

THE FUNDAMENTAL RIGHT OF SPEECH

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Freedom to speech is a fundamental right which is given by our Constitution to its Citizens. Everyone has a right to have an opinion whether it's assertive or diffident to anyone. Freedom of speech means to express ideas and thoughts with everyone without hurting and respecting other's thoughts and ideas. Our Courts and our Constitution both has recognized that every person can say and write whatever he pleases, especially when it comes to social, political, or religious topics without any fear of legal penalties. This right is usually misunderstood and often taken for granted. We think that by having this right we have the liberty to say whatever we want and by doing that we don't think about its perturb on other persons.

In the advance age of technology, social media plays an important role. Internet has given the common men and the youth a power to share their thoughts. By the use of social media like; Online News, Facebook, Twitter, Youtube, Instagram, etc., one person can contribute their work or ideas with others very easily. But by having that much exposure to the world, it also influence's a person's behavior, which can result in the formation of prejudice opinions, which may lead to hate speeches. Now-a-days, Hate speeches or comments have become so common that one has to think a lot before saying or writing anything. Hate speeches or hate comments on people's profile or on their status may have caused a fear which stops a person to speak out. There has been a constant distress in expressing one's feeling or being judged or misjudged for it which may results in online bullying someone.

Just as the people, the Government has also become very aware of the power of social media, in the victory of Trump in elections in US, Social Media played a major role; even in India also Social Media played a pivotal role in the 2014 election victory of Modi. The political parties now have a special cell known as IT cell specially for the campaigning, creating memes or jokes on the opposite parties and also kind of creating the terror in a person's mindset to obey the government, or that government is always right, or if a person is against the government's policy or theirs ideology then that person is considered as an anti-nationalist.

The combination of electronics and print media with audio-visual exposure influences one's opinion. There have been incidents in India which are a result of a bullying by these IT cell which are appointed by the government. They create fake news by which they can earn or maintain people's trust in government. Their major goal is if a person is saying anything against the government, then he will be tagged as an anti-nationalist. Many people who used to share have now stopped sharing their thoughts on any political or social issue. These people becomes the target of these IT cells who make them believe that their thoughts are wrong and bully them by abusing them or by giving them threats, due to which a person's voice and their thoughts and ideas are slowly diminishing.

Freedom of speech is supposed to be a fundamental right, but now it is becoming into a fear of speech. Besides the online trolling and bullying there have been the cases of lynching the minorities for having an opinion or for standing for their community. Mob's has been formed which intimidate the people either by giving the threat or by burning their houses or vehicles. The fear of the mob's is exceeding so high that one is so frightened to even talk about any burning issues or policies created by the government which are not really doing any good to the society. When a person has spoke or expressed his views that fear still remained or one feels like he is been in some kind of snares or is trapped because of the bullying or of the threats. Even though debates happened on the news channels but those debates are sound so biased towards the government that it seems like that nothing is wrong with our country, which is not true, because of all these lynching, death threats, murders, rape, protests, all these turmoil are the proof that our nation is not going into a right direction. There are so many things which we have to work on; not by the government but by the people of India also, because by sharing one's view might help in creating a better future for ourselves instead of suppressing them. The circumstance of our country is no less than an emergency; only difference is that it has not declared by the government that the emergency is being imposed.

The lack of access to freedom of expression is a problem that particularly affects the already marginalised – that is, minorities facing discrimination both in developed and developing countries, from LGBT people in African countries, to disabled people in Western Europe. While the scale of their struggles varies greatly, the principle is the same: within the context of their society, these groups face greater barriers to freedom of expression than the majority. If they are unable to communicate their ideas, views, worries and needs effectively, means they

are often excluded from meaningful participation in society, and from the opportunity to better their own circumstances. In other words, discrimination is one of the core elements of unequal access to freedom of expression. Access to free expression is also vital both to support the development process and as a development goal in its own right. The connection was perhaps most famously put forward by Amartya Sen in his widely cited book — *Development as Freedom* — where he argued that expansion of freedom is both the primary end and the principal means of development.¹

It is striking to note the way in which cultural and religious customs are sometimes used to clamp down on various minorities' rights to expression and assembly in many countries around the world. Human Rights Watch's latest world report states that "traditional values are often deployed as an excuse to undermine human rights." One example of this is the caste system still in place in countries including India, Nepal and Pakistan. This is culturally-based discrimination on a major, systematic scale. A significant proportion of the Dalits, (lower-caste people, or "untouchables") are barred from participation in public life and have a limited say in policies that directly affect them.²

There are many cases on dalits which shows that the upper caste is just not ready to uplift them. Recently, a dalit man was beaten to death for stealing some properties which was not true because he was taking the garbage from the man's shop. A dalit woman was also given the beating for taking the water from the well. These are some examples only; there is a lot of discrimination that they have to face in the society just because of being a dalit. People only think that they are only capable of picking and cleaning the man scavenging and that's the status is on tagged on to them. The basic human rights are also not given to them, then how can they have the right to free speech. They are treated as a trash by the people and if one raises his voice for the rights he is being suppressed by the other people. Lot of Dharnas and Riots usually happens because of the special reservation is being given to the Schedule Castes and Schedule tribes. We can say that India has got its freedom but these people still are waiting for their freedom.

¹ Article on "Why is access to freedom of expression important?" retrieved from '<https://www.indexoncensorship.org/2013/03/why-is-access-to-freedom-of-expression-important/>' on 28-6-2018.

² Ibid.

Another major area where discrimination has a knock-on effect on freedom of expression is with regards to LGBT (lesbian, gay, bisexual, transgender) people across the globe. They are discriminated against for traditional, especially religious, reasons, with countries like India, Pakistan, Malaysia and Jamaica claiming that homosexuality is simply “not in our culture” when clamping down on LGBT civil rights. The right to express one’s sexuality is an aspect of the right to freedom of expression both in itself (as an expression of identity) but also because in countries where LGBT rights are not respected, the cultural expression of such rights is often also a political act.³ Apparently for these countries culture is bigger than a person life and their choices to live life. By not giving rights to them means to stop a countries growth because if the people of country grows then a nation grows.

There has been so intolerance in countries like India, where the government decides what to eat and what not to. By creating a law which bans the consumption of beef meat, it has done more damage than good. There have being these groups known as “gao raksha dal” whose work is to stop the people from consumption of beef meat and if any person who eats or who is butler of beef meat, or who exports or import the beef meat, they are given a good beaten by these groups and sometimes they even beaten to death also.

Illiteracy is another problem when it comes to the right of free speech. Lack of education is still the single biggest contributing factor to high and persistent levels of illiteracy — making it the most basic barrier to freedom of expression. It stops people from effectively participating in society, as it hinders them from being able to read, write and share written information, and thus fully engage with a range of issues or debates.⁴

Students also get arrested for raising a voice against the government and are being held in case like sedition. Even the youth which will become our future voice are being made to look like some kind of a criminal who agitates others against the government which is not true. In the incident of JNU protest; where students like ‘Kanhaiya Kumar’ and ‘Umar Khalid’ who was contesting for the college election got arrested on the false charge of sedition and many others were also got arrested for supporting them. At the time of the arrest the government was adamant that these students were raising anti-national slogans and that they had the enough

³ Article on “Why is access to freedom of expression important?” retrieved from ‘<https://www.indexoncensorship.org/2013/03/why-is-access-to-freedom-of-expression-important/>’ on 28-6-2018.

⁴ Ibid.

proof to charge them with sedition but latter on those proofs were not enough, even those proofs were so vague that it only confuses the whole situation.

When it comes to development of the state, government always think about their benefits than of the individuals. The development of the people and of their status is not given much of the important. They make promises at every election that they will do everything to improve the situation of the nation; that they will make the provisions for the betterment of the living for people. But all these promises fade away very quickly once a political party comes into the power. All problems still exists, there are no proper provision made for the safety of the women, no development in the growth of the minorities, rather people live in a fear that they can become the next target in the riots by the mob.

Media plays a very important role when it comes to freedom of speech; it can really transform one's thought. It influences one's opinion so much that it can change a person perspective of looking into the things differently. It is not only a provider of news, current affairs, but also an opinion maker. Jessica Lal murder case is a perfect example of media influence. But now even the news channels are being owned by the politicians or news channel demands money to air specific news. This is because that they need the rating for the channels, they only show those news by which they can get the high ratings. Now even the news is paid, whoever paid the highest money, that news will be aired or printed in the newspaper. There are some news channels which are not the puppet of the government, but then they also have to pay the price for being honest, they also get the death threats, and some journalists even get murdered for not obeying the government or the goons. It has created more fear than the freedom. Now even the media is failing to raise the voice against the wrongs.

Barriers that block or inhibit access to freedom of expression exist all over the world, in various forms and to varying degrees. Through being denied a voice, these groups are being denied a fundamental right, are facing barriers to their active participation in society, and, in many cases, are facing additional limits on their ability and opportunity to play a part in improving their own lives. Tackling the barriers from poverty to discrimination to laws that limit access to freedom of expression is vital.⁵

⁵ Article on "Why is access to freedom of expression important?" retrieved from 'https://www.indexoncensorship.org/2013/03/why-is-access-to-freedom-of-expression-important/' on 28-6-2018.

We need a rational system in which a person should be free to live by his choice, say what he wants to say without hurting someone's feeling. If one person wants to be gay, he should not have to ask anyone how to live his life. If a person is of minority community, he should live without any fear. Social Media should also be protected from any derogatory remarks. One should not have to ask for other's permission what to eat or what not to. There should be freedom to a person to just live. Being a democratic country, these are our rights which no one can take away from us. But this word democratic is usually misinterpreted that one can do anything even with other person's life. This is the difference that we have to learn what democracy means; yes, a person can do anything but there are some restrictions to that also which is not to interfere in other person's life. A good and strong legal system should be made which throws out such prosecutions at an early stage and awards costs against the government. The difficult area is where you have to deal with speech that causes harm to others such as libel, threats, inciting hatred or causing panic.⁶

We all live in a society with the same basic rights and guarantees. We have the right to life, liberty and pursuit of happiness with equal opportunities. This is the basis of our society. Everyone should learn to love instead of hate. We should feel happy instead of feeling envy. A nation only becomes successful when the people rights are the priority of the government instead of just gaining their votes. The foundation of society is being built by having the trust of the people and in the people and one should not disturb this foundation only for their own needs.

⁶ Retrieved from <https://www.quora.com/What-are-some-possible-solutions-for-protecting-the-human-right-to-free-speech-by-preventing-the-government-from-prosecuting-people-for-social-media-posts> on 28-6-2018.