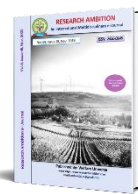




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FREEDOM OF SPEECH AND EXPRESSION WITH NATIONAL SECURITY IN THE INDIAN SCENARIO: AN EMPIRICAL STUDY

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KEYWORDS

Freedom of speech, Rights to expression, hurdles of Right to speech and expression,

ABSTRACT

Speech is God's gift to mankind. Through speech, man conveys his thoughts, sensations and feelings to others. Freedom of speech and expression is a natural right, which human beings acquire from birth. Therefore, it is a basic human right. Freedom of expression is the shield of democratic government. This independence is essential for the proper functioning of the democratic process. Freedom of speech and expression is considered as the first condition of freedom. It occupies a preferred position in the hierarchy of freedom that provides support and protection to all other freedoms. It is rightly said that it is the mother of all other freedoms. Freedom of speech is fundamental rights in India it is define under the article of 19 of the Constitution of India. In this research article discusses about the actual hurdles to implementation of above said right.

1. Introduction

Although the Indian constitution was created after the country gained its independence, freedom of speech and expression has existed there ever since. During the independence movement, numerous leaders wrote articles criticizing British rule and gave speeches in an effort to draw attention to their cause. One of the most crucial weapons in India's fight for independence was the newspaper. Since then, it has continued to be implemented in a highly civilized manner as citizens demonstrate against governmental reforms and policies. One current example is the protests by farmers against three legislations that the central government has approved. Newspapers and publications produce a great deal of pieces that are critical of the current

administration.

India has always been a leader in speaking out against human rights violations and exploitation. However, because so many individuals misuse it by abusing it or using it incorrectly to disparage political leaders or anyone else, it can also become illegal at times. It is not freedom of speech and expression to treat someone with any kind of disrespect. This right ought to be exercised amicably and with utmost regard for one another.

The Indian Constitution's Article 19(1)(a) ensures that every citizen has the right to "freedom of speech and expression." The right to freely express one's thoughts, convictions, and opinions on any subject through any media, including writing, printing, film, images, and films, is known as

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freedom of speech and expression. Article 19(1)(a) of the phrase “freedom of speech and expression” has been interpreted to encompass the freedom to obtain and share information. It encompasses the freedom to disseminate it via print, electronic, or audio-visual media, including speeches, articles, films, and advertisements.^[1]

Everyone has the right to freedom of speech and expression, regardless of their race, caste, sex. Freedom of speech and expression^[2] includes the ability to develop opinions, as well as the ability to obtain and share knowledge and concepts without interference from the government other public authorities.

Traditionally, the government has justified the severe restriction of the right to free speech and expression by citing concerns about terrorism and national security. This mismanagement of the issue is exacerbated by the tense relationship and conflict between the preservation of human rights and national security.

2. Concept of the National Security

Every country must understand the concept of national security, which is the state in which the government uses its political, economic, diplomatic, and military might to guarantee the safety and protection of its states and residents. Above all, nations have a greater responsibility to safeguard citizens’ fundamental rights, ensure that democracies function as intended, and foster an environment of harmony and peace.^[3]

“To ensure a nation’s sovereignty and territorial integrity, as well as to take opposing positions, the government’s free will is paramount to national security.”

National security, as described by Collins Dictionary, is the capacity of the state to defend itself against acts of terrorism and other threats.^[4]

3. Reasons of restriction on right to freedom and expression related to National Security

According to Article 19(1)(a)^[5] of the Indian Constitution, the right to freely express one's ideas, opinions, beliefs, and thoughts through speech, writing, printing, or any other medium is known as freedom of speech and expression. But some restriction implied by the constitution of India under the article 19(2)^[6] details given below.....

- (1).Sovereignty
- (2).Integrity
- (3).Morality and decency
- (4).Friendly relation with the foreign state
- (5).Incitement to an offence
- (6).Content of the court
- (7).Public order and
- (8).Security of the state.

If anyone breach the terms & condition define above point no. 01 to 07 then the State has the right to withdraw those rights.

Survey work

In order to Socio-Legal and empirical study what people think about the freedom of speech and expression. Sometimes it happens that people affected the Sovereignty, Integrity, Morality and decency, Friendly relation with the foreign state, Incitement to an offence, Contempt of the court, Public order and Security of the state under the right to freedom of speech and expression.

The researcher wants to know whether people are benefited or harmed by it, So Researcher made a online survey has been done through Google Form,

in this survey filled-up the questionnaire by 100 people at Saharanpur, (U.P.). The result of which is as follows-

Q.No. 01: What is the nature of your family?

Ans. 01: In response to the above question, 19.0 percent of the respondents said that the nature of their family is “in Below the Poverty line”. And 50.0 percent of the respondents said that the nature of their family is “middle class”. And 20.0 percent of the respondents said that the nature of their family was “upper class”. And 11.0 percent of the respondents said that the nature of their family is “other”.

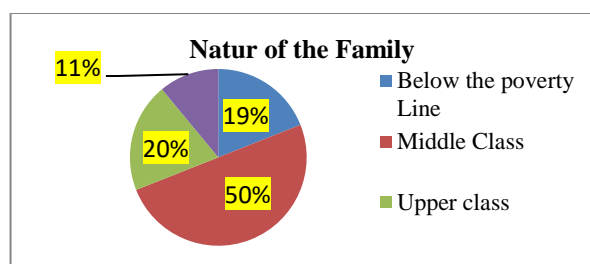


Fig.: 01

Q.No. 02: What is your family like?

Ans. 02: In response to the above question, 44.0 percent of the respondents said that the nature of their family is “Joint Family”. And 40.0 percent of the respondents said that the nature of their family is “Nuclear Family”. And 16.0 percent of the respondents said that the nature of their family was “other”.

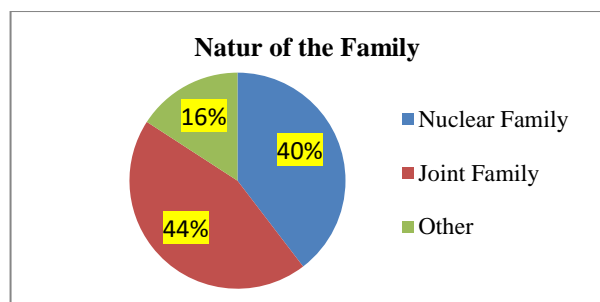


Fig.: 02

Q.No. 03: Do you know about the National Security?

Ans. 03: In response to the above question, 60.0 percent of the respondents said that they know about “National Security” and replied with “Yes”. And 20.0 percent of the respondents said that they don't know about “National Security” and replied with “No”. And 20.0 percent of the respondents said that they know about the “National Security” a little bit and replied with “Little bit”.

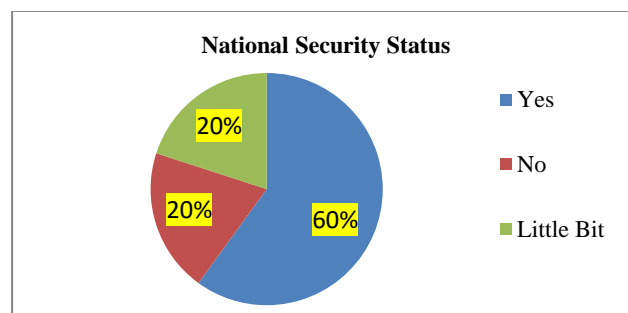


Fig.: 03

Q.No. 04: Do you know how to breach the “National Security”?

Ans. 04: In response to the above question, 8.0 percent of the respondents said that many times breach the National Security by the light of “Right to Speech and Expression” and replied with “Breach Sovereignty”. And 5.0 percent of the respondents said that many times breach the National Security by the light of “Right to Speech and Expression” and replied with “Breach Integrity”. And 7.0 percent of the respondents said that many times breach the National Security by the light of “Right to Speech and Expression” and replied with “Breach Morality and decency”. And 6.0 percent of the respondents said that many times breach the National Security by the light of “Right to Speech and Expression” and replied with “Breach Friendly relation with the foreign state”. And 5.0 percent of the respondents said that many times breach the National Security by the light of “Right to Speech and Expression” and replied with “Breach Friendly relation with the foreign state”.

“Breach Incitement to an offence”. And 7.0 percent of the respondents said that many times breach the National Security by the light of “Right to Speech and Expression” and replied with “Content of the court”. And 7.0 percent of the respondents said that many times breach the National Security by the light of “Right to Speech and Expression” and replied with “Violation of Public order”. And 53.0 percent of the respondents said that many times breach the National Security by the light of “Right to Speech and Expression” and replied with “All of the above”. And 2.0 percent of the respondents said that many times breach the National Security by the light of “Right to Speech and Expression” and replied with “None of the above”.

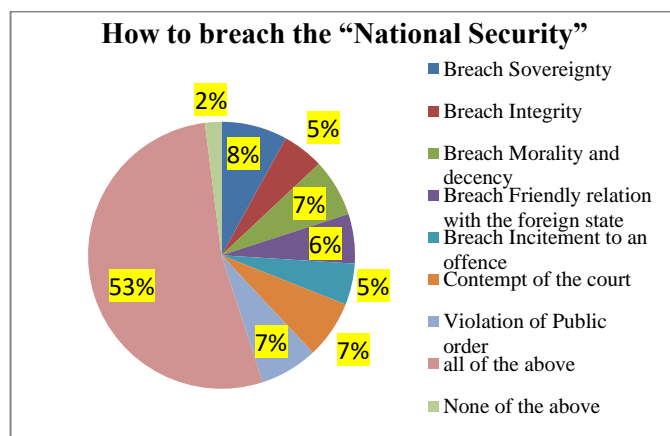


Fig.: 04

Q.No. 05: Do you know about the any platform whereas the people can use “Right to Speech and Expression”?

Ans. 05: In response to the above question, 18.0 percent of the respondents said that they know about the platform whereas the people can use “Right to Speech and Expression” and replied with “Electronic Media”. And 12 percent of the respondents said that they know about it, and replied with “Newspaper”. And 20 percent of the respondents said that they know about it, and replied with “Public Speech”. And 10 percent of the respondents said that they know about it, and replied with “News Channels”. And 5 percent of the respondents said that they know about it, and replied with “Research journals”. And 3 percent of the respondents said that they know about it, and replied with “All of the above”. And 3 percent of the respondents said that they know about it, and replied with “None of the above”.

replied with “Public Speech”. And 05 percent of the respondents said that they know about it, and replied with “News Channels”. And 10 percent of the respondents said that they know about it, and replied with “Research journals”. And 32 percent of the respondents said that they know about it, and replied with “All of the above”. And 03 percent of the respondents said that they know about it, and replied with “None of the above”.

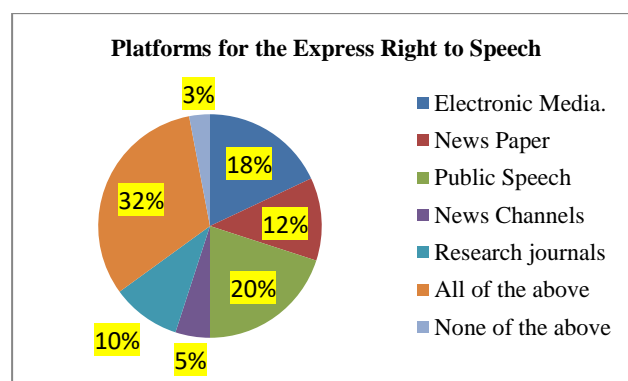


Fig.: 05

Q. No. 06: Do you know that who dose misuse the power of “Right to Speech and Expression”?

Ans. 06: In response to the above question, 08.0 percent of the respondents said that they Came to know about the misuse of the power of “Right to Speech and Expression” and replied with “Students”. 65.0 percent of the respondents said that they Came to know about the misuse of the power of “Right to Speech and Expression” and replied with “Politicians”. 15.0 percent of the respondents said that they Came to know about the misuse of the power of “Right to Speech and Expression” and replied with “Govt. employees”. 05.0 percent of the respondents said that they Came to know about the misuse of the power of “Right to Speech and Expression” and replied with “Businessman”. 07.0 percent of the respondents said that they Came to know about the misuse of

the power of “Right to Speech and Expression” and replied with “Public/ common man”.

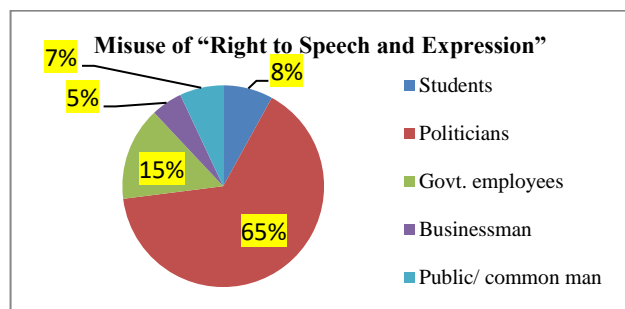


Fig.: 06

Q. No. 07: Do you know about the Law & Legal Provisions related to breach of “National Security” or Misuse of “Right to Speech and Expression” ?

Ans. 07: In response to the above question, 62.0 percent of the respondents said that they know about the Law & Legal Provisions related to breach of “National Security” or Misuse of “Right to Speech and Expression” and replied with “Yes”. 23.0 percent of the respondents said that they don’t know about the Law & Legal Provisions related to breach of “National Security” or Misuse of “Right to Speech and Expression” and replied with “No”. 15.0 percent of the respondents said that I don't know about the Law & Legal Provisions related to breach of “National Security” or Misuse of “Right to Speech and Expression” and replied with “I don't know”.

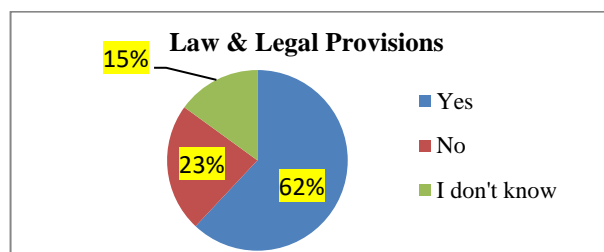


Fig.: 07

Q. No. 08: Do you know about the punishment of misuse of the “Right to Speech and Expression” or “Breach the National Security”?

Ans. 08: In response to the above question, 75.0

percent of the respondents said that they know about the punishment related to breach of “National Security” or Misuse of “Right to Speech and Expression” and replied with “Yes”. 20.0 percent of the respondents said that they don’t know about the punishment related to breach of “National Security” or Misuse of “Right to Speech and Expression” and replied with “No”. 5.0 percent of the respondents said that I don't know about the punishment of related to breach of “National Security” or Misuse of “Right to Speech and Expression” and replied with “I don't know”.

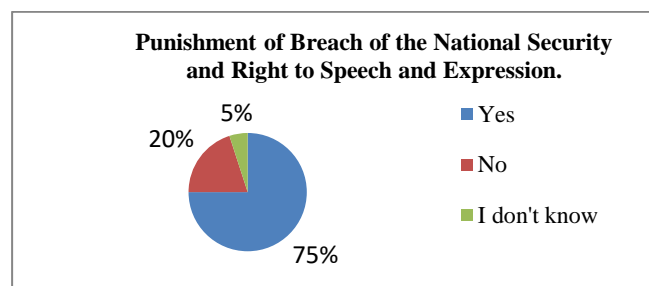


Fig.: 08

Conclusion

It is very clear that using social media and other means such as: News Paper, Public Speech and other things to exercise one's right to free speech and expression is incredibly effective. But it's also being used for criminal activities more and more, as like breach national security which has compelled the governments’ to regulate and impose the restrictions on social media and other related means of Right to Speech and expression.

Suggestion:

There are some suggestions details given below:

1. The right to freedom of expression should not be curtailed, impeded, or destroyed in the name of national security if the material is in the public domain.
2. It is the responsibility of the government to

aware the public about the limitations pertaining to national security so that people do not violate national security while exercising their right to free speech and expression.

3. The government should include this announcement in the seminars, political programs and other types of programs organized in the country so that there is no

harm to the security of the country.

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