



# INTERNATIONAL JOURNAL OF CREATIVE RESEARCH THOUGHTS (IJCRT)

An International Open Access, Peer-reviewed, Refereed Journal

## History And Development Of Freedom Of Speech And Expression

**The Author:**

**Priti**

**LL.M Student,**

**Faculty of Law,**

**M.D. University, Rohtak**

### Abstract

Freedom of speech and expression has been a debatable issue since its inception in history. A wise man always tried to express his thoughts in support of the right to free speech as well as pronouncement. The earliest as well as most foundational aspect of freedom is seen to be the voice of independence as well as pronouncement. As the freedom of speech is often seen the most important freedom. It is sometimes referred to as the mother of all rights as well as was crucial to the liberation movement. Today, it is commonly acknowledged that the right to an independent voice is crucial to a free society as well as must be protected in every way possible. A free society is built on the principle of unrestricted pronouncement in public spaces. The growth of a society and, eventually, a country depends on freedom, which is defined as the ability to express ideas without limits and, notably, without worry about punishment. This is one of the most important liberty that is shielded from persecution or suzerainty by the government. The present paper is studied about the development and historical background of freedom of speech and expression in the world and also in India.

**Key Words:** Freedom of speech and expression, pronouncement, liberty

### **Introduction:**

Every democratic country must uphold the foundational as well as significant value of pronouncement with voice of independence. The main goal underlying voice of independence is to give people the freedom to speak, express themselves, engage in philosophical debate, as well as gather knowledge. The mother of all rights, the right to free pronouncement, is found very early in the ladder of liberties since it is closely linked to the spirit of freedom in every country. Voice of independence, according to the Oxford Dictionary, is "the ability to voice any opinion without censure or restraint." According to the Lexico's dictionary, "liberty of free speech as well as the right freely express one's thoughts sans censure, restraint, or criminal penalty," which is a similar

perspective”<sup>1</sup>?<sup>1</sup> Thus, both these definitions are similar that voice of independence serves for liberal stream of opinions without any limitation or abridge as well as without fear of any punishment. The primary principle underlying today's free civilization is the voice of independence inside a public discussion as well as unrestricted flow. In development of the free society as well as to a democratic state, there shall be liberty to be capable of expressing one's ideas freely often without interference from the government. Freedom of pronouncement is very necessary for self-fulfillment of a human being.<sup>2</sup> The evolution of human species history has witnessed the development of the special skill of pronouncement of thoughts as well as ideas through communication as well as speaking.

Spirit of any democratic country equivocates in liberal discourse, open talk as well as Inter-change of ideas. It is only possible<sup>3</sup> through the liberal communication of thoughts, by which the democracy is guided. Without this, it is not possible to build up a democracy as well as is the eager beaver of democracy. But in order to have this, the civilians must be supplied with the right as well as liberty to communicate freely as well as easily. It can only by convince to citizens the right to free speech, that free exchange of thoughts can take place at common idiom. The present paper is studied about the development and historical background of freedom of speech and expression in the world and also in India.

### **Objectives of the Study:**

The major objective of the present study is to understand the definition, historical context, and development of freedom of speech and expression as a basic right, the nature as well as extent of such rights.

### **Research Methodology:**

Research methodology is the central part of any research. In the present study, descriptive as well as analytical methodology has been used. The research includes survey of different material as well as fact<sup>4</sup> finding enquiries of different approaches. The present study deals with several acts as well as laws enforced in India as well as globally. The data has been collected from secondary sources of several law makings to refer as well as interpret the provisions related to voice of independence as well as pronouncement, various books, editorials, case studies,

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<sup>1</sup> [www.oxforddictionaries.com/definition/english/freedom-of-speech](http://www.oxforddictionaries.com/definition/english/freedom-of-speech)

<sup>2</sup> [https://www.lexico.com/definition/freedom\\_of\\_speech](https://www.lexico.com/definition/freedom_of_speech)

<sup>3</sup> “Universal Declaration of Human Rights (UDHR), Article 19: 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”, (*available at:* <https://www.humanrights.com/course/lesson/articles-19-25/read-article.html>).

<sup>4</sup> Article 19 (1)(a) of the Constitution of India.

writings as well as articles, official websites of regulatory bodies related to the subject matter are other sources. Material, for the present research has been collected from the libraries.

### **Definition of the Freedom of Speech and Expression:**

The right to express free one's thoughts, ideas, as well as opinions in writing, speech, print, photography, etc. is the definition of voice of independence as well as pronouncement. Occasionally, the terms "voice of independence" as well as "freedom of pronouncement" are used interchangeably to refer to any act of gathering, sharing, as well as disseminating information regarding another person without their consent. The ability to receive as well as disseminate information is protected by the right to free speech as well as pronouncement. Speaking freely is crucial if you want to be satisfied as well as content.

Freedom of pronouncement, in the opinion of Professor Thomas Emerson, is crucial for ensuring that an individual experiences self-fulfillment. In one's life, one could discover his personality as well as strengths as a person. According to Section 19 (1) (a) of the Indian Constitution, the phrase "voice of independence as well as pronouncement" refers to the freedom to express one's thoughts as well as opinions on any subject in any form, including orally, in writing, on paper, via photography, film, or other media. As a result, it includes the voice of independence as well as the right to share or publish an opinion. However, Section 19 (2) of the Indian Constitution's relevant laws governs this right.<sup>5</sup>

The term "pronouncement," which is used in Article 19(1)(a) in addition to "speech," is broad enough to include the media. In reality, when the Supreme Court was asked to defend press freedom in a number of issues that were brought before it, the direct non-disclosure of the press in the Charter did not pose a difficulty. In a number of decisions, the Supreme Court of India has ruled that press freedom includes the right to information as well. As a consequence of such incidents, our Parliament passed the Access to Information Act, 2005, which guarantees every Indian citizen the right to information without restriction.

"Voice of independence as well as pronouncement defined by several Philosophers, Judges, as well as Jurists in addition to legal dictionaries. In general, it refers to freely disseminating information as well as imparting knowledge. It demands hostile behaviour against the government without regard for anyone's preferences. Every citizen is guaranteed the fundamental constitutional right to freely express his or her opinions through writing, printing, oral communication, pictures or other visual representations.<sup>6</sup> This right also includes the freedom to spread or publish others' perspectives on information, ideas, as well as topics of discussion.

Freedom is explained in the Oxford Advanced Learners Dictionary "the right to do or express what you choose without anybody preventing you."

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<sup>5</sup> Wheeler v. Leicester City Council (1985): AC 1054 per Browne-Wilkinson, I.J.

<sup>6</sup> Romesh Thappar v. State of Madras (1950 SCR 594, 607; AIR 1950 SC 124)

The definition of "voice of independence" in Black's Law Dictionary is "The voice of independence, press, assembly, or religion as guaranteed by the First Amendment: the prohibition of government interference with such liberties." Only an American viewpoint is used to define it in Black's Law Dictionary.

Justice Hidayatullah defines voice of independence as well as pronouncement as "that treasured right on which our democracy is built as well as which is designed for the pronouncement of unrestricted opinions in order to better political or social conditions or for the evolution of human understanding."

"Freedom of utterance is designed for open interchange of ideas," claims Holmes, J. Socrates demonstrates that the open dissemination of ideas in all their forms is necessary for the voice of independence.

### **Historical Background of Freedom of Speech and Expression:**

The roots of the concept of free speech are as old as civilization of human being. Its starting may be traced out from the Latin phrase *libertatem loquendi et scribendi* pronouncement. The history of voice of independence is quite older as is evident from the words of the great philosopher Socrates who said that he had rather die than give up expressing his perspective as well as thoughts. Meikeljohn felt that Socrates seem to be saying, "Congress shall make no law abridging the voice of independence"<sup>7</sup>. The voice of independence as well as pronouncement has gone through various stages which finally transformed this right as a foundational human right in the modern time.

Historically its origin could be traced out from the ancient Greece. An Athenian statesman (6th Century B.C.) was once asked how the people could preserve their liberties. He opined that the people could preserve their liberties if those who have not been injured by an arbitrary act must be taught to feel same anger as has been felt by those actually got injured. In this sense we can understand well as that if one, a non sufferer is educated about the essence of protection of liberty then surely liberty could be protected. This liberty necessarily needs to be linked with voice of independence as well as pronouncement in today's context.<sup>8</sup> According to Socrates freedom of expressing his perspective implies the freedom to teach. He also described the claim as an act of indebtedness to the Gods as well as a benefit to the empire. For him voice of independence allows one to educate the human race. These arguments point to the fact that a guarantee of voice of independence as well as speech is needed. This also conveys the idea that this freedom was considered a foundational human right in the modern world. In pre-historic period in Greece, "*parrhesia*" was a common practice, which emphasized upon exercise of right of free speech by citizens as well as laid down for speaking truth at personal risk as well. In this regard the Saxon house observed that, this vision about free speech provide for a wider belief of democratic participation as laid down by ancient Greeks. They believed that a democratic set up intends self governance as well as the only door of such a system is division of powers between the state as well as civil society. Hence, in order to promote this

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<sup>7</sup>Alexas well aser Meikeljohn (1948): "Free Speech as well as its Relation to Self-government" 20.

<sup>8</sup>A. W. Saxonhouse (2006) "Free Speech as well as Democracy in Ancient Athens" 24 (2006).

set up, due encouragement was given to inhabitants to speak with bravery as well as enthusiasm as well as address audience at large. In this way, everyone used to personify *parrhesia*.

Freedom to speech dreams well as of the European enlightenment on the State, which had its start in England well as within the framework of common law precedents, is to spread human ideas as well as thinking. With the advent of the first basic rights statutes towards the end of the 18th century, voice of independence expose well asked. The freedom of the press is one of the great barriers of freedom as well as will not be obstructed by illogical governments, according to section 12 of the Virginia Bill of Rights from 1776, which was written in regard to the legal situation of Great Britain. In contrast to the British practise of the height of Parliament, a modification to the United States' First Charter once again binds Parliament. Congress will not approve lawmaking that supports the freedom of the press or pronouncement. The free utterance of views or ideas is one of the most important human rights, according to the enlightened reading of Article II of the French Declaration of Human as well as Citizen Rights of 1789 As long as they don't break the law or act in any manner that goes against this right, everyone has full freedom to talk, write, as well as publish. In their 19th-century constitutions, which protected autonomous pronouncement within the scope of common criminal law, German governments notably forbade media exposure. The 16th President of USA Abraham Lincoln, expressed that democracy as a system of government that is administered by as well as for the people. But if the general public is unaware of the problems that need to be addressed, the arguments made against possible solutions, as well as the evidence in favour of those problems, there cannot be a government elected by the people. As a consequence, in a democracy, it is the populace who controls the government.<sup>9</sup>

The top 54 nations in the world attended a conference on information freedom convened by the United Nations organisation in Geneva in 1948. This session's end was quite helpful. It brings to an end a string of recommendations for the UN's further consideration that ultimately resulted in the General Assembly naming the right to an independent voice a basic human right. "Everyone has the right to independence of thought as well as pronouncement, including the freedom to hold opinions without interference as well as the freedom to seek, acquire, as well as import information as well as ideas via media as well as without respect for boundaries," reads Article 19 of the UDHR (United Nations General Assembly Resolution No. 217A). The proclamations' plenary phrases make reference to both the right to knowledge as well as other rights, including democratic as well as humanitarian rights, in turn. In 1960, the Universal Declaration of Pupil Utterance's Article 19 was updated as well as accepted by the Economic as well as Social Council of the United Nations. The world's first law granting people access to public documents was passed in Sweden. According to Article 10 of the 1950 Rome Convention on the Prevention of Pupil Utterance as well as Foundational Freedoms, which went into force on September 3, 1953, everyone has the right to an autonomous voice.<sup>10</sup> This freedom encompasses the right to

<sup>9</sup> Bennett Coleman & Co. & Ors vs. Union of India & Ors. on 30 October, 1972.

<sup>10</sup> 1950 AIR 129, 1950 SCR 605.

<sup>11</sup> Article 19 (1) (a) of the Indian Constitution.

communicate ideas as well as information without restraint from the state or from geographical limitations. The practice of these liberties may be subject to courtesy, conditions, boundations, or sanction that are set forth by law as well as are necessary in a democratic country in the interest of public safety, national security, territorial integrity, or public protection. This Article does not prevent states from requiring licences for broadcasting, television, or movie theatre businesses.<sup>11</sup> “The *Vedas, Upanishads, epics like Ramayana, Mahabharata, Silpadikaram, Illiad, sculptures, paintings of Ajanta, Ellora, Khajurah*”, etc. are the few classical examples of the history which were the examples of voice of independence. This would have not been possible without ability to speak as well as communicate one’s thoughts as well as ideas.

John Stuart Mill expresses his views on individuality as well as personal autonomy. Mill put down the dimensions of human liberty. Mill interpreted the ‘*tyranny of the majority*’, as most malicious for the citizens<sup>12</sup>. Karl Marx labeled allowed media by way of the eagle judgement of the grassroots atmosphere consequently, measured the newspaper as tool of public communication. Cato’s letter states that freedom of pronouncement is an indication as well as an outcome of good democratic government. The letter expressed that it performs a great part in strengthening the protection of liberty; the freedom as well as liberty live as well as die together.<sup>13</sup> The Freedom of pronouncement was stated to be an inalienable right in the governing free speech has just lately been established in western nations, primarily in the America (USA). It is demonstrated Declaration upon on Rights of Man as well as of the Citizen, which was approved throughout the French Revolution (1789).<sup>14</sup> The law by the First Amendment to the United States of America.

### **Voice of independence as well as Pronouncement in India:**

Indians suffered a lot before 1947 during British period. The people rights were violated due to repressive policies as well as administration. The freedom fighters as well as makers of the Charter were very much aware about that. Their commitment towards this human right is reflected under the Indian Constitution. Due to their efforts as well as great labour this human right could become foundational right. The judiciary played pivotal role in interpretation the freedom dynamically. This led to evolution of this freedom as foundational human right. The judicial interpretation kept on articulating different aspects under this foundational right. In *Life Insurance Corporation of India as well as Ors. v. Manubhai D. Shah etc*<sup>15</sup>. According to the Supreme Court of India, speech is a gift from God (or nature) to humans. Humans may communicate their ideas, feelings, as well as emotions to others via speech. Thus, the right to voice of independence & pronouncement is one that every

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<sup>12</sup> John Stuart Mill, *On Liberty* (1859) (Reprinted Batoche Books Kitchener, 2001), pp. 8-9.

<sup>13</sup> Cato’s letter no. 15. *Infra* note 48, *Ch. II*.

<sup>14</sup> J. Barrel and J. Mee (2006), *Trials for Treason and Sediton 1792-1794* (Pickering and Chatto, London).

<sup>15</sup>Life Insurance Corporation of India As well as ... vs Prof. Manubhai D. Shah etc. on 22 July, 1992 (1993 AIR 171, 1992 SCR (3) 595).

person inherits at birth. As a result, it is regarded as a foundational human right. The court also ruled that every democratic system depends on the right of individuals to express their thoughts as well as worldview. Therefore, any effort to restrain, muzzle, or smother this freedom would result in the death of democracy. Autocracy as well as dictatorship could be unavoidable in such a situation. With this, we might draw the conclusion that the court connected voice of independence as well as pronouncement to a precondition for any democracy's existence. As a result, this freedom now has a wider range, making it a basic human right. The Preamble of the Indian Charter differs from the Preamble of previous documents in that it expresses the Constituent Assembly's ultimate goals. Preamble may be seen as an essential as well as integral aspect of the Charter for reading any of its provisions as well as should be used as a guide when interpreting the Charter where there is obscurity. The Preamble of the Charter further demonstrates that under a democracy, the people are in charge. The Preamble of the Indian Charter begins with the five words WE, THE PEOPLE OF INDIA as well as concludes with the five words GIVE TO OURSELVES, which define a real democracy. In general, the people of India are primarily affected by the darker aspects of the country's government, often ignorant of current events, as well as under the control of those who wield influence in the administrative, legislative, as well as judicial realms. The Universal Declaration of Pupil Utterance, which was adopted in 1948, as well as Part III as well as Part IV of the Indian Constitution, which guarantee certain rights like the right to life, liberty, as well as dignity as well as reasonable conditions for survival as well as development, both set forth the jurisprudence of democracy. In a democracy, the election process has a strategic significance. The common man in this nation would have a foundational right to be fully informed about any as well as running to represent him in Parliament, where lawmaking that might restrict his freedom as well as property ownership may be passed.

### **Conclusion:**

The right to freedom of speech as well as proclamation witnessed a lot of developments that finally resulted in it being a fundamental human right in the modern period. Therefore, in order to trace the evolution of this freedom as a fundamental human right, we must consider historical background. The American court was crucial to the development of free speech legislation in the early 20th century, long before it was officially recognized as a fundamental human right. American legal philosophy encouraged the development of the independent voice as well as the declaration of speech as a fundamental human right. After the two World Wars, the United Nations spearheaded the recognition of this right as a fundamental human right of all members of human society under international law. The 1945 United Nations Charter aimed to reassert the importance as well as dignity of every person as well as the fundamental principle of pupil utterance. All democracies have abided by the rules governing Pupil Utterance international law. Everyone has the freedom to speak their mind, according to the Universal Declaration of Student Pronouncement. The European Court of Pupil Utterance has significantly supported the expansion of independent speech rights as well as speech as a human right. Since our constitutional builders were wise enough to understand as well as its importance, they included this prerogative in Part III of our constitution, which is only available to Indian citizens.

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