Cartoonist Aseem Trivedi Arrested On Sedition Charges", Indiatoday, September 9, 2012, <http://indiatoday.intoday.in/story/anti-corruption-cartoonist-aseem-trivedi-arrested-onseditioncharges/1/216643.html>.

Bollywood actors Ranveer Singh, Arjun Kapoor and Karan Johar over uploading a roast comedy video on YouTube in the name 'AIB Roast'. Brahman EktaSevaSansthan objected it as it contained obnoxious use of language. The video was later removed and an apology was transmitted over social media platform. It drew much criticism as the show contained proper disclaimer of containing adult content and the action was termed as arbitrary curtailment of the right.

Most importantly, the landmark case was one that involved two girls who used online platform Facebook where one of them posted a question on total blockade of Mumbai on the death of Bal Thackeray and the other liked the post.¹⁹The content posted was termed as abusive and capable of hurting religious sentiments. The girls were charged under section 295(a) of Indian Penal Code and section 66(a) ITAct. Subsequently, the girls were released owing to country wide protests and later on the apex court repealed section 66 (a) in a PIL filed by a law student.²⁰The controversies did not stop at this juncture as when a famous novelist, Shobha De criticised the Maharashtra government decision on mandatory filming of Marathi films in multiplexes on Twitter. Consequently, the said government MLA moved a privileged motion in the assembly and demanded an apology from her as it amounted to disrespecting the Legislative assembly.²¹Therefore, it can be said the right to online freedom of speech and expression is still a far-fetched idea in a country like India.

CENSORSHIP AND RIGHT: AN ANOMALY

As discussed earlier, the right to speech and expression is enshrined under the constitution of India. However, over the years this right is curtailed in the form of censorship in films and content across social media platforms. The Indian film industry is considered to be one of the largest film industries producing over one thousand films over a span of one year. The vastness of the industry can be viewed as in every three months the audience as large as the country's

¹⁹"21-year-old girl held for Facebook post questioning Mumbai's Bal Thackeray shutdown", The Times of India, <http://timesofindia.indiatimes.com/india/21-year-old-girl-held-for-Facebook-post-questioning-Mumbais-Bal-Thackeray-shutdown/articleshow/17276979.cms>.

²⁰Shreya Singhal v. Union of India, AIR 2015 SC 1523.

²¹AlokDeshpande, "Shiv Sena upset over ShobhaDe's tweets, seeks action", The Hindu, April 28, 2015, <https://www.thehindu.com/news/cities/mumbai/shiv-sena-moves-privilege-motion-against-shobhaa-de-for-tweet-on-marathi-movies/article7081503.ece>.

population flock the cinema halls.²²In spite of this, the makers do not have the freedom to produce a film that depicts any truth about the state action because such invites the fear of running into troubled waters, thereby inciting the possibility of a 'ban'. In India, the films are mostly censored on the issue of obscenity, violence and disturbing public order and peace.

The Central Board of Film Certification (**hereinafter referred as Board or Censor Board**), that issues the certificates to films, has restrained the filming over the above-mentioned grounds. Even though the constitution of India does not guarantee any right of speech and expression through motion pictures on the face of it, yet many judicial decisions have recognized this medium.

One such incident occurred in 2008 when the movie '*Deshdrohi*' was banned by the government over the ground that the movie has the tendency to disturb the 'law and order'.²³ The apex court and it was held that grounds for refusing the screening are extraneous and thereafter the movie was screened in the state.²⁴ Another incident happened when '*Parzania*' depicting the Gujarat riots was denied screening due to pressure from the state government and various political motivated groups. In 2006, the film named '*The DA VINCI CODE*', based on the award-winning novel of Dan Brown, was exposed to protests from the Christian community as the subject matter of the film was observed as 'blasphemous and offensive' and subsequently denied screening in seven states of India, despite getting the required clearance from the censor board.²⁵ Two petitions were also filed seeking a complete ban on the film and the novel, however, the apex court dismissed both the petitions.²⁶

In the film named '*Water*' that examined the plight of widows at a temple in Varanasi ran into controversy due to the protest by Hindu fundamentalist groups.²⁷ The film got international accolades and was later released in 2007 after a prolonged fight between right and government

²² Central Board of Film Certification Home Page, <http://www.cbfcindia.tn.nic.in/>.

²³ "Fears of MNS backlash prompted 'Deshdrohi' ban", Expressindia.com, November 13, 2008, <http://www.expressindia.com/latest-news/Fears-of-MNS-backlash-prompted-Deshdrohi-ban/385263/>.

²⁴ "SC rejects Maharashtra plea, clears Deshdrohi", THE INDIAN EXPRESS, January 24, 2009, <http://www.indianexpress.com/news/sc-rejects-maharashtra-plea-clears-deshdrohi/414640/>.

²⁵ "Da Vinci film protests stepped up", BBC NEWS, May 16, 2006, <http://news.bbc.co.uk/1/hi/entertainment/4987116.stm>.

²⁶ "India court blocks Da Vinci ban", BBC NEWS, June 13, 2006, <http://news.bbc.co.uk/2/hi/entertainment/5074578.stm>.

²⁷ Jasmine Yuen-Carrucan, "The Politics of Deepa Mehta's *Water*", *Bright Lights Film journal*, <http://www.brightlightsfilm.com/28/water.html>.

interest. Similarly '*Chand Bhuj Gaya*' was refused the certification as it depicts communal violence and has resemblance to real life personalities. However, the order was quashed and the film was released after a 3-year long conflict.²⁸In 2004, the film '*Black Friday*' depicted the event of infamous 1993 Bombay Blast. The film was granted the certification only on the condition that the makers would insert a disclaimer right in the beginning of the film that it was based on a book and did not impute any guilt or innocence on any of the personalities depicted in the film.²⁹³⁰These incidents depict the arbitrary and tyrant nature of the authorities, political motivated groups and respective governments.

Role of Judiciary: A Protector

With the passage of time, judiciary has acted as a watch dog of the right of freedom of speech and expression guaranteed under the Constitution of India. In *K.A Abbas*,³¹for the first time the apex court dealt with the issue that whether the cinematography act of 1952, and the rules made thereunder, is constitutionally valid and answered in the affirmative reasoning that it comes within the ambit of article 19(2) and as the motion picture is able to stir up emotions more deeply, they should be viewed in respect of society's interest. Another important milestone is in the case of *S. Rangarajan*,³²where it depicted the reservation policy and caste discrimination in the state of Tamil Nadu. The apex court quashed the order of withdrawal of certification and held that people have the right to form an opinion and a balance must be made between the right guaranteed and the societies interest.

Judiciary has also been able to safeguard this right in respect of depiction of obscenity and sexual activity. The apex court in *Ranjeet D. Udeshi*,³³held that the work must be considered as a whole and the test to determine the obscenity is that whether the work is capable of depriving or corrupting the minds of the people. In the case of *Bobby Art International*,³⁴a film based on 'Bandit Queen' got into controversy as it depicted numerous sexually motivated and sexual

²⁸"India bans religious riot movie", BBC NEWS, August 6, 2004, <http://news.bbc.co.uk/1/hi/entertainment/film/3542340.stm>.

²⁹ V.C. Shukla v. State (Delhi Administration), AIR 1980 SC 1382.

³⁰"Rakesh Bhatnagar, SC to consider lifting ban on Black Friday", THE TIMES OF INDIA, January 28, 2005, <http://timesofindia.indiatimes.com/articleshow/1003972.cms>.

³¹KA Abbas v. Union of India, AIR 1971 SC 481.

³² S. Rangarajan v. P. Jagjivan Ram, (1989) 2 SCC 574.

³³Ranjit D. Udeshi v. State of Maharashtra, AIR 1965 SC 881.

³⁴Bobby Art International v. Om Pal Singh Hoon, (1996) 4 SCC 1.

abuse scene. The apex court held that the film disseminated a serious message and thus was released in the whole of India.

In addition to films, the test for the television serials is the same. The apex court in *Ramesh*,³⁵ held that the ban on the ground that it will disturb the law and order of the society was held to be extraneous. The Supreme Court came to rescue the documentary films in the case of *LIC*,³⁶ which is a documentary on Bhopal Gas Tragedy, but was refused to telecast even after getting the certification from censor board. The apex court held that the person has the right to publish, circulate and disseminate their opinion and hence any effort to curb this would infringe their right under article 19(1) (a). Likewise, in *AnandPatwardhan*.³⁷, a documentary film depicted the violence and terrorism of Punjab, was refused telecast by Doordarshan even after clearance certificate. The order was quashed and held that everyone has the right to publish and disseminate his opinion on any matter.

GOVERNMENT INTERVENTION: A FALSE JUSTIFICATION

In India, before the content can be made available to public, it has to pass through government agencies in order to maintain the law and order in the society. These practices are more prevalent in areas of movies and documentary.³⁸ The reasoning assumed by the government is that it is duty bound to guide the people to watch and see the right content,³⁹ and that it prevents the corruption of the culture and tradition of the country from western ideas.⁴⁰ This could be evident from banning the movie '*Unfreedom*' as it depicts a lesbian love story,⁴¹ even after when the apex court has recognized homosexuality in Indian culture.⁴²

Apart from this, another reason is that it hurts public sentiments and consequently led to the

³⁵Ramesh v. Union of India, (1988) 1 SCC 668.

³⁶Life Insurance Corporation of India v. Prof.Manubhai D. Shah, AIR 1993 SC 171.

³⁷AnandPatwardhan v. Union of India, AIR 1997 Bom. 25.

³⁸Central Board of Film Certification, 'Film Censorship What Everyone Should Know' (Central Board of Film Certification, Publications, 2012), http://cbfcindia.gov.in/CbfcWeb/fckeditor/editor/images/Uploadedfiles/file/Publications/Film_censorship.pdf.

³⁹Sidharth Bhatia, "Censorship in India Is Based on the Paternalistic Idea That Citizens Are Not Mature", The Wire, January 2, 2016, <http://thewire.in/2016/01/02/censorship-in-india-is-based-on-the-paternalistic-idea-that-citizens-are-not-mature-18461/>.

⁴⁰Frederick M Wirt, 'To See or Not to See: The Case against Censorship', *Film Quarterly*, 13 (1959) 26.

⁴¹Suprateek Chatterjee, "Unfreedom, a film that was banned by the censors, is now using that as its USP", The Economic Times, March 31, 2015, <http://economictimes.indiatimes.com/magazines/panache/unfreedom-a-film-that-was-banned-by-the-censors-is-now-using-that-as-its-usp/articleshow/46755991.cms>.

⁴²Naz Foundation v. Government of NCT of Delhi, 160 DLT 277.

banning of 'India's Daughter'.⁴³The same practice was also prevalent in South Korea until 1980s,⁴⁴however, with the advent of civilian government the practice ceases to exist in the present times. Thus, this practice in India can also be classified as abuse of power that still exists.

The apex court has held in the case of *Secretary, Ministry of Information and Broadcasting, Government of India &Ors.*,⁴⁵that every citizen of the country has the right to plurality of the opinions and views on public issues. Diversity of opinions, ideas and beliefs help any individual to arrive at a judgment and it cannot be provided in a controlled mechanism influenced by any state, group or any organization.⁴⁶However, in present times the concept of censorship is of no use as anything that is made a subject matter is easily available over internet and social media platforms.

WIKILEAKS AND FREEDOM OF SPEECH

“There should be relentless exposure of and attack upon every evil man, whether politician or business man, every evil practice, whether in politics, business, or social life.”

- Theodore Roosevelt

Contrary to the statement made by Roosevelt, Julian Assange, the founder of the not-for-profit media organisation *Wikileaks*, holder of several human rights awards and two-time nominated for Nobel Peace Prize, was arrested and prosecuted for a term of 50 weeks in May 2019 for obtaining and publishing of classified diplomatic and military information to the public in 2010.⁴⁷This issue dates back to 2006 when 'wikileaks' was founded as an online information platform. Since its establishment, it has proved to be an important platform for upholding public interest by disclosing about subjects such as large scale corruption, censorship technology and internet filtering, human rights exploitation, misuse of power of government and diplomacy

⁴³Anoosh Chakelian, “Silencing India's Daughter: Why Has the Indian Government Banned the Delhi Rape Film?”, *New Statesman*, March 5, 2015, www.newstatesman.com/world-affairs/2015/03/silencing-india-s-daughter-why-has-indian-government-banned-delhi-rape-film.

⁴⁴Sueng Hyun Park, “Film Censorship and Political Legitimization in South Korea, 1987-1992”, *Cinema Journal*, 42 (2002) 120.

⁴⁵*Secretary, Ministry of Information and Broadcasting, Government of India and others v. Cricket Association of Bengal and others*, AIR 1995 SC 1236.

⁴⁶“Censoring the Internet”, Bar and Bench, April 30, 2013, http://barandbench.com/censoring_the_internet.html, accessed on 30/4/13.

⁴⁷“Julian Assange: Sweden reopens rape investigation”, BBC NEWS, May 13, 2019, <https://www.bbc.com/news/world-europe-48253343>.

including US army killing of civilian in Iraq and Afghan wars, secret contract between toll collect consortium and German federal government, cablegate, etc.⁴⁸, which are beyond the scope of regulatory control. It has been able to accomplish this because it survives outside established institutions. Wikileaks has dedicated to attain only one goal i.e. total transparent news in the public domain. To achieve this, it provides an anonymous drop box model that allows whistle-blowers and other sources to provide information in a safe way.⁴⁹

The controversy arose in 2012 when Julian Assange sought asylum under the 1951 Refugee Convention and 1954 Caracas Convention owing to the fear of political oppression. This situation apparently arose for Assange when he exercised his right to hold opinion and impart information of the matter that invites public attention and is of public importance,⁵⁰ guaranteed under the United Declaration of Human Rights 1948,⁵¹ the International Covenants on Civil and Political Rights, 1976,⁵² as well as European Convention of Human Rights.⁵³ Wikileaks is directly funded by public in the form of donations to maintain its exclusivity from the government. Therefore, in justification of maintaining alleged confidentiality of the government, it was attacked by total financial blockage of donations from the world's biggest companies to curb the organisation's working.

The current battle between the ideology of symbolising media as the fourth estate and simultaneous challenge to wikileaks provides a litmus test for ascertaining commitment of government in preserving media rights.⁵⁴ This financial blockade has been out-rightly critiqued by the UN High Commissioner for Human Rights as not simply an attack on the right to freedom of speech and expression, but a test to other associations too that depend upon donations for their

⁴⁸“Major civil liberties, media freedom, and human rights groups speak out against the arrest of Julian Assange” Wikileaks, April 4, 2013, <https://defend.wikileaks.org/2019/04/13/press-freedom-human-rights-orgs-condemn-julian-assanges-arrest/>; <https://www.ohchr.org/Documents/Issues/Opinion/Protection/Wikileaks.pdf>.

⁴⁹Goodwin v. The United Kingdom, [2002] ECHR 588.

⁵⁰V. Mitter, *Law of Defamation and Malicious Prosecution* (Universal 2017), 14; London Artists, Ltd. v. Littler, (1969) 2 Q.B. 375.

⁵¹ Universal Declaration of Human Rights, art. 19, Dec. 10, 1948, G. A. Res. 217A (III), U. N. Doc. A/810 at 71.

⁵²International Covenant on Civil and Political Rights, art. 19, Dec. 16, 1966, 999 UNTS 171 and 1057 UNTS 407.

⁵³The European Convention on Human Rights, art. 10, <http://www.hri.org/docs/ECHR50.html>; “Why Opposing Julian Assange’s Extradition to the U.S. matters for European Democracy”, Courage, March 2019, <https://defend.wikileaks.org/wp-content/uploads/2019/03/Council-of-Europe-briefing.pdf>.

⁵⁴Jennifer Robinson, “WikiLeaks, Disclosure, Free Speech and Democracy: New Media and the Fourth Estate”, Future Leaders, August 26, 2002, http://www.futureleaders.com.au/book_chapters/pdf/More-or-Less/Jennifer_Robinson.pdf.

working.⁵⁵

The arrest of Julian Assange is inconsistent of the observation made by US Supreme court in *Pentagon Papers Case*,⁵⁶ wherein it was held that only an unrestrained press can effectively expose deception in government. Assange's exercise of the right of speech through media costed him his liberty and non-receivability of basic minimum treatment that is required by UN standards. Even the well-established defence of responsible journalism, famously known as the 'Reynolds Defence',⁵⁷ could not protect Assange. Leakages and disclosures are vital parts of free flow of information and indispensable part of democracy. Therefore, the arrest is a dangerous precedent as it is in the form of an open threat to media to function in only those areas as are permitted by the government and not essentially of 'public interest'.

Regardless of the arrest, Wikileaks provides a free flow of information that allows public to have access to a wide range of resources providing an important public service by revealing happenings of the government and working towards rooting free speech in the society.

CONCLUSION

Freedom of speech and expression not only is a vital right guaranteed by the Indian Constitution, but proves to be an essential human right which has been conferred by various countries and international organisations. The 21st century is not only confined to exercise this right through public speech and printed content, but also through a medium called 'social media'. As discussed above, this right, like any other, is not absolute. Issues such like censorship in films proves to be fatal as they can be used as a medium to educate the large masses of uneducated people. In addition to this, the grounds of morality and explicit sexual content on which most of the content is censored is of no avail as the amount of sexual content accessible online is much more than what is censored. Therefore, the prima-facie hypocrisy of the government in censoring some of the online content, and putting up restrictions to all kinds of social media is what this article aimed to explain how arbitrary reasons are misused by states all over the world.

⁵⁵Ibid.

⁵⁶New York Times Co. v. United States, 403 U.S. 713

⁵⁷ "Wikileaks and Freedom of Speech: Can self regulation work?", LSE Library Service, May 19, 2017, <http://eprints.lse.ac.uk/77798/1/Wikileaks%20and%20Freedom%20of%20Speech%20Can%20self%20regulation%20work%20%20LSE%20Media%20Policy%20Project.pdf>; Reynolds v Times Newspapers Ltd, 2001 2 AC 127.