

# FREEDOM OF SPEECH AND EXPRESSION: RIGHT TO RAISE OUR VOICE

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## 1. INTRODUCTION

Fundamental Freedoms are enjoyed only by citizens. It confers six democratic rights as they are deemed essential for the healthy functioning of a democracy. Originally the constitution included 7 Democratic Rights. By 44<sup>th</sup> Amendment Act 1978, the Right to property was removed from the list. These rights are enjoyed by the citizen, but they are not absolute rights and each of them is liable to be curtailed by the State.<sup>1</sup>

As we all know that Constitution has granted us a various fundamental rights as a citizen of India. These fundamental rights are considered as a part of basic structure of Constitution and one of the most important part of Constitution of India. These rights plays a very important role in each and everyone's life a citizen of India as it upholds the dignity and respect of a citizen living in India. There are broadly six fundamental rights which encloses from article 12 to article 35 of our constitution. Earlier it was seven but one of them was removed by Constitutional amendment in the year 1978. Right to freedom (Article 19-22) which gives us various rights such as right to freedom of speech and expression, right to education , freedom of movement etc.

## 2. WHAT IS FREEDOM OF SPEECH AND EXPRESSION?

The Constitution of India provided that the Freedom of Speech and Expression under article 19 (1) (a) in part III of the Constitution of India.

Article 19(1) (a) of Indian Constitution says that all citizens shall have the right to freedom of speech and expression.<sup>2</sup>

In the case of *Lovell v. City of Griffin*<sup>3</sup> United States Supreme Court held that the Freedom of Speech and expression means the right to express one's own convictions and opinion freely. Speech is God's gift to mankind. Through speech a human being conveys his thoughts, sentiments and feeling to others.

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<sup>1</sup> H. M. Seervai, "Constitutional Law of India", Vol. I (2007) Universal Publications, p.795.

<sup>2</sup> Article 19 (1) (a) of the Constitution of India.

<sup>3</sup> 303 U.S. 444 (1938)

Freedom of speech and expression is thus a natural right, which a human being acquires on birth. It is, therefore, a basic right. "Everyone has the right to freedom of opinion and expression; the right includes freedom to hold opinions without interference and to seek and receive and impart information and ideas through any media and regardless of frontiers" proclaims by the Universal Declaration of Human Rights (1948)<sup>4</sup>.

It is one of those fundamental rights which are provided by constitution to the citizens of India it is considered as most important right as it gives us right to put forth our opinions regarding any topic or anything happening around us. It can be done by anyway like by the word of mouth (mostly done by political readers and news anchors), writing (done by authors and writers), printing (done by newspaper editors) or in any other manner. Supreme Court of our India held that the freedom of speech and expression includes things like right to propagate one's views , freedom of press , freedom of commercial advertisement etc. Freedom of speech comes under the one of the rights which are granted to us under article 19 of the Constitution.

### **3. PRACTICE OF FREEDOM OF SPEECH AND EXPRESSION IN INDIA**

Freedom of speech and expression in India is in practice since a Independence protect even though constitution came into existence after the independence but during the independence struggle also so many leaders have been writing articles against British rule, giving speeches on dice for attracting people. Newspaper was one of most important tool during a Independence struggle of India. And since then it is still in practice in very well manner people are protesting against the reforms and policies of government the most recent example is farmer protest against three laws passed by central government. So many articles are published in newspaper and journals criticizing the ruling government. India have always been in forward in raising voice against exploitation and practicing their fundamental rights. But sometimes it becomes a crime too as so many people use it in very wrong way by abusing or using wrong words against political leaders or anyone. Disrespecting anyone in any way is not freedom of speech and expression. This right should be practiced peacefully and with full of respect towards each other.

### **4. BLASPHEMY AND FREEDOM OF SPEECH**

First so many might not be aware of Blasphemy , blasphemy is a writing or speaking about any God without any respect this has been an very big issue not only in India but around the world as well. As so many people use this right just to disrespect others god or just play with one's

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<sup>4</sup> Jitendra Pandey and R.K. Dubey, "*Civil Liberty under Indian Constitution*", Deep and Deep Publications, New Delhi, 1995, p.111.

religious sentiments. This is sometimes done in a way of joke or a comedy or sometimes just to prove that I am Atheist. In the month of October there was riots and protest was happening in a France when a teacher while studying a student disrespected a Prophet Mohammad as cartoon printed in textbook. This has led to great issue in that country as saying and so many questions over Blasphemy and freedom of speech were raised. But at last I think that we should follow the Constitution of country we are residing. In a France there is right for a people to talk against a Religion but not against a religious personality. But in India no one has right to speak against one's religion or anything related to it so guilty might be punished. Freedom of Press as a part Freedom of Speech This right has been widely practiced in India. As India media has always been raising voice against a injustice happening against citizens as people always hesitate to move directly to court media helps them to raise their voice against injustice. Supreme Court has granted a special provision to the media to write against the government policies and speak against a policy which might be not acceptable by the people of country. But sometimes we can see that this right for media is used in a very wrong way by disclosing the private information of a victims or accused person in any case in the name of media trial. Being biased toward anyone political party is also a one of the drawback of today's media and continuously speaking in one's favor and others opposition. National Emergency and Freedom of Speech As we know that when National Emergency get announced in country all our Fundamental rights got demolished for certain period of time (except article 21 and 22) so in this way the freedom of speech is also get banned during emergency so in that period one cannot raise voice against what's happening around them. National Emergency can be imposed in the whole country or in any part of country. So in this way we can say that Fundamental right can be a good or bad as well it depends on how u practice it and in what way.