



# The Indian Journal for Research in Law and Management

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## FREEDOM OF SPEECH

*Janhavi Singh*

**Introduction:** We as a citizen of India have certain fundamental Rights and Duties which is provided by the Constitution of India. There are various rights which are provided under Part 3 Of the Constitution from articles( 14 to 32 ) and one of them is Freedom of Speech and Expression which is guaranteed under article 19 1(a)of the Constitution ,this basically means to speak and express one's own views on any matter, topic freely either by mouth or by expression ,however this right is subjected to the restrictions mentioned under clause (2 to 6) of Article 19 of the constitution.

**Meaning :** As this right from its word tell about what it basically means . It is a combination of two words, first one is speech -meaning thereby “words spoken by mouth” and expression meaning thereby “any gesture sign or visible representation made through any medium”, so it means to speak freely your thoughts, views on anything without any obstruction from the society . This right is available to the citizens of India and not to the foreigners which means this right has its applicability only in India and not outside India.

**Scope :** This freedom has very broad spectrum because it does not only means to speak own views or thought but also includes publication of that thought so that it will reach the public at large because freedom of press or media are included under this Freedom of Speech and Expression. One can have the right to publish their views, thoughts in printed form through newspaper, magazines etc. and the other way includes the broadcasting of that thought on any media platforms .

**Purpose:** We know this right ensures every member of society to form their views and express it freely so it has given purposes to serve –

- (1) Attaining self fulfillment that is to satisfy one's thought by expressing it to the word.
- (2) Strengthening the capacity of an individual in decision making.
- (3) Providing balance between social change and stability etc.

**Various facets of freedom of speech :** The various rights which are included in freedom of speech are-

**(1) Freedom of Press :**

In the words of B.R.Ambedkar –“It is important for political liberty” . Press freedom is needed for smooth running of democracy.

Example- Right to Information Act 2005 entitles every citizen to have access to information controlled by public authorities. In the case of –

Prabhu Dutt V Union Of India – It was held by Supreme court that right to know news and information regarding the policies and administration of government is included in Freedom of Speech.

In Indian Express Newspaper v.Union Of India – It was held that though “ freedom of press “ is not used in the Article 19 but it is comprehended within Article 19 (1)(a) .

In Bennett Coleman V. Union of India – The court held that newsprint policy is not reasonable restriction within ambit of Article 19 (2).

**(2) Film censorship:** In case of K.A Abbas V. Union Of India - It was held by the court that prior censorship of films is included in Article 19 ( 2 ) .

**(3) Right to strike :**

In the case of T R Rangarajan V Govt. of Tamil Nadu – It was held that it was not included in n freedom of speech.

**(4) Right to remain silent :**

In the case of Bijoe Emmanuel V. State of Kerala - It was held by the court that freedom of speech also included right to remain silent .

**Regulatory Media Laws :** We know media plays an important role for the proper functioning of the government because it the media who goes into deep of every matter and finds out the truth so it's regulation must be at par excellence, so there are various attempts made by the legislature from time to time which are as follows:

- (2) **Press and Registration of Books Act ,1867:** It is the oldest serving Act Of the British era deals with newspapers books and printing press. It was amended in 1958 and now it is under administration by Ministry of Information and broadcasting of Government of India. There are various rules which are laid down in this act which must be followed strictly.
- (3) **Working generalist Act 1955:** The first press Commission (1952 to 54) made observation about unsatisfactory working condition of journalist. Soon after commission's report Nehru government enacted Working Journalists Act. It is basically a welfare measure meant to regulate conditions of the people employed in the newspaper industry.
- (4) **Press Council of India Act 1978:** It was one of the recommendation of Press Commission of India and after that Press Council of India was set up . It was enacted in 1965 and council came into existence in 1966 and the two of the most important objectives of this Act was to protect press freedom and to maintain and improve the standards of press .

### **Restrictions on the Freedom of Speech:**

Clause (2) of Article 19 contains the grounds on which restrictions on the freedom of speech and expression can be imposed:

- (A) Sovereignty and integrity of India .
- (B) Security of the state .
- (C) Friendly relations with Foreign States .
- (D) Public order.
- (E) Decency and morality.
- (F) Contempt of court.
- (G) Defamation.
- (H) Incitement of an offence .

## **Conclusion :**

Freedom of Speech constitutes one of most important fundamental rights which is guaranteed by the Indian Constitution because to speak one's own thought is the basic need God has given to living beings so that they communicate their ideas with others .This enables humans beings to not only invent various interesting things but also enables them in their civilization process. But due to immense growth of technology and advancement in science leads to the invention of artificial intelligence and robotics mechanism which sometimes leads to over exploitation of this freedom so, now there is need of some more coercive restrictions other than those granted by the Indian Constitution for effective implementation of this freedom.