Freedom of Expression & Twitter

What is the issue?

- Twitter has moved to the Karnataka High Court challenging the Union government orders to block some content posted on its website.
- This shows that the Twitter, Inc. has finally decided to take the bull by its horns on the issue of freedom of expression on the online platform.

What are the different views?

- A sceptical view will regard this as action done under duress.
- Between February 2, 2021 and February 28, 2022, Twitter was issued directions to block 1,474 accounts and 175 tweets in India.
- In June 2022, the Ministry of Electronics and Information Technology suggested that it was giving the company a final opportunity to comply with the directions.
- But a substantive look at the challenge in the court by the company suggests that Twitter is right to take up the gauntlet.
- Much of the content are deemed to be fit for takedowns is either journalistic or of a political nature, or even dissent.

What does Twitter claim?

- Twitter is accurate in saying that the Government has not complied with rules under the Information Technology (IT) Act.
- The IT Act calls for a hearing of the author of the content besides the intermediary before any takedown action.
- The provision of these rules was one of the key reasons why the Supreme Court had upheld the constitutionality of Section 69A of the IT Act (in Shreya Singhal vs Union of India, 2015).
- The Section 69A empowers the Government to restrict access to online content in the interest of
    1. The sovereignty and integrity of the country,
    2. The security of the state,
    3. The friendly relations with foreign states or for public order.
- The Union government has used the public order and national security argument in a blanket manner to get Internet platforms such as Twitter to take down content or to seek removal of profiles arbitrarily.

What are the IT Rules, 2021?

- The Internet and telecommunications system has become an even greater behemoth than what it was when the IT Act was framed in 2000.
- To expand the scope of regulations to the new forms of intermediaries that have cropped up since then, the Government came up with the IT (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021.

- These Rules brings about obligations for accountability from social media companies and platforms.
- They also added onerous requirements such as traceability of online conversations and new oversight functions that are weighted in the Government's favour.

What is next?

- Twitter's case in the Karnataka HC should lead to greater scrutiny of the IT Rules.
- It must also put a clear legislative debate on how to remake these Rules in a way that they do not impinge on the right to freedom of expression and privacy in the online space.

Reference

https://www.thehindu.com/opinion/editorial/rightful-challenge-the-hindu-editorial-on-twitter-it-rules-and-free-speech/article65631172.ece

