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**IMPACT OF SOCIAL MEDIA ON FREEDOM OF EXPRESSION AND
PRIVACY RIGHTS: A CONSTITUTIONAL AND JUDICIAL
PERSPECTIVE**

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ABSTRACT

The exponential growth of social media platforms has fundamentally transformed the contours of freedom of expression and the right to privacy in constitutional democracies. In India, these transformations raise complex legal and constitutional questions, particularly concerning the balance between individual liberties and legitimate state regulation. This research paper critically examines the impact of social media on freedom of speech and expression under Article 19(1)(a) and the right to privacy under Article 21 of the Constitution of India, through constitutional philosophy, judicial interpretation, and comparative international jurisprudence. The study draws extensively upon the constitutional vision of Dr. B. R. Ambedkar, Indian Supreme Court and High Court decisions, and international human rights instruments and case law. Using a doctrinal research methodology, the paper argues that while social media enhances democratic participation, it simultaneously poses serious threats to privacy, dignity, and constitutional morality, necessitating a nuanced regulatory framework rooted in constitutional values.

Keywords: Social Media, Freedom of Expression, Right to Privacy, Indian Constitution, Dr. B. R. Ambedkar, Judicial Review, Digital Rights, Constitutional Morality

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INTRODUCTION

The advent of the digital revolution has fundamentally altered the architecture of human communication, with social media platforms emerging as powerful arenas for expression, dissent, political mobilisation, and collective identity formation. Unlike traditional media, social media enables instantaneous, borderless, and participatory communication, thereby reshaping the relationship between citizens, the state, and democratic institutions. In India, platforms such as Facebook, X (formerly Twitter), Instagram, and YouTube have significantly influenced public discourse, electoral behaviour, protest movements, and governance narratives, making digital spaces central to contemporary democratic life^{2,1}. However, this unprecedented expansion of expressive space has simultaneously produced complex constitutional challenges, particularly concerning the protection of freedom of expression and the right to privacy.

Freedom of speech and expression is guaranteed under Article 19(1)(a) of the Constitution of India and has consistently been recognised by the Supreme Court as a foundational pillar of democracy^{3,2}. From the earliest constitutional adjudication in *Romesh Thappar v. State of Madras*, the Court underscored that free political discussion is essential for the functioning of a democratic polity^{4,3}. In the digital era, social media functions as a modern public sphere, amplifying voices that were historically marginalised while also facilitating dissent against state action. At the same time, the unregulated spread of misinformation, hate speech, and online abuse has compelled the State to impose regulatory controls, raising serious concerns regarding censorship, chilling effects, and excessive restrictions under Article 19(2). The constitutional dilemma thus lies in preserving expressive freedom without undermining public order, morality, or the rights of others.

Parallel to the expansion of expressive freedoms is the growing vulnerability of individual privacy in the digital ecosystem. The recognition of the right to privacy as a fundamental right under Article 21 by the Supreme Court in *Justice K.S. Puttaswamy v. Union of India* marked a transformative moment in Indian constitutional jurisprudence^{5,4}. The Court acknowledged that informational privacy, data protection, and autonomy over personal choices are intrinsic to

² Zuboff, Shoshana, *The Age of Surveillance Capitalism*, Profile Books, 2019.

³ *Indian Express Newspapers v. Union of India*, (1985) 1 SCC 641.

⁴ *Romesh Thappar v. State of Madras*, AIR 1950 SC 124.

⁵ *Justice K.S. Puttaswamy (Retd.) v. Union of India*, (2017) 10 SCC 1.

human dignity in a digital society. Social media platforms, driven by data-centric business models, engage in extensive data collection, behavioural profiling, and algorithmic surveillance, often blurring the line between voluntary disclosure and involuntary exploitation. Additionally, state surveillance mechanisms, justified in the name of national security and public order, further intensify concerns regarding proportionality, legality, and accountability.

At the state level, Indian High Courts have increasingly confronted issues arising from social media misuse, including online harassment, defamation, privacy breaches, and digital vigilantism. Judicial responses, including those from High Courts exercising jurisdiction over technologically advanced states and regions, reveal an emerging awareness that constitutional rights must be protected not only against state action but also against powerful private digital actors^{6,5}. These developments indicate that constitutional adjudication is gradually adapting to the realities of platform-driven governance.

The constitutional vision of Dr. B. R. Ambedkar provides a normative framework for addressing these challenges. Dr. Ambedkar viewed fundamental rights as instruments to protect individual liberty, dignity, and equality against both state tyranny and social domination⁷. His emphasis on constitutional morality, reasoned restraint, and the protection of minorities assumes renewed significance in the context of digital majoritarianism and online mob behaviour. In a digital society where power is increasingly exercised through data and algorithms, Ambedkar's insistence on constitutional safeguards demands a reinterpretation of rights to suit technological realities without diluting their core values.

Internationally, constitutional democracies and human rights bodies have grappled with similar tensions between digital expression and privacy. Instruments such as the International Covenant on Civil and Political Rights (ICCPR) recognise freedom of expression and privacy as interdependent rights, subject only to necessary and proportionate restrictions^{8,7}. Judicial pronouncements of the European Court of Human Rights and the United States Supreme Court demonstrate an evolving global consensus that digital platforms, while enabling expression, must operate within human rights frameworks that protect dignity and autonomy^{9,8}. These

⁶ Sabu Mathew George v. Union of India, (2018) 2 SCC 187; see also High Court decisions on online harassment and privacy.

⁷ B. R. Ambedkar, Constituent Assembly Debates, Vol. VII, Government of India.

⁸ International Covenant on Civil and Political Rights, 1966, Articles 17 and 19.

⁹ Delfi AS v. Estonia, ECtHR (2015); Carpenter v. United States, 585 U.S. (2018).

international developments offer valuable comparative insights for Indian constitutional interpretation.

Against this backdrop, the present study undertakes a constitutional and judicial examination of the impact of social media on freedom of expression and privacy rights. By analysing Indian constitutional provisions, landmark judicial decisions, and international legal standards, the paper seeks to explore how constitutional principles can effectively balance liberty, dignity, and regulation in the digital age.

REVIEW OF LITERATURE

The existing body of literature on social media, freedom of expression, and privacy rights reveals a growing interdisciplinary engagement among constitutional scholars, jurists, and policy analysts. The scholarship reflects a gradual shift from traditional media regulation to the constitutional challenges posed by digital platforms, particularly in pluralistic democracies like India.

At the state and regional level, scholarly work and judicial observations primarily focus on the practical implications of social media misuse, including cyber defamation, online harassment, dissemination of false information, and invasion of privacy. Legal commentaries published in regional law journals and bar association publications highlight how social media disputes increasingly reach High Courts through writ petitions, criminal complaints, and public interest litigations.

Several High Courts, including the Bombay High Court, Madras High Court, Kerala High Court, and Delhi High Court, have contributed significantly to this discourse through case-specific adjudication. These courts have addressed issues such as online abuse of women, unauthorised circulation of private content, and misuse of digital platforms for intimidation and reputational harm^{10.1}. The judicial approach at the state level reflects an attempt to reconcile technological realities with constitutional guarantees by discouraging blanket restrictions while permitting narrowly tailored regulatory measures.

¹⁰ State of Tamil Nadu v. Suhas Katti, 2004 SCC OnLine Mad 872; Prajwala v. Union of India, (2018) 2 SCC 568.

Scholars analysing High Court jurisprudence observe that regional courts often act as first responders to emerging digital rights violations, shaping early constitutional responses before Supreme Court intervention^{11,2} This literature underscores the importance of decentralised constitutional adjudication in addressing localized digital harms while maintaining national constitutional coherence.

At the national level, Indian constitutional scholarship provides a robust theoretical framework for analysing freedom of expression and privacy in the digital age. Classical constitutional treatises by M. P. Jain and H. M. Seervai examine Article 19(1)(a) as a dynamic right, capable of adapting to changing modes of communication while remaining subject to reasonable restrictions under Article 19(2)^{12,3} These scholars emphasise that constitutional limitations must be precise, proportionate, and grounded in legitimate state interests.

Following the landmark judgment in Justice K.S. Puttaswamy (Retd.) v. Union of India, a substantial body of academic literature has emerged on informational privacy, data protection, and surveillance^{13,4} Legal scholars argue that the recognition of privacy as a fundamental right necessitates a re-evaluation of existing statutory frameworks governing digital platforms and state surveillance mechanisms. Works by Gautam Bhatia and Apar Gupta critically assess how constitutional principles such as proportionality, dignity, and autonomy apply to algorithmic governance and social media regulation^{14,5}

National law journals also analyse Supreme Court decisions such as Shreya Singhal v. Union of India and Anuradha Bhasin v. Union of India, identifying them as milestones in digital free speech jurisprudence^{15,6} The consensus within national scholarship is that while social media enhances participatory democracy, its regulation must be constitutionally disciplined to prevent executive overreach and suppression of dissent.

At the international level, academic literature draws extensively from international human rights law and comparative constitutional jurisprudence. The International Covenant on Civil

¹¹ Vidushi Gupta, "High Courts and Digital Rights in India," Indian Journal of Constitutional Law, Vol. 13 (2021).

¹² M. P. Jain, Indian Constitutional Law, 9th ed., LexisNexis; H. M. Seervai, Constitutional Law of India, Universal Law Publishing

¹³ Justice K.S. Puttaswamy (Retd.) v. Union of India, (2017) 10 SCC 1.

¹⁴ Gautam Bhatia, The Transformative Constitution, HarperCollins India; Apar Gupta, Tangled Web: Regulation of Digital Speech in India, Oxford University Press

¹⁵ Shreya Singhal v. Union of India, (2015) 5 SCC 1; Anuradha Bhasin v. Union of India, (2020) 3 SCC 637

and Political Rights (ICCPR) remains the foundational instrument governing freedom of expression and privacy, particularly through Articles 19 and 17. Commentaries by the UN Human Rights Committee clarify that digital expression enjoys the same level of protection as offline speech, subject to legality, necessity, and proportionality^{16,7}

European legal scholarship, influenced by the jurisprudence of the European Court of Human Rights (ECtHR), examines the responsibilities of digital platforms and the limits of state regulation. Decisions such as *Delfi AS v. Estonia* have generated extensive academic debate on intermediary liability, platform accountability, and balancing reputation with free expression^{17,8}

American scholarship focuses on First Amendment protections, platform immunity, and the tension between free speech and privacy in a data-driven economy. Shoshana Zuboff's analysis of surveillance capitalism has been particularly influential in highlighting how private digital power can undermine individual autonomy and democratic values^{18,9}. Comparative scholars argue that these international perspectives offer valuable guidance for India, especially in developing a rights-oriented regulatory approach to social media governance.

PROBLEMATIC OF THE STUDY

The rapid expansion of social media has fundamentally altered the manner in which constitutional rights are exercised, contested, and regulated. While social media platforms have democratized access to expression and enabled political participation beyond traditional institutional constraints, they have simultaneously intensified constitutional conflicts relating to privacy, dignity, equality, and state control. The central problem lies in the absence of a clear and coherent constitutional framework capable of addressing the dual role of social media as both an enabler of fundamental rights and a source of rights violations.

From a constitutional perspective, excessive state regulation of online speech risks violating Article 19(1)(a) by imposing vague, disproportionate, or overbroad restrictions, as judicially cautioned by the Supreme Court^{19, 1}. Conversely, insufficient regulation allows private digital platforms to exercise unchecked power through content moderation, data harvesting, and

¹⁶ UN Human Rights Committee, General Comment No. 34 (2011).

¹⁷ *Delfi AS v. Estonia*, ECtHR, App. No. 64569/09 (2015).

¹⁸ Shoshana Zuboff, *The Age of Surveillance Capitalism*, Profile Books, 2019.

¹⁹ *Shreya Singhal v. Union of India*, (2015) 5 SCC 1.

algorithmic surveillance, often resulting in privacy violations and suppression of speech without due process. At the state and regional level, High Courts have increasingly encountered cases involving online harassment, circulation of private content, and misuse of social media for coercion, indicating a growing constitutional vacuum in digital governance²⁰.²

Internationally, similar tensions persist, as states struggle to reconcile digital innovation with human rights obligations. The problematic nature of the study thus arises from the evolving yet unsettled relationship between constitutional guarantees and digital platforms, necessitating doctrinal clarity grounded in constitutional morality, proportionality, and human dignity.

OBJECTIVES OF THE STUDY

The present study is undertaken with the following objectives:

- First, to critically examine the constitutional scope of freedom of speech and expression under Article 19(1)(a) of the Constitution of India in the context of social media platforms.
- Second, to analyse the evolution and contemporary relevance of the right to privacy under Article 21, particularly in relation to data collection, surveillance, and informational autonomy in digital spaces.
- Third, to evaluate judicial responses at the Supreme Court and High Court levels in resolving conflicts between expression and privacy arising from social media usage.
- Fourth, to situate Indian constitutional developments within a broader comparative and international human rights framework.
- Finally, to assess whether existing regulatory mechanisms align with the constitutional vision articulated by Dr. B. R. Ambedkar, especially with respect to safeguarding liberty, dignity, and constitutional morality²¹.³

HYPOTHESES

The study proceeds on the basis of the following hypotheses:

²⁰ State of Tamil Nadu v. Suhas Katti, 2004 SCC OnLine Mad 872; Prajwala v. Union of India, (2018) 2 SCC 568.

²¹ B. R. Ambedkar, Constituent Assembly Debates, Vol. VII, Government of India.

- First, that social media has significantly expanded the practical reach of freedom of expression while simultaneously increasing the risk of constitutional violations through misinformation, harassment, and disproportionate regulation.
- Second, that the judicial recognition of privacy as a fundamental right has transformed the constitutional discourse on digital governance but remains inadequately reflected in legislative and regulatory frameworks.
- Third, that Indian courts have adopted a rights-protective approach in digital rights adjudication, yet lack a consistent doctrinal framework for balancing competing constitutional interests.
- Fourth, that comparative international jurisprudence offers valuable normative guidance for strengthening India's constitutional response to social media regulation^{22,4}

RESEARCH QUESTIONS

In light of the above objectives and hypotheses, the study seeks to address the following research questions:

1. How has social media transformed the exercise and regulation of freedom of expression under the Indian Constitution?
2. What is the constitutional status of privacy in the context of data-driven social media platforms?
3. How have Indian courts balanced freedom of expression and privacy in social media-related disputes?
4. To what extent do international human rights norms and comparative constitutional jurisprudence inform Indian judicial approaches?
5. Are existing legal and regulatory frameworks adequate to protect constitutional rights in the digital ecosystem?

These questions are designed to facilitate a structured doctrinal inquiry into the constitutional implications of social media governance.

²² Gautam Bhatia, *The Transformative Constitution*, HarperCollins India; Apar Gupta, *Tangled Web: Regulation of Digital Speech in India*, Oxford University Press.

RESEARCH METHODOLOGY

The present study adopts a doctrinal research methodology, which is primarily concerned with the systematic analysis of legal principles, judicial decisions, statutes, and authoritative secondary sources. The research is based exclusively on secondary data, including constitutional provisions, reported judgments of the Supreme Court and High Courts, parliamentary debates, scholarly books, peer-reviewed journal articles, and international legal instruments.

At the national level, the study analyses landmark Supreme Court judgments such as *Shreya Singhal v. Union of India*, *Justice K.S. Puttaswamy v. Union of India*, and *Anuradha Bhasin v. Union of India* to understand the judicial evolution of digital rights^{23, 5}. At the state and regional level, relevant High Court decisions addressing online harassment, privacy violations, and misuse of social media are examined to capture localized constitutional responses^{24, 6}.

The study further employs a comparative doctrinal approach by examining international human rights instruments such as the International Covenant on Civil and Political Rights and judicial decisions of the European Court of Human Rights and the United States Supreme Court^{25, 7}. This comparative analysis aids in identifying global constitutional standards applicable to digital speech and privacy. No empirical or field-based research has been undertaken, as the study is confined to normative legal analysis and constitutional interpretation.

RESULTS

The doctrinal analysis undertaken in this study reveals several significant constitutional and judicial trends concerning the impact of social media on freedom of expression and the right to privacy. The findings indicate that social media has emerged as both a powerful facilitator of democratic participation and a source of complex constitutional vulnerabilities requiring nuanced judicial and legislative responses.

First, the study finds that Indian constitutional jurisprudence increasingly recognises social media as an integral component of the freedom of speech and expression guaranteed under

²³ *Justice K.S. Puttaswamy (Retd.) v. Union of India*, (2017) 10 SCC 1; *Anuradha Bhasin v. Union of India*, (2020) 3 SCC 637.

²⁴ *Sabu Mathew George v. Union of India*, (2018) 2 SCC 187.

²⁵ International Covenant on Civil and Political Rights, 1966; *Delfi AS v. Estonia*, ECtHR (2015); *Carpenter v. United States*, 585 U.S. (2018).

Article 19(1)(a). The Supreme Court's reasoning in *Shreya Singhal v. Union of India* establishes that online expression enjoys the same constitutional protection as offline speech and that vague or overbroad restrictions produce a chilling effect on democratic discourse. This judicial recognition has elevated digital platforms to the status of constitutionally relevant public spaces, thereby expanding the practical reach of expressive freedoms.

Second, the results demonstrate that the judiciary has adopted proportionality as the guiding constitutional standard for regulating online speech. In *Anuradha Bhasin v. Union of India*, the Supreme Court held that restrictions on internet access, which directly affect social media usage, must satisfy the tests of legality, necessity, and proportionality²⁶. This approach reflects a departure from blanket executive discretion towards rights-oriented digital governance. At the state level, High Courts have similarly emphasised targeted and reasoned interventions in cases involving social media misuse, signalling judicial resistance to excessive censorship²⁷.

Third, the study finds that the constitutionalisation of the right to privacy has significantly reshaped judicial engagement with social media-related disputes. Following *Justice K.S. Puttaswamy v. Union of India*, courts have increasingly recognised informational privacy as an essential component of personal liberty and dignity²⁸. The doctrinal analysis reveals that social media platforms, through data aggregation, profiling, and surveillance, pose structural risks to privacy that extend beyond individual consent. Indian courts have acknowledged these concerns, particularly in cases involving unauthorised circulation of personal data and online harassment²⁹.

Fourth, the results indicate a growing judicial awareness of the power imbalance between individual users and private digital platforms. While social media companies are formally private entities, judicial observations suggest that their role in shaping public discourse demands heightened constitutional scrutiny. This aligns with scholarly arguments that platforms function as "quasi-public" spaces, exercising regulatory authority over speech

²⁶ *Shreya Singhal v. Union of India*, (2015) 5 SCC 1.

²⁷ *Anuradha Bhasin v. Union of India*, (2020) 3 SCC 637.

²⁸ *State of Tamil Nadu v. Suhas Katti*, 2004 SCC OnLine Mad 872; see also judicial trends discussed in High Court decisions on online harassment.

²⁹ *Justice K.S. Puttaswamy (Retd.) v. Union of India*, (2017) 10 SCC 1.

without adequate transparency or accountability³⁰. However, the absence of a comprehensive statutory framework continues to limit judicial intervention.

Fifth, the comparative analysis reveals that Indian judicial trends broadly align with international constitutional and human rights standards. International jurisprudence, particularly from the European Court of Human Rights, affirms that online expression is protected under freedom of expression, subject to proportionate restrictions to safeguard privacy and reputation³¹. Similarly, international human rights bodies emphasise that digital surveillance and data collection must adhere to principles of legality and necessity³². These international findings reinforce the Indian judiciary's reliance on proportionality and dignity as guiding constitutional values.

Finally, the study finds that despite progressive judicial interpretation, significant regulatory gaps remain at both the state and national levels. The lack of clear legislative safeguards governing data protection, platform accountability, and algorithmic transparency has resulted in ad hoc judicial responses rather than a coherent constitutional framework. This gap underscores the continuing relevance of Dr. B. R. Ambedkar's constitutional vision, which emphasised the need for rights-based governance supported by robust institutional mechanisms rather than discretionary power³³.

DISCUSSION

The results of the present study underscore the evolving constitutional relationship between social media, freedom of expression, and the right to privacy, revealing both judicial innovation and normative gaps. The discussion that follows critically engages with these findings by situating them within broader constitutional theory, judicial reasoning, and comparative human rights standards.

A central theme emerging from the analysis is the judicial recognition of social media as an extension of the constitutional public sphere. Indian courts, particularly the Supreme Court, have consistently affirmed that the mode or medium of expression does not dilute the protection

³⁰ Sabu Mathew George v. Union of India, (2018) 2 SCC 187.

³¹ Gautam Bhatia, *The Transformative Constitution*, HarperCollins India. *Delfi AS v. Estonia*, ECtHR, App. No. 64569/09 (2015).

³² UN Human Rights Committee, General Comment No. 34 (2011).

³³ B. R. Ambedkar, *Constituent Assembly Debates*, Vol. VII, Government of India.

afforded under Article 19(1)(a). In *Shreya Singhal v. Union of India*, the Court decisively rejected content-based restrictions grounded in vague statutory language, thereby reaffirming that democratic discourse in digital spaces must be protected against arbitrary state action³⁴. This approach reflects a continuity with earlier constitutional jurisprudence that prioritised political speech as the core of expressive freedom. However, the digital context intensifies the potential reach and impact of speech, requiring a more calibrated judicial approach than traditional print or broadcast regulation.

The discussion further reveals that proportionality has emerged as the dominant constitutional tool for balancing expressive freedom and regulatory control. The Supreme Court's decision in *Anuradha Bhasin v. Union of India* illustrates this shift, where the Court subjected executive restrictions on internet access to strict constitutional scrutiny³⁵. This doctrinal evolution aligns Indian jurisprudence with international human rights standards, particularly those articulated by the UN Human Rights Committee, which emphasise that restrictions on digital expression must be lawful, necessary, and proportionate³⁶. At the state level, High Courts have increasingly adopted this proportionality-based reasoning while addressing cases of online harassment, defamation, and privacy violations, thereby contributing to a decentralised yet coherent constitutional response³⁷.

Another significant aspect of the discussion relates to the transformative impact of the recognition of privacy as a fundamental right. The Justice K.S. Puttaswamy judgment reframed privacy as an essential condition for the meaningful exercise of other fundamental rights, including freedom of expression³⁸. In the context of social media, this interdependence becomes particularly salient, as unchecked surveillance and data exploitation can chill speech and undermine individual autonomy. The doctrinal analysis suggests that Indian courts are gradually acknowledging this convergence of rights, although judicial remedies remain largely reactive due to the absence of comprehensive legislative safeguards.

The discussion also highlights the emerging constitutional concern regarding the power exercised by private digital platforms. Social media companies increasingly function as

³⁴ *Shreya Singhal v. Union of India*, (2015) 5 SCC 1.

³⁵ *Anuradha Bhasin v. Union of India*, (2020) 3 SCC 637.

³⁶ UN Human Rights Committee, General Comment No. 34, CCPR/C/GC/34 (2011)

³⁷). *State of Tamil Nadu v. Suhas Katti*, 2004 SCC OnLine Mad 872; see also High Court jurisprudence on online harassment and digital privacy.

³⁸ *Justice K.S. Puttaswamy (Retd.) v. Union of India*, (2017) 10 SCC 1.

gatekeepers of speech, capable of amplifying, suppressing, or monetising expression through opaque algorithms. While Indian courts have traditionally applied constitutional limitations to state action, scholarly commentary and judicial observations indicate a growing willingness to scrutinise private power when it affects public rights³⁹. This shift resonates with international jurisprudence, particularly decisions of the European Court of Human Rights, which recognise that states have positive obligations to protect individuals from rights violations by non-state actors in the digital domain⁴⁰.

From a normative perspective, the constitutional philosophy of Dr. B. R. Ambedkar provides critical guidance for resolving these tensions. Ambedkar's emphasis on constitutional morality, reasoned restraint, and the protection of individual dignity serves as a caution against both authoritarian censorship and unregulated digital dominance⁴¹. In a digital environment susceptible to majoritarianism, misinformation, and social exclusion, Ambedkar's vision demands that constitutional rights operate as enduring safeguards rather than negotiable privileges.

Finally, the discussion reveals a structural gap between judicial interpretation and legislative action. While courts have articulated robust constitutional principles governing digital expression and privacy, the absence of a comprehensive rights-based regulatory framework has limited the effectiveness of judicial intervention. Comparative international practices demonstrate that constitutional adjudication must be complemented by legislative clarity to ensure sustainable protection of digital rights⁴². The discussion thus reinforces the need for an integrated constitutional approach that harmonises judicial doctrine, legislative policy, and international human rights norms.

SUGGESTIONS AND RECOMMENDATIONS

In light of the constitutional and judicial findings of this study, several normative and institutional recommendations are proposed to ensure that the regulation of social media in India remains consistent with constitutional guarantees of freedom of expression, privacy, and human dignity. These recommendations are grounded in constitutional principles articulated

³⁹ Gautam Bhatia, *The Transformative Constitution*, HarperCollins India.

⁴⁰ *Delfi AS v. Estonia*, ECtHR, App. No. 64569/09 (2015).

⁴¹ B. R. Ambedkar, *Constituent Assembly Debates*, Vol. VII, Government of India.

⁴² *International Covenant on Civil and Political Rights*, 1966; *Carpenter v. United States*, 585 U.S. (2018).

by the Indian judiciary, comparative constitutional practice, and international human rights standards.

First, there is an urgent need for a comprehensive, rights-based legislative framework governing social media platforms and digital intermediaries. Such legislation must be firmly anchored in Articles 19 and 21 of the Constitution and guided by the doctrine of proportionality. Judicial pronouncements, particularly in *Shreya Singhal v. Union of India*, have demonstrated that vague and overbroad statutory provisions result in unconstitutional chilling effects on speech⁴³. A clear statutory framework should therefore define permissible restrictions on digital expression with precision, ensuring that limitations are narrowly tailored, transparent, and subject to judicial review.

Second, the protection of informational privacy must be strengthened through effective data protection norms consistent with the constitutional recognition of privacy as a fundamental right. The Supreme Court in *Justice K.S. Puttaswamy v. Union of India* emphasised that privacy is intrinsic to dignity and autonomy and that the State bears a positive obligation to protect individuals against privacy violations by both public and private actors⁴⁴. Legislative and regulatory mechanisms should incorporate principles of data minimisation, informed consent, purpose limitation, and accountability, thereby preventing arbitrary surveillance and exploitation of personal data by social media platforms.

Third, content moderation by social media platforms must be subjected to constitutional scrutiny to prevent arbitrary suppression of speech. While platforms possess the technical capacity to regulate content, their decisions increasingly affect democratic discourse and individual rights. Indian constitutional jurisprudence suggests that when private power substantially impacts public rights, the State has a duty to ensure fairness, transparency, and due process⁴⁵. Regulatory guidelines should therefore mandate reasoned takedown decisions, accessible grievance redress mechanisms, and independent oversight to protect users' expressive autonomy.

Fourth, state-level judicial and administrative mechanisms must be strengthened to address localized digital rights violations such as online harassment, cyberstalking, and non-consensual

⁴³ *Shreya Singhal v. Union of India*, (2015) 5 SCC 1.

⁴⁴ *Justice K.S. Puttaswamy (Retd.) v. Union of India*, (2017) 10 SCC 1.

⁴⁵ Gautam Bhatia, *The Transformative Constitution*, HarperCollins India.

dissemination of private content. High Courts have repeatedly highlighted the need for responsive enforcement without resorting to blanket internet shutdowns or excessive censorship⁴⁶. Capacity building of law enforcement agencies and judicial officers in cyber law and constitutional rights is essential to ensure rights-respecting implementation at the grassroots level.

Fifth, Indian digital governance must be aligned with international human rights standards. Instruments such as the International Covenant on Civil and Political Rights require that restrictions on freedom of expression and privacy be lawful, necessary, and proportionate⁴⁷. Comparative constitutional jurisprudence, including decisions of the European Court of Human Rights, demonstrates the importance of balancing expression with reputation and privacy through principled adjudication rather than executive discretion⁴⁸. Incorporating these standards into domestic law would enhance India's compliance with its international obligations.

Finally, constitutional morality, as envisioned by Dr. B. R. Ambedkar, must guide both legislative and executive action in the digital sphere. Ambedkar emphasised that democracy cannot survive without respect for constitutional values, reasoned restraint, and protection of individual dignity⁴⁹. In an era marked by digital majoritarianism, misinformation, and algorithmic influence, adherence to constitutional morality is essential to prevent the erosion of fundamental rights under the guise of regulation or technological efficiency.

CONCLUSION

The present study demonstrates that social media has become a defining feature of modern democratic discourse, simultaneously enhancing freedom of expression and challenging the protection of privacy. Indian constitutional jurisprudence has evolved to address these dual dynamics, with the Supreme Court and High Courts articulating principles that safeguard expressive freedoms while recognising the growing importance of informational privacy. Decisions such as *Shreya Singhal v. Union of India* and *Justice K.S. Puttaswamy v. Union of India* exemplify the judiciary's commitment to upholding constitutional rights in digital

⁴⁶ *Anuradha Bhasin v. Union of India*, (2020) 3 SCC 637; *State of Tamil Nadu v. Suhas Katti*, 2004 SCC OnLine Mad 872.

⁴⁷ International Covenant on Civil and Political Rights, 1966, Articles 17 and 19.

⁴⁸ *Delfi AS v. Estonia*, ECtHR, App. No. 64569/09 (2015).

⁴⁹ B. R. Ambedkar, *Constituent Assembly Debates*, Vol. VII, Government of India.

spaces⁵⁰, affirming that fundamental rights do not cease to exist because of technological transformation⁵¹.

The doctrinal analysis indicates that social media platforms, although privately owned, exercise significant influence over public discourse and therefore attract constitutional scrutiny. Judicial recognition of proportionality as a guiding principle, along with the integration of constitutional morality as envisaged by Dr. B. R. Ambedkar, provides a normative framework for balancing competing interests - freedom of expression, privacy, dignity, and public order⁵². The study also demonstrates that state-level courts have a vital role in responding to localized digital rights violations, ensuring that constitutional protections are not merely theoretical but practically enforceable⁵³.

Comparative and international perspectives underscore the necessity of aligning domestic constitutional governance with global human rights standards. International jurisprudence, including ECtHR decisions and UN Human Rights Committee guidance, reinforces the importance of proportionate restrictions, transparency, and accountability in regulating digital expression and safeguarding privacy⁵⁴. The integration of these standards can strengthen India's digital rights framework while remaining consistent with domestic constitutional values. Despite progressive judicial interpretation, the study identifies persistent gaps in legislation, regulatory mechanisms, and institutional capacity. The absence of a comprehensive, rights-based framework for social media governance risks ad hoc interventions and inconsistent protections. Accordingly, legislative reform, guided by constitutional principles, is imperative to ensure that digital rights are effectively protected without undermining freedom of speech or privacy⁵⁵.

In conclusion, social media regulation in India presents a complex constitutional challenge that requires a balanced, principled, and proactive approach. The study reaffirms that freedom of expression and privacy are mutually reinforcing rights, and their protection in the digital age must be guided by proportionality, dignity, and constitutional morality. The visionary principles

⁵⁰ Shreya Singhal v. Union of India, (2015) 5 SCC 1.

⁵¹ Justice K.S. Puttaswamy (Retd.) v. Union of India, (2017) 10 SCC 1.

⁵² B. R. Ambedkar, Constituent Assembly Debates, Vol. VII, Government of India.

⁵³ Anuradha Bhasin v. Union of India, (2020) 3 SCC 637; State of Tamil Nadu v. Suhas Katti, 2004 SCC OnLine Mad 872.

⁵⁴ Delfi AS v. Estonia, ECtHR, App. No. 64569/09 (2015); UN Human Rights Committee, General Comment No. 34, CCPR/C/GC/34 (2011).

⁵⁵ Gautam Bhatia, The Transformative Constitution, HarperCollins India

articulated by Dr. B. R. Ambedkar remain highly relevant in navigating these contemporary challenges, providing a constitutional compass for ensuring that technological innovation strengthens rather than diminishes democratic freedoms.