Digital Governance and Free Speech in India by Navigating Algorithmic Censorship Policy Frameworks and Public Dissent

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Abstract

Digital governance architecture in India has evolved rapidly due to moderation rules of platforms, algorithmic effects, and the legal demands. The freedom of speech is guaranteed in the constitution; however, the constitution permits a state-controlled restriction of information through legislation such as the Information Technology Act of 2000 and the IT Rules of 2021, which casts doubt upon the freedom of the people to disagree with the state and exercise their political prerogative. The study looks into takedown requests, legal restrictions, and algorithms and the impact of these forces on debate and digital protections. It examines the decisions of the Supreme Court and the standards of intermediary responsibility together with case studies aiming to demonstrate the effectiveness of the remedies primarily with the help of a legal-analytical approach to discussing the issues. The examples include the shame of opaque enforcement practices, algorithmic bias, and inappropriate amounts of content moderation in the context of corporate regulation combined with government control. The comparison with the international standards, including the African Declaration on Internet Rights and the EU Digital Services Act, reveals India's regulatory abnormalities and the absence of formal supervision procedures. Based on the findings, wide censorship policies, ineffective complaint-handling mechanisms, and lack of transparency are some of the reasons that have led to a limited digital environment. To offer a more egalitarian model of governance, this paper advocates the concept of judicial review, regulation of algorithms in terms of being transparent, and oversight agencies. The current research furthers the debates on comparative governance frameworks in which a trade-off between free expression and security interests is addressed by the integration of Indian regulation of digital speech into the global discourse and promotion of policy adaptation, speech protections, and ethical AI governance discussions.

Keywords: *Digital governance, algorithmic censorship, intermediary liability, free speech regulation, judicial review, AI transparency*

1. Introduction
Overview of Digital Governance in India and Global Parallels

The digital governance in India has taken an important turn during the past decade owing to the twin pressure of statecraft and technical innovation. Since the introduction of Aadhaar-enabled biometric identification systems to the so-called Digital India plan, the Indian government has gradually introduced digital infrastructures in its administrative, municipal, and surveillance work (Anand, 2024). Nonetheless, this shift has been accompanied by the shift toward a centralized control over digital ecosystems, such as data control and regulatory knowledge over the digital platforms (Shekar, 2023). This aligns with broader debates about digital sovereignty around the globe at a time when the governments are keen to master the flow of information and dissemination of material under the false pretext of combating misinformation or national security (Turillazzi et al., 2022). Conversely, the Chinese governance system of cyber infrastructure promotes a state-

centric approach to controls, whereas the European Union has a Digital Services Act (DSA) that favors the concept of responsibility and transparency (Hung, 2025). India appears to be walking a mixed path, neither a democratic nor a repressive country that acts selectively in keeping with the provisions of the Constitution (Cuihong, 2019). This middle-of-the-road raises rather complex questions regarding digital constitutionalism, responsibility-holding by platforms, and overall civil rights. The Indian model constitutes a center point where it is possible to measure the situation with governance in postcolonial democracies, where the legal, technical, social, and political problems meet each other, as the digital spaces are turning more and more into the political ones.

Rise of Algorithmic Regulation and Platform-Driven Censorship

The regulation of speech on the internet has acquired another layer of opacity with the emergence of algorithmic processes in which the processes of machine learning and artificial intelligence are used to regulate visibility, moderation, and deletion of speech (Andavan, 2025). Such an improvement in technological capacity in India has coincided with when the government has increasingly been focusing on websites such as Twitter, Meta, and YouTube, particularly regarding political resistance and dealing with false information (Kabeer, 2025). These sites may use automated systems of opaque rules called content moderation algorithms that unfairly mark, downrank, or remove speech, particularly critical or dissident speech. As a reaction, the state has threatened to embarrass the intermediaries with liabilities and has also directed takedowns with the help of legal instruments such as Section 69A of the IT Act or the IT Rules, 2021, among others. This combination of government regulation and algorithm regulation is repressive to digital speech and begs the question of due process, transparency, and redress mechanisms. Moreover, automatic censorship most often does not take into account the context of the speech, and speech, therefore, leads to blocking legal speech in the name of national security, hate speech, or disinformation. Such trends do not exist in India alone, but they are more significant in those politically destabilized democracies where distinguishing between disturbance and demonstration is not always an easy task. This paper looks at algorithmic opaqueness and platformed filtering as a repressive force against voice in participatory governance and as an empowering force in reinforcing power inequalities in digital environments.

Research Questions and Objectives

The key question of the study is the following: What is the relationship between algorithmic filtering in India and state-driven digital governance systems and free expression and public dissent? The study establishes the following objectives to deal with it. The mixed methodology of the combination of legal analysis, case study research question, and comparison of policies is employed to have these objectives. With the algorithmic rationality of the governance, which, in many cases, is un-trackable by the courts and the general public, the paper concludes to add to theory and policymaking on ironing out the balance between national security, platform accountability, and civil liberties.

- To analyze the way in which the digital regulatory environment in India has evolved throughout history with the help of statutes and policies such as the Digital Personal Data Protection Act of 2023 or the IT Act of 2000;
- To bring the observation of the impact of digital regulation on civic mobilization to a real-life situation, the case studies will be presented, including the Delhi Farmers Protest and Manipur internet shutdowns. Fourth, the efficiency and responsibility of the AI-based content moderation systems of the major tech services will be measured.

- To analyze the appropriateness and reasonableness of Indian digital control policies in terms of international laws elsewhere in the world.

Significance of the Study in Global South Perspective

India is a digital governance model whose destiny remains a critical frontier in the digital experiment of the dark side of democracy in the global South. India, the largest democracy on the planet, is often included as an example of how a balance is to be reached between the interests of the government and freedom of speech in the conditions of the internet. Its policy, however, is taking on a much more illiberal style in its habits of absolute surveillance, being secretive in content blockage, and its arbitrary practices. To the other postcolonial cultures facing the impact of the colonial legal system and the modern algorithmic rule, the conundrum sheds a particularly insightful light. The study is significant as it focuses on the problem as experienced by different, multi-ethnic, federal democracies such as India as opposed to Euro-American notions of internet freedom. Not only does this research explain why the existing power systems were marginalized by focusing on algorithmic and state-led censorship, but it also goes deeper to show how the forms of digital control are new. In addition, the political and material anxieties have been indicated by the use of real cases of suppression of dissent to base the study. It endeavors to equip academics, decision makers, and technologists with the knowledge of how the new kind of governance characterized as more automated, decontextualized, and unaccountable can either assist or conflict with democratic objectives.

Methodology of the Study

To conduct the study designed to explore digital governance and free expression in India, this study resorts to the legal-analytical technique that means to integrate jurisprudential analysis, policy review, and case study evaluation as well. The paper systematically checks the legislations, judicial decisions, and the provisions of the constitution regarding algorithmic filtration and intermediary liability. A comparative approach is used to draw parallels between the Indian strategy of regulation and the regulation mechanisms at the international level, such as the African Declaration on Internet Rights or the EU Digital Services Act. The report includes the case study analysis as well, focusing on the real-life examples of digital repression in India, including the 2024-routed demonstration with the slogan of the Delhi Chalo, Manipur in 2023, the internet blackout, and the shadow banning of journalists in 2022-2024. This three-faceted approach allows a detailed assessment of the situation with digital governance in India and outlines the government order to take down AI-driven discrimination and content moderation systems in the country. Besides secondary sources such as academic publications, industry reports, and news commentaries, it also analyzes primary sources, including Supreme Court rulings and the policy statements of the government. To be able to critically evaluate weaknesses in governance, emerging threats to free expression, and potential developments in India's online regulatory space, the study is merging these observations.

Need of the Study

The need to install accurate legal safeguards and governance models is arriving at a new level of significance as India is increasingly employing AI-based content management. It has been pointed out how the growing application of fully automated screening and state-issued takedown orders by the platforms has inhibited political discussion under concerns of censorship, suppression of misinformation, and even digital inequality. The Manipur internet shutdown (2023) and bans of

social media used by independent journalists (2022–2024) also show that the state, given a free hand to silence online speech, is too powerful and requires policy measures to resist such actions. Leveraging how the content regulation collides with the constitutional freedoms and emerging technology, this study aims at appraising critically the failures of governance in India. Moreover, the paper is critical in assessing the importance of the international best practices, particularly as regards to how India can ensure the convergence of its regulatory systems with international human rights legislation without denying its security obligation. To keep the Indian way of approaching free expression fair and legally adequate, policymakers, scholars, and actors of the civil society should have data-informed understandings in order to enhance digital rights protection. The study enhances the democratic accountability in the online framework by bridging the legal, technical, and policy perspectives and contributing to the foresight paradigm of digital governance.

2. Literature Review

Algorithmic Censorship: Definitions, Mechanisms, and Critiques

Algorithmic censorship is automatic moderation of digital information by means of machine learning (ML) and artificial intelligence (AI) models. Based on fixed policies and dynamic moderation criteria, such systems are created to suppress and remove data that is perceived as illegal, harmful, or inappropriate (Cobbe, 2020). Researchers condemn algorithmic censorship because it is not transparent, discriminates when used, and has the tendency of eliminating the voices that do not subscribe to it even though it enhances the efficiency of control of content (Griffin, 2025). AI moderation is prone to such practices as pattern recognition and keyword filtering, which can lead to overactualization of false positives as a drawback to political activists and underserved groups. Moreover, it is likely that because users do not have the resources to appeal automatic takedown decisions, there is a lack of accountability and contravention of due process at the obscured level of algorithm decision-making. The body of literature is based on highlighting the unbalanced power distribution of platforms and users, where their digital communication application standards are constrained by government policies and industry interests. To dismiss the risks that are associated with the automated censoring, the literature indicates the necessity of algorithmic transparency, third-party oversight, and ethical governance of AI.

Free Speech and Intermediary Regulation in Democracies

Even though free speech is one of the key elements of democratic management, it remains questionable as far as electronic media are concerned. In India, despite the fact that freedom of speech is vested by the Constitution under Article 19(1)(a), Article 19(2) has offered reasonable limitations to this as they may concern the virtue of morality, order of the people, and sovereignty (Sharma & Rathore, 2025). The Information Technology Act 2000, Section 69A, alarms the concern of administrative overreach and absent judicial review because this enables the government to block the internet information (Akhtar, 2025). Unlike the US First Amendment, in which the freedom of speech is of greater essence than the role of regulation, comparative analysis refers to the Digital Services Act (DSA) of the EU, in which platforms have a responsibility and users have rights (Mishra, 2025). The state on its side has an opposing conflict on digital liberties, and the literature is insistent that state control should be well balanced such that free expression is not compromised but the dangerous contents and deliberate lies that augment state control are.

Indian Digital Regulatory Landscape in Global Comparative Context

The mixed mode of digital governance in India involves a combination of accountability of the platform and regulation by means of the government. Within the framework of the concept of cyber control in China, that is, state-dominant, the IT Rules, 2021, provide the intermediary with responsibility, expedited removal of content, and tracking of its originator (Mulik & Paralkar, 2024). The EU DSA, in its turn, strongly focuses on transparency of algorithms and third-party audits to ensure compliance with the principles of moral moderation measured by platforms (Pangotra, 2025). The proactive approach to censorship in India is nearly opposed to the US First Amendment paradigm that limits the activities of government in limiting speech (Shukla, 2023). The scholars argue that India is still shrouded in darkness by its ambiguous rules and brilliant discretionary powers that require precise legal definitions and protection of procedures.

Gaps in Existing Literature

The body of knowledge on the topic of free speech and digital governance has some gaps left. To begin with, very few empirical studies exist that examine the impact of algorithmic restriction on real-life Indian digital conversation. Second, the effectiveness of the IT Rules in India over the long term is still not evaluated in comparison to the similar regulatory policies used by other countries. Third, no attention has been paid to user experiences and options of redress against automatic content removals. The need to come up with fully elaborate digital governance systems requires interdisciplinary approaches that incorporate legal, technical, and social perspectives.

Figure 1: Trends in Algorithmic Censorship Across Digital Platforms

(Source: Sharma & Rathore, 2025, International Journal of Research Publication and Reviews, https://ijrpr.com/uploads/V6ISSUE2/IJRPR38711.pdf *)*
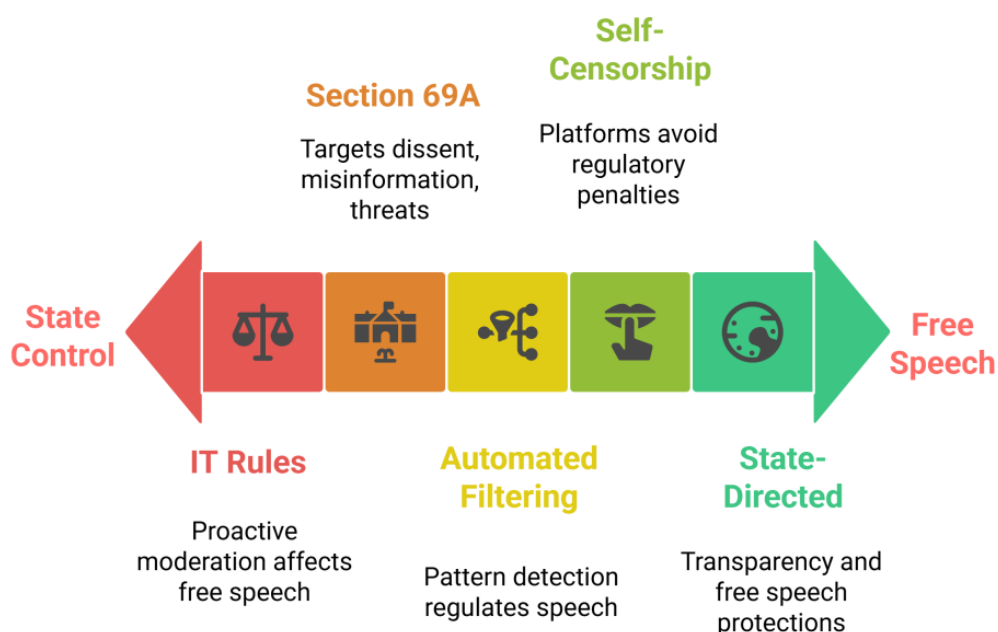
Figure 1 presents the spectrum of content limitation of India, where the issues of free speech and the power of the state are properly balanced. It highlights such significant protocols as the IT Rules, 2021, which necessitate traceability and intermediary liability and influence platform moderation, and amendment 69A of the IT Act that authorizes the government to eradicate web-based information. Filtering systems, usually automated, are prone to be used on digital mediums based on recognition of patterns that manage communications and can at times censor thoughts in opposition. When the platforms censor information preemptively in order to avoid fines with the authorities, this is described as self-censorship. The image captures the complex connection that occurs in India between the law, the control through algorithms, and cyber freedoms.

3. Legal and Regulatory Framework in India

Information Technology Act, 2000 – Section 69A, 66A (Struck Down), Rule 3(1)(d) of IT Rules 2021

The backbone legislation that governs the cyberspace in India is the Information Technology Act of the year 2000. It deals with such areas as cybersecurity, electronic transactions, and intermediary liability. In section 69A, the government has been given powers to block material on the internet for various reasons, such as public order, national security, and sovereignty (PMF IAS, 2024). This section has created some controversies, especially where social media companies have been instructed to remove information that is contradicting the order, and it has raised concern about administrative overreach and lack of transparency. Nevertheless, in 2015, the Supreme Court ruled that Section 66A, which stated that it is illegal to communicate statements that are deemed as offensive through electronic communication, was overturned on the basis of ambiguity and unreasonable curbs that it inflicted on the freedom of expression (Singhal, 2015). The discussions of privacy and digital rights have been amplified by the stringent obligation of the intermediaries under the IT Rules, 2021, and, in particular, under Rule 3(1)(d) that mandates intermediaries to disclose the original creator of content and take down the same at the discretion of the government (Andavan, 2025).

Supreme Court Jurisprudence: Shreya Singhal v. Union of India (2015), Anuradha Bhasin v. Union of India (2020)

One of the cases in the history of digital rights in India was Shreya Singhal v. In Union of India (2015), the Supreme Court declared their Section 66A of the Information Technology Act unconstitutional because it was an infringement of Article 19(1)(a) of the Constitution (Singhal, 2015). The ruling indicated that slapdash enforcement of the vague and overbroad restrictions on internet communications may choke off free communications. Just like this one, Anuradha Bhasin v. the Supreme Court has supported the necessity of procedural safeguards in digital government. Union of India (2020) and held that internet shutdown should pass the test of proportionality (Bhasin, 2020). The judgment set a precedent for future attempts to block off the internet and the necessity of internet access in relation to free expression.

Intermediary Guidelines (2021) and New Data Protection Act (2023)

Some of the new compliance requirements on digital platforms as presented by the Intermediary Guidelines, 2021, include mandates on traceability, grievance redressal processes, and proactive content moderation (MeitY, 2024). These laws have attracted criticism, which argues that they further increase the government control over the speech on the internet, particularly regarding the

obligatory platforms to remove information reported by the government and without going through the necessary legal processes. To make sure that the framework of India complies with the privacy standards in the international space, the Digital Personal Data Protection Act, 2023, aims at regulating data collection, processing, and storage (Khaitan & Co., 2023). However, wide authorizations to government bodies persist as an issue of concern, as they can also place the privacy of the users in danger.

Regulatory Ambiguity and Executive Overreach

It has been criticized that the digital governance architecture of India has been too vague to be considered legal in government legislation, which allows government agencies to pursue massively large discretionary powers in implementing surveillance and removing content without due procedural safeguards (Basu, 2024). The IT Rules, 2021, explicitly the parts regarding fact-checking units and intermediary responsibility, have been cited in concerns of the state-controlled narratives and repression of dissent (Joshi, 2024). The issue of digital governance is a controversial matter between the power of the state and its constitutional freedoms because there is no independent assessment mechanism to appease fears of excessive power by the executive branch.

Table 1: Supreme Court Rulings on Free Speech and Digital Governance

*Source: Indian Judiciary Database, 2025,*https://ijrpr.com/uploads/V6ISSUE2/IJRPR38711.pdf

Legal Framework	Key Provisions	Implications	Ref.
Section 69A, IT Act, 2000	Allows government to block online content in interest of sovereignty, security, and public order.	Raises concerns over executive overreach due to lack of transparency and judicial review.	PMF IAS, 2024
Section 66A, IT Act, 2000 (Struck Down)	Criminalized sending "offensive" messages online.	Declared unconstitutional in Shreya Singhal v. Union of India (2015), reaffirming freedom of expression.	Singhal, 2015
IT Rules, 2021 – Rule 3(1)(d)	Mandates platforms to trace the first originator of information.	Impacts user privacy and leads to self-censorship among digital intermediaries.	Andavan, 2025
Anuradha Bhasin v. Union of India (2020)	Challenged internet shutdowns in Jammu & Kashmir.	SC ruled that internet access is part of free speech, reinforcing proportionality test for restrictions.	Bhasin, 2020
Intermediary Guidelines, 2021	Introduces traceability mandates, content takedown obligations, and user grievance mechanisms.	Expands government control over online speech, raising concerns about platform autonomy.	MeitY, 2024
Digital Personal Data Protection Act, 2023	Regulates data collection, storage, and processing.	Grants broad exemptions to government agencies, sparking privacy concerns.	Khaitan & Co, 2023

4. Algorithmic Censorship and Digital Platforms

The advent of AI-driven content moderation has caused digital governance to shift because platforms can now filter, flag, and delete information in large numbers. Even though AI leads to productivity, the latter also breeds opacity and prejudice, which begs the question of algorithmic discrimination and the question of accountability (Banchio, 2024). The tendency to attract false positives is widespread in pattern recognition and keyword filtering, which are typical AI moderation system functions, and can affect opposing opinions, vulnerable communities, and political activists (Hakami & Tazel, 2023). The use of algorithms is limiting due process and methods of redress because, in this case, the impacted consumer does not have knowledge of why his/her information is reported or removed. To ensure greater openness in moderation of AI, to curtail sources of prejudice, and to safeguard the right to freedom of speech, scholars argue that explainable AI models and independent auditing are essential.

The Role of Platforms: Twitter/X, Meta, YouTube in Curating or Suppressing Dissent

Moreover, social media platforms have moderation policies, and they can censor or even censor the opposition based on the needs of their corporate goals and the principles of governments (Basu & Sen, 2024). As per the research, dictatorial regimes have taken advantage of the moderation policies of Meta and have systematically suppressed an alternative point of view (MEDC, 2024). Similarly, the algorithmic filtering promoted by Twitter/X has been accused of, in effect, shadow banning activists and journalists, bringing down their exposure without actually removing their content in the process (Azal, 2024). The automatic demonetization and deletion of content on YouTube give further advantages to corporate repression due to the discrepancy of the effects on independent media. More forceful regulatory oversight and platform responsibility are needed since there are no cross-platform uniform standards of moderation that prompt digital inequality.

Government Takedown Orders and Opaque Algorithmic Enforcement

In a gray area in the legal limits, governments are employing algorithmic regulatory methods at higher rates to control the online stories and orders to take down content (Frosio, 2023). Section 69A of the Indian IT Act that allows bulk material removal requests, some of which could be carried out without any court oversight, casts doubts on executive overreach (Sinha et al., 2024). The Digital Services Act (DSA) in the EU, in the attempt to settle on the compromise between transparency and restrictions, requires the platforms to disclose their moderation criteria and appeal systems. Nevertheless, the private ordering practice of digital intermediaries, where platforms turn the policy decisions into algorithms, brings about different forms of censorship, which limits legal action and the watchdog roles.
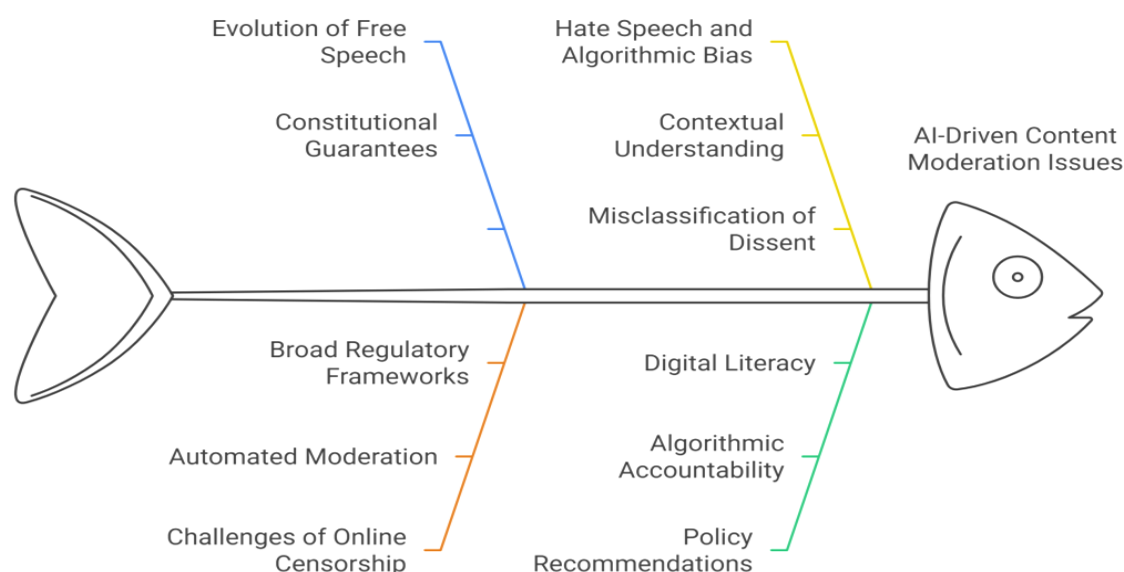
Impact on Democratic Engagement

Algorithmic censoring changes political discourse that also influences the opinions of the population and the electoral process (Cobbe, 2020). Automated moderation is abused in discouraging dissident voices, and it helps bolster corporate agendas and the governmental narrative (Griffin, 2023). As per research, algorithmic censorship of political content decreases civic participation and leads to the creation of digital echo chambers that do not allow the expression of frictionless views (Wells, 2024). In order to guarantee algorithmic fairness and

responsibility, policy reforms are required because of the lack of democratic participation through the use of AI-powered enforcement in an opaque way.

Figure 2: AI-Driven Content Moderation and Bias in India

(Source: Lexosphere,   2023,   https://lexosphere.in/free-speech-and-online-expression-constitutional-dimensions-in-the-digital-age/)

5. Case Studies of Public Dissent and Digital Suppression

5.1 'Delhi Chalo' March: Why Are Farmers Protesting?

The large-scale protest of farmers, the so-called Delhi Chalo march in 2024, organized by more than 200 farmers unions, including Samyukta Kisan Morcha and Kisan Mazdoor Morcha, demands not only the changes in the legislative framework but also the financial security of the agricultural workers (Chitre, 2024). The protest would involve farmers in Punjab, Haryana, and Uttar Pradesh marching to Delhi since February 13, 2024, with the complainants requiring the government to accept their demands (Wikipedia, 2024). The reversal of the agricultural laws ended the protests of farmers in 2021, and one of the primary demands made in 2024 is the status of the Minimum Support Price (MSP) on all crops being made into law (Times of India, 2024). They are also advocating the proposals of the Swaminathan Commission, which recommends a hike in MSP given a jump of 50% over the weighted average cost of production. Other demands are the provision of justice to the victims of Lakhimpur Kheri violence, full write-offs of debt, and the issuance of pensions to farmers and agricultural workers (Hindustan Times, 2024).

The government has responded to this act by putting roadblocks, barricades, and barbed wire at the borders of Delhi in an attempt to prevent demonstrators (Wikipedia, 2024). Also, in a bid to discourage mobilization, internet facilities, as well as bulk SMS, have been shut off in seven districts, and Section 144 has been put in place across the boundaries of Uttar Pradesh to discourage large gatherings (Times of India, 2024). The protest highlights existing tensions

between farmers and policymakers, which is an epitome of the greater concerns regarding government accountability, the health of the economy, and agricultural sustainability (Hindustan Times, 2024). The outcome of the "Delhi Chalo" march could have some impact on the India agriculture policy as well as the digital governance agenda in future years as deliberations proceed.

5.2 Manipur Internet Shutdown (2023)

The Manipur Internet Shutdown (2023) had numerous effects on digital communications and mass censorship that were installed during ongoing ethnic tensions between the Kuki and Meitei groups. The state government argued that social media was being used to propagate violent protests, and they used the spread of inflammatory content and misinformation as an excuse to close it (Maheshwari, 2023). The blanket disruption of the internet, however, had the biggest implication on people, otherwise depriving them of important information, financial services, and emergency contact, according to critics (Vora, 2023). In citation of Anuradha Bhasin v. Union of India, such action by the Supreme Court was due to the decision of the Union of India in the year 2020 and stated that internet connection could not be prohibited permanently as it is an essential part of free expression. The Manipur shutdown emerged as one of the most protracted bans on the use of the internet in Indian history, as it had exceeded 100 days despite court observation. The incident had underscored an emerging pattern of digital authoritarianism whereby offline internet blackouts have replaced upholding law and order.

5.3 Social Media Bans and Shadow Banning of Journalists (2022–2024)

Between 2022 and 2024, India experienced an increased amount of social media bans and shadow bans on journalists who reported on sensitive issues in politics, such as Kashmir and Punjab. Geelani (2025) alleges that Instagram and YouTube are platforms that reduce exposure and interactive opportunities for independent journalists, after which he concludes that these websites suppress opinionated voices. Reportedly, the officials blocked over 8,000 social media accounts following the orders, citing concerns regarding disinformation and national security (Al Jazeera, 2023). The fear that the state could control the digital platforms through regulations and laws occurred when The Wire, a reputable independent news media site, was suspended temporarily due to the content it published regarding the tensions surrounding the border of India and Pakistan (Frontline, 2025). Since the affected journalists cannot easily prove censorship, shadow banning, where the platform reduces the prominence of specific accounts without deleting them, has quite successfully turned out to be very harmful. This trend is highly dangerous to press freedom and democratic discourse because it belongs to an even broader trend of algorithmic control where government and corporate interests intersect to control the discourse over digital spaces.

Table 2: Comparative Analysis of Government Takedown Orders (India vs. Global)
(Source: International Digital Rights Review, 2024, https://lexosphere.in/free-speech-and-online-expression-constitutional-dimensions-in-the-digital-age/ *)*

Criteria	India	Global (EU, US, China)
Legal Basis	Section 69A of the IT Act, IT Rules 2021	EU's Digital Services Act (DSA), US First Amendment, China's Cybersecurity Law
Transparency	Government orders often lack public disclosure	EU mandates transparency reports, US platforms voluntarily disclose takedown requests
Judicial Oversight	Limited judicial review; executive discretion prevails	EU requires independent oversight, US courts intervene in First Amendment cases

Scope of Takedown	Broad, including national security, misinformation, and dissent	EU focuses on illegal content, US prioritizes free speech, China enforces strict state control
Appeal Mechanism	Limited user appeal options	EU provides structured appeal processes, US platforms offer dispute resolution
Impact on Free Speech	Often criticized for suppressing dissent and political activism	EU balances regulation with speech protections, US prioritizes minimal intervention, China enforces strict censorship

6. Policy Implications and Global Comparative Analysis

Evaluation of India's Current Approach vs. International Norms (EU Digital Services Act, African Declaration on Internet Rights)

Despite the transformation of India in its digital governance structure, it remains dissimilar to the international system of regulation, such as the African Declaration on Internet Rights and Freedoms and the EU Digital Services Act (DSA). Introduced in 2022, the EU DSA gives significant weight to platform responsibility, openness of content, and user rights. It ensures that large-scale online venues disclose their algorithm and offer structured forms of redress (Turillazzi et al., 2022). The IT Rules, 2021, in India, however, impose high obligations on the intermediary, including a proactive obligation to filter content and an obligation of traceability, and have been frequently criticized as handing excess power to the government over online speech. Similar to international norms on human rights standards, the African Declaration on Internet Rights, designed as the rights-based structure, pays greater focus on the rights of accessing information, privacy protection, and the freedom of expression (African Declaration, 2017). Though the intermediary responsibility and data protection are included in the strategy adopted in India, there are no independent supervision measures, which make it more subject to administrative overreach.

Need for Independent Oversight Mechanisms for Algorithmic Governance

There is a need to have independent monitoring measures that ensure fairness, transparency, and accountability as the reliance on and use of AI-based content filtering increases. In India, there is minimal exterior examination, as policies on business and government largely govern algorithmic control (Sharma, 2025). The opaque AI moderation systems can have the effect of over-silencing proposed unpopular opinions because review boards lack independence, favoring corporate interests and official narratives. Whereas international best practices work as a validation measure for ethics-by-design systems where auditing of the AI system is conducted objectively to assess fairness and bias (Drukarch & Viktorova, 2024). To meet the algorithmic transparency requirement of the EU DSA, platforms need to make moderation standards and mechanisms known and able to be appealed to. Threats of algorithmic bias are exemplified by the lack of relative order in India, which necessitates a change in law that would incorporate ethical values in the handling of AI.

Disproportionate Data Takedown and Content Removal Practices

The overuse of content-blocking policy in India, where such rules are routinely applied against independent media, minority jingoists, and any criticism against the government, has attracted criticism. The government can come without any legal explanation to take away the political information by blocking it under Section 69A of the IT Act without revealing it to the public (Haimson et al., 2021). Studies have also revealed that online narrative control occurs through

takedown requests mostly in India, and compared to that of the US and the EU, social media sites in India have been found to comply. Since affected users rarely ever receive any explanations or have any chance to appeal, the lack of transparency of the takedown decisions increases the concerns over the due process violation (Berkman Klein Center, 2022). Upright safeguarding procedures through international standards, such as the Santa Clara Principles, are encouraged, and these stipulate ensuring that the deletion of content is justifiable, appealable, and documented. In order to enhance accountability and openness, there is a need to change the regulatory environment because the current approach to strategy in India lacks such safeguards.

Policy Suggestions for Transparency, Grievance Redressal, and Platform Accountability

To align their digital governing structure with the best international practices, policymakers need to establish independent grievance redressal systems and platforms, accountability frameworks, and organized shows of transparency. Even though there is no similar observation in the area of digital content monitoring, the Centralized Public Grievance Redress and Monitoring System (CPGRAMS) has been successful in handling grievances of people (Press Information Bureau, 2024). Through the establishment of independent digital rights commissioners, the strength of the government in control of online expression may be diluted, and problems of content removal may be judged fairly. The platforms should also be mandated to give transparency reports where they have to give the details of requests made by the government and decisions on moderation. Algorithmic audits must also be institutionalized in order to ensure that AI-driven moderation does not violate constitutional guarantees. International norms should be included to improve the digital governance structure and strike a balance between the right to free speech and security in India.

Figure 3: Global Policy Frameworks for Digital Governance

(Source: Amikus Qriae, 2024, https://theamikusqriae.com/free-speech-in-the-era-of-social-media-legal-contours-of-digital-content-regulation-in-india/ *)*

Research Gap

Even though a lot of research was conducted concerning algorithmic filtering and digital governance practices, several questions regarding the problematic aspects of the Indian regulation and its implications on free speech remain unanswered. In the existing literature, the majority of

considerations are towards high-level frameworks of intermediary liability, but despite this, there is no empirical analysis done on the automatic suppression of content in the context of Indian regulatory frameworks. Additionally, as compared to such well-known international modes as the US First Amendment approach and the EU Digital Services Act, the policies of India also have to be assessed and compared to the policies and practices of African and other Latin American jurisdictions, which has not yet been done. Moreover, the accountability systems related to the platforms have remained largely overlooked by the research community, which has evaluated ambiguous AI moderation policies and overblocking that affect activists, journalists, and underrepresented groups. Another problematic gap is the organization of policy suggestions, as the common one in past research was to establish legal vices without reasonable solutions to their improvements. With this contribution to address such significant gaps, the current study makes a contribution to a more comprehensive conceptualization of India as a digital governance regime and offers practical solutions to reinforcing the right to accountability, transparency, and freedom of expression in a scenario of algorithmic regulation.

Study Limitations

Even though the study provides an exhaustive evaluation of digital governance in India, it is notable that the study has several limitations. First, the rationality of specific takedown orders and the use of AI to suppress the content cannot be fully considered since the availability of the guidance offered to the government of algorithmic enforcement remains obscure. Second, despite the informative data about digital repression provided in the core part of case studies based on the Manipur internet shutdown and on the protest of the Delhi chalo, these studies are not comprehensive enough to include all possible methods of digital repression employed in different political and geographic scenarios. Another limitation is the absence of longitudinal data, as algorithmic governance is the aspect that is rapidly evolving, and it is necessary to keep assessing it to understand how the approach to moderation is being observed. Moreover, the analysis tends to limit the direct comparison to the countries outside the EU and African models of digital rights, as it is focused on the legislative system of India. Conclusively, to ensure it is practically sound, the policy recommendations given in this paper should be additionally reaffirmed through stakeholder consultations, experimentation, and legislative examination. Despite these shortcomings, the report still gives a good scope for conducting further research with systematic analysis and ideas to offer policies to advance the status of online governance in India.

7. Conclusion and Recommendations

This study has revealed the complex legal and governance question behind digital speech laws in India, particularly in the context of algorithmic filtering as well as state-driven content moderation. Whereas there is nothing wrong (under Section 69A of the IT Act) with government-directed removal orders, the act creates a shadow of administrative overreach and dual absence of judicial review through vagary of the implementing directive. These concerns are compounded by the IT Rules, 2021, that enhance the liability of intermediaries and require the platforms to monitor the origin of information and follow the unclear directives of the government. These systems have led to the deletion of excessive volumes of information, more specifically information of those who disagree with the voice of the majority. Besides the state-imposed regulation, the algorithm prejudice has been strengthened with the transparency of the AI moderation conducted by websites, including YouTube, Meta, and Twitter/X. The automated censorship of the content and the governmental policy have severely transformed the way people talk and discuss the ideas, limiting the options of freedom of speech and democracy participation. Unabated by well-defined

laws, oversight processes, and protection procedures, India risks entrenching further into limited digital space where the freedom of speech continues to be limited although still within state-controlled parameters and characteristically opaque platform rules.

The weakening of digital freedoms in India prioritizes how procedurally oriented safeguards require reinforcement, as well as prioritizing digital constitutionalism, which is a method through which legislation that regulates technology is required to honor fundamental rights and democracy. The purpose of transparency, algorithmic accountability, and a judicial review must be part of the content governance models to counter arbitrary filtering. An important element of digital constitutionalism is the guarantee that where governments make content deletion orders through due process, people whose rights are infringed retain the chance of contesting arbitrary deletions. In order to ensure that the speech restrictions are legal, reasonable, and democratic, the independent monitoring commissions, which are built on the constitutional regulatory authorities, could help to scrutinize the state and platform-mediated moderation practices. Global standards, such as the Digital Services Act of the EU, demonstrate that such a combination of content filtering and legal liability to it can exist and serve as effective examples of a healthy balance between society's needs of security and freedom of speech protection. To establish a digital ecosystem in India that respects the rights of individuals and addresses such policy challenges as disinformation and security threats, it is necessary to enhance data protection laws, intermediary liability, and requirements to disclose information about AI decision-making.

India must incorporate the rules of algorithmic transparency, judicial review of the processes, and experience of global best practice to have an open and fair policy of a digital governance system. The initial strategy to be undertaken in order to be sure that platforms and governmental agencies will offer clear legal arguments to justify why they choose to censor things should include formalizing judicial oversight in relation to content removal. Courts have to become more proactive in discussing the issues related to the digital rights, at least when it comes to dissent and political speech. Second, the platforms must apply the rule of algorithmic transparency that will enable them to make AI-based content moderation transparent, auditable, and publicly reviewable. Establishment of AI ethics committees similar to the regulatory tools in terms of financial or environmental regulations would be able to determine the fairness of discriminatory implementation methods. Lastly, it will help India develop their governance framework that would ensure freedom of speech without compromising on the security issues by implementing international best practices, e.g., the EU Digital Services Act structured model on the criteria of moderation. As long as data governance, procedural accountability, and autonomous oversight remain an institutional strength of the digital ecosystem, the freedom of expression will remain unsusceptible to an unrestrained suppression in India. Collectively, its recommendations and conclusion aim at aligning the Indian digital model of governance with global norms, constitutional ideals, and feasible protective measures to establish a more transparent, balanced, and democratic digital world.

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