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Freedom and security

The govt. must view freedom of speech as an aid, not impediment, to national security

By calling on social media platforms operating in India to follow the law of the land, as it did last week in Parliament, the government has not just stated the seemingly obvious but also delivered a warning to Twitter that it ought not to defy its orders again, the way it did in early February, when the government wanted certain handles blocked for spreading incendiary content. "We respect criticism... you can criticise even the Prime Minister," said Minister of IT and Communications Ravi Shankar Prasad in Parliament on Thursday. "But if social media is used to propagate hate, then action will be taken." Further, he asked, why "when police act in Washington's Capitol Hill ransacking, a micro blogging site stands in their support, but when a similar action is taken at Red Fort, our national pride, the platform opposes it?" That the government wanted problematic hashtags blocked is understandable, given the tense situation on the ground on the day of the farmer protests, but what is difficult to appreciate is that it also wanted handles of some journalists, activists and politicians to be blocked. Twitter eventually complied, but not fully. "We have not taken any action on accounts that consist of news media entities, journalists, activists, and politicians," it said in its blog. "To do so, we believe, would violate their fundamental right to free expression under Indian law."

After all this, the issue is still in the realm of statements and counter-statements. While keeping up the pressure on Twitter by threatening to take action, the government, at least for the time being, seems to have stopped short of taking action. And while being defiant initially, Twitter also seems to have stopped short of escalating it and going to court. This is significant because if either one of the parties had decided to escalate the issue, the contentious law under which social media platforms are required to comply with blocking orders could come under legal scrutiny. The reference is to Section 69A of the Information Technology Act, 2000, under which the government can order a digital intermediary to block any content on grounds including security of the state and public order. Sure, the Supreme Court did uphold the constitutionality of Section 69A in the Shreya Singhal vs. the Union of India case in 2015, but criticism over the secrecy of the process and the arbitrariness with which it has been used over the years has never ceased. This Section, in a way, represents the wide censorship powers that the government has. It is, therefore, important that freedom of speech is not seen as the antithesis of security of the state, but as one of its key facilitators.