
Rights to Freedom of Speech and Expression

The Right to Freedom of Speech and expression under Article 19 (1) (a) is an inalienable right of every citizen of the country; however the right is not absolute and subject to certain limitation. This right is enjoyed exclusively by the citizens i.e., natural persons of the country. Through this Article the framers of the Constitution have intended to provide some basic imperative value of a democratic secular polity, equal freedom for individual fulfillment, attainment of truth, participation in political and ideological debate, decision making and providing opportunities of free discussions and exchange of opinions. This freedom is paramount for smooth functioning of a democratic process. In a country like India, the Right to information is considered as the groundwork of free speech and expression because every person is entitled to know the activities of the State, the instrumentalities and the agency of the State. In modern world, the government does not have the privilege of secrecy which has existed in ancient times. Now the government and its agencies are bound to disclose facts to the citizens of the country and in almost every country right to information have been made a basic fundamental right.

I. FREEDOM OF SPEECH AND EXPRESSION:

The spirit of free speech and expression lies on the ability to think and obtain information from others from various sources like publication, media, public e government and disclosure, etc without the fear of retaliation, reckoning and repression by the government and its agencies. This freedom is contemplated as the first condition of liberty as it holds a preferred and crucial position in the hierarchy of the liberty giving succor and protection to all other liberties. In a democracy, freedom of speech and expression provides roots for free discussions of contemporary issues and raise voices against atrocities by the government.

In the case of *Maneka Gandhi v. Union of India*[1], Bhagwati, J. opined that, "Democracy is based essentially on free debate and open discussion, for that is the only corrective government action in a democratic set up. If democracy means government of the people, by the people and for the people, it is obvious that every citizen must be entitled to participate in the democratic process and in order to enable him to intelligently exercise his right of making a choice, free and general discussion of public matters is absolutely essential."

Article 19 (1) (a) is corresponding to Amendment 1 of the Constitution of the United States which states that, Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances. And this right does not have any reasonable restriction unlike Article 19 (2) of the Indian Constitution.

II. RIGHT TO INFORMATION OR RIGHT TO KNOW

Through several landmark judgments, the Apex Court has established that the expression

freedom of speech and expression includes the right to acquire information and disseminating the same. In a democracy, flow of information is quintessential to bridge the gap between the government and the public as it the citizen who votes and choose their representative. The voter must have the right to access basic information about the contesting candidate. Democracy requires every citizen to be well informed because every citizen has a right to vote which is a constitutional right but the right to make choice by means of ballot is a part of the freedom of expression. The Universal Declaration of Human Rights 1948 is the mother of jurisprudence of democracy under which Article 19 provides that ""Everyone has the right to freedom of opinion and expression: the right includes freedom to hold opinion without interference, and to seek, and receive and impart information and ideas through any media and regardless of frontiers,"

This spirit got reflected in the Preamble of the Constitution the Parts III and IV of the Constitution of India which embody a solemn resolve of its people to secure, inter alia, to its citizens, liberty of thought and expression. The right to freedom of expression includes few specific rights which can be listed as following:

- Right to voice one's opinion
- Right to seek information and ideas.
- Right to receive information.
- Right to impart information[2]

1. AIR 1978 SC 597 : (1978) 1 SCC 248

2. M.M. Semwal and Sunil Khosla- "RIGHT TO INFORMATION AND THE JUDICIARY"
The Indian Journal of Political Science, Vol. 69, No. 4 (OCT. - DEC., 2008), pp. 853- 864

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