

Freedom of Speech

Freedom of Speech and Expression is the principle that supports an individual's freedom to articulate his ideas and opinions not only by word of mouth but also by way of writings, pictures, banners, movies, etc., without being afraid of legal sanction, censorship, or retaliation. The right to freedom of speech and expression is guaranteed as a fundamental right by the Constitution of India, the Universal Declaration of Human Rights, and the International Covenant on Civil and Political Rights to every citizen of India.

Article 19(1)(a) of Indian Constitution

As per Article 19(1)(a) of the Indian Constitution, all citizens have the right to freedom of speech and expression. This is explained as under:

- According to Article 19(1)(a), all Indian citizens shall have the right to express their opinions and views freely.
- The right to express doesn't only mean words of mouth but also includes expression through writings, banners, movies, and pictures.
- The right to speech and expression includes the individual's right not to speak (as per choice).
- It also includes the right to adverse information, print, and communication.
- The artistic and commercial forms of speech and expression are also included in the right to Freedom of speech and expression.
- Hosting the National Flag was held by the Supreme Court in 2004.
- Under Article 19(1)(a), the freedom of the press is also considered inferred freedom.
- The RTI, i.e., the Right to Information, is interpreted as a fundamental right.
- According to the Indian Constitution, the right to Freedom of speech of any citizen (Article 19(1)(a)) and the right to life (Article 21) are not separated but related to each other.
- The State can impose restrictions on an individual's right to Freedom of speech and expression if he violates his fundamental rights.

Need to Protect Freedom of Speech

Freedom of Speech and Expression is an indispensable right in a democracy. It gives the right to express one's opinion and belief without any fear. However, there is a constant need to protect Freedom of speech in India for the following reasons-

- For active participation in democracy in India.
- For a proper expression of beliefs and political attitudes.
- Freedom of speech is an aspect of self-fulfilment and development.
- It leads to the discovery of truth through open discussion.

Importance of Freedom of Speech and Expression

Perhaps Freedom of speech and expression is not an absolute right, yet it gives the Indian citizen liberty to propagate his views along with the ability to publish others' views. The importance of Freedom of speech and expression is as follows-

- It protects the individuality of a citizen by allowing his self-fulfilment.

- It allows a constant flow of thoughts, beliefs, and ideas. Along with this, it strengthens the community.
- It maintains the balance of a large and laisses fairer society.
- It ensures that an individual's voice is not suppressed for the discovery of the truth.
- It galvanizes the dialogue process.

Restrictions on Freedom of Speech

According to the Constitution of India, the restriction on Freedom of Speech and Expression is put into practice by Article 19(2) of the Indian Constitution. These restrictions are subject to-

- Contempt of Court
- Defamation
- Hate Speech
- Decency or morality
- Public order
- Friendly relations with foreign countries
- Sovereignty and integrity of the country
- Security

As per the Constitution of India, a citizen enjoys the Freedom of expression without any fear of reprisal. However, it is also mentioned that Freedom of expression must be used responsibly and carefully.

Freedom of Speech on Social Media:

Tripura's High Court decided that social media postings were virtual duplicates of the fundamental rights applicable to Indian citizens. According to the court, government employees are authorized to hold and express their political beliefs per the restrictions laid under the Tripura Civil Services (Conduct) Rules of 1988.

Freedom of Speech in Art:

Concerning the Act, the court has held that "the art must be so preponderating as to throw obscenity into a shadow or the obscenity so trivial and insignificant that it can have no effect and may be overlooked. Also, restrictions are imposed on cinemas by the Censor Board as per the Cinematograph act of 1952.

Hate Speech:

To restrict or limit the issue of hate speeches, the Law Commission of India was asked by the Indian Supreme Court to make recommendations to the Parliament for empowering the Election Commission of India, irrespective of a secondary thing. However, the Commission clarified the accounting of several factors, including speech context, the status of the maker and victim, and the speech's potential to create disruptive and discriminatory circumstances before restricting a speech.

Safeguards for Freedom of Speech - Article 19(2)

Though the Indian Constitution guarantees freedom of speech, yet is not an absolute right. The right to speech is provided by a safeguard by Article 19(2), under which reasonable restrictions can be imposed on exercising the right for specific purposes. These safeguards for freedom of speech and expression are as follows-

The State enjoys the right to restrict the freedom of speech of an individual under Article 19(2) of the Constitution of India by imposing any restriction on the following-

- **Contempt of court** - If the Freedom of speech exceeds the fair limit and reasonable amounts of contempt of court.

- **Interest id Integrity and Sovereignty of India** - As per the 16th Constitutional amendment act, the provisions for the interest id integrity and sovereignty of India. The major objective for inducing it into the Constitution was to develop enough powers that allow it to impose restrictions against organizations and individuals.
- The conditions like insurrections, waging war against the State, and rebellion hamper the State's security.
- **Defamation or incitement to an offence** - Any statement that tends to hamper the reputation of an individual or institution is considered defamation. It includes an individual's exposure to contempt, ridicule, or hatred. However, in India, civil law in consideration of defamation is subjected to certain exceptions.
- **Friendly relations with foreign states**- After the introduction of the First Amendment Act 1951, the prohibition of unrestrained malicious propaganda against a foreign-friendly state was added.

Morality or Decency - Sections 292 to 294 of the Indian Penal Code, 1860, defines morality and decency. This restricts an individual's freedom of speech and expression on the grounds of morality and decency and restricts the exhibition, distribution, or sale of obscene words.

