

Freedom of Expression and Democracy

Gaytri Rajput

Assistant Professor,
Deptt.of Economics,
Career College of Law,
Bhopal

Sangeeta Amte

Librarian,
Deptt.of Library Science,
Career College,
Bhopal

Abstract

The right to freedom of speech as one of the basic human rights is enshrined in main international human rights documents. Freedom of speech is the inseparable element of a democratic society.

Freedom of speech and expression may bring to the control over the state authorities exercised by the society and to the maintenance of the self-controlled society, which is the demand of democracy. The definition of a self-controlled society means that it itself shall make own decisions. And the society can do this in case it is informed in aggregate with the open exchange of opinions. According to Abraham Lincoln, "Let the people be aware of the facts, and the country will be calm". Hence, mass media as an instrument for the exercising of freedom of speech and expression gains importance for a democratic society.

Keywords:Freedom of Speech and Expression, Indian Democracy

Introduction

According to article 19(1) all citizens shall have the right to freedom of speech and expression. This right to freedom of speech and expression is subject to the restriction which may be imposed by the state under Article 19(2), Article 19(1) (a) is based on the provisions of Amendment 1 of the Constitution of U.S.A Freedom of speech and Expression should be taken to mean the right to express ones convictions and opinions freely by words of mouth, writing, printing picture or in any other manner. Democracy is for the people of the people and by the people it is the most need from of govt. in which people of the country have liberty of that expression utterance and discussion and people are at liberty to express their views freely without any fear the voice of the man is heard and accepted if it is valuable. Every one feels that he is a part an parcel of the country and his thought is carried out in administration.

Freedom of expression includes Freedom of speech, Freedom of express.

According to Hidayatullah, "Freedom of speech and expression is that cherished right on which our democracy rests and is meant for the expression of free opinion to change political or social conditions or for the advancement of human knowledge"

This liberty is accepted under human right by UNO and the same is incorporated in the preamble of the constitution. Freedom of press is part and parcel of the right of freedom of speech and expression because press reflect the general thinning of the masses. Right to life include right of expression because if expression of the people is not reflected than no freedom is available in the country .In any

country were mass media as an instrument for free expression will be considered as most democratic country.

General Concepts of Freedom and Speech and Expression

Concepts of freedom of speech can be found in early human rights documents. England's Bill of Rights 1689 legally established the constitutional right of 'freedom of speech in Parliament' which is still in effect. The Declaration of the Rights of Man and of the Citizen, adopted during the French Revolution in 1789, specifically affirmed freedom of speech as an inalienable right. The Declaration provides for freedom of expression in Article 11 which states that: The free communication of ideas and opinions is one of the most precious of the rights of man. Every citizen may, accordingly, speak, write, and print with freedom, but shall be responsible for such abuses of this freedom as shall be defined by law. Article 19 of the Universal Declaration of Human Rights, adopted in 1948, states that: Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers

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Part III of the Indian constitution of India guarantees certain fundamental rights because they are considered necessary for the development of human personality. These rights enable a man to chalk out his own life in the manner he likes best. The fundamental rights are calculated to protect the dignity of the individual and create conditions in which every human being can develop his personality to fullest extent. The constitution have been given special importance they differ from ordinary rights in several respects. Ordinary rights are given by the ordinary law while the fundamental rights have been given by the Constitution. Fundamental rights recognize the importance of individual in the affairs of the state and seek to assure to every citizen full freedom to enjoy life, liberty and happiness as he likes. The development of a citizens personality the pursuit of his profession or

vocation and the manner in which he seeks to enjoy the pleasure and comforts of life are basically his individual concern and the state can interfere with this basic right only if considerations of public good justify such interruption.

Right to freedom speech and expression is not an absolute right it can be giving for seeking information and ideas. It can be used for receiving any information and ideas . it can also be used for imparting information and ideas through mass media. Rare publication and circulation is free and no unfair restrictions are imposed . it may be used in the form of news paper films advertisement, cartoon and television but care is to be taken that it should not affect the following—

1. Sovereignty and integrity of India.
2. Security of state .
3. It should not affect friendly relation foreign state.
4. It should be decent and morally good for people .
5. It should be within public order .
6. No contempt of court .
7. No defamation .

Care must be taken that this freedom is to be exercised in such a way that democratic needs be followed and people may know what is happening in the country than only right to be freedom of speech and expression can maintain the democratic values.

Democracy is related with freedom. It implies that certain freedoms are granted to the citizen of India and citizen themselves will exercise sum reasonable restriction so that every body may enjoy ones freedom. These freedoms are –

- 1 Freedom of speech and expression .
- 2 To assume peaceably and without arms .
- 3 To form association of Union Territory of India .
- 4 To reside and settle in any part of the Territory in India .
- 5 To move freely through out the Territory of India .
- 6 To practice any profession or to carry on any occupation trade or business .

These freedom are granted by the state under democratic norms but they are not absolute . Some reasonable restriction can be imposed it means that in democratic system government, and people should exercise self control and should examine his behavior so that no extremity may take place .

That is why it has been rightly said “freedom has been giving in plenty but they have been taken back by another hand”

It shows that every freedom in a democratic setup must be exercised with great caution . It can not be used in an arbiter manner. The great freedom granted are basic right which are recognized as natural right inherent in the status of a citizen.

They can be call as human right but all of them are subject to be exercised in such a way that all the people may use them in the same way as the citizen is enjoying. Social interest and individual liberty must go side by side .

State is the custodian of the whole public therefore it is to see that everybody may enjoy all the freedom granted to them. These balancing is done by the state in many ways .It is the state upon whom this boredom of proof lies that the restriction is reasonable one.

Freedom of speech and expression means the right to express ones ides freely by word of mouth righting, printing, pictures.

A democratic government grants this freedom to its citizen because it is the basis of democracy Personal liberty is the most important of all fundamental rights. Articles 19 to 22 deal with different aspects of this basic right. article 19 of the Constitution guarantees to the citizens of India six fundamental freedom

These six freedoms are not absolute. Absolute individual rights cannot be guaranteed by any modern state. An organized society is the precondition of civil liberties. There cannot be any right which is injurious to the community as a whole. If people were given complete and absolute liberty without any social control the result would be ruined. Freedom of Speech and expression means the right to express one's

own convictions and opinions freely by words of mouth, writing, printing, pictures and other mode. It thus includes the expression of one's ideas through any communicable medium or visible representation such as gesture, signs and the like.

The fundamental right of the freedom of the press implicit in the right to freedom of speech and expression is essential for all political liberty and proper functioning of democracy. The American Press Commission has said “Freedom of the press is essential to political liberty”. When men cannot freely convey their thoughts to one another no freedom is secured where freedom of expression exists the beginning of a free society and means for every retention of liberty are already present .

The freedom of speech is the bulwark of democratic government. This functioning of the democratic process. The freedom speech and expression has been regarded as the first condition of liberty in Ramlila Maidan Incident. It occupies a preferred position in the hierarchy of liberties, giving succor and protection to all other liberties it is the mother of all other liberties. Freedom of speech plays a crucial role in the formation of public opinion on social political and economic matters.

It has been described as a ‘basic human right’ ‘a natural right’ and the like. With the development of law in India, the right to freedom of speech and expression has taken within its ambit the right to receive information as well as the right to press.

The right to know receive and impart has been recognized within the right to freedom of speech and expression A citizen has a fundamental right to use the best means of imparting and receiving information and as such to have an access to telecasting for the purpose.

Relationship To Other Fundamental Rights

The right to freedom of speech and expression is closely related to other rights, and may be limited when conflicting with other rights The right to freedom of

expression is also related to the right to a fair trial and court proceeding which may limit access to the search for information, or determine the opportunity and means in which freedom of expression is manifested within court proceedings. As a general principle freedom of expression may not limit the right to privacy, as well as the honor and reputation of others. However greater latitude is given when criticism of public figures is involved.

Conclusion

The right to freedom of expression is particularly important for media, which plays a special role as the bearer of the general right to freedom of expression for all. However, freedom of the press is not necessarily enabling freedom of speech. Judith Lichtenberg has outlined conditions in which freedom of the press may constrain freedom of speech, for example where the media suppresses information or stifles the diversity of voices inherent in freedom of speech. Lichtenberg argues that freedom of the press is simply a form of property right summed up by the principle "no money, no voice".

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