
RIGHT TO FREEDOM OF SPEECH AND ITS DISAPPEARING IMPORTANCE

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ABSTRACT

On one hand, the citizens of India are bestowed with the Right to freely articulate views blatantly without fear and concomitantly, on the other hand, they are expected and bludgeoned to live according to the whims and fancies of the higher authorities. This short discourse consists of how the basic rights are being divested from the citizens on refusal to act as the puppets of the administration. It also comprises of the examples of some innocent and courageous people, who were made patsy by the authorities to conceal their truths. This short analysis consists of the magnification of how the growth of corruption is affecting the bravery and integrity of people.

Keywords: Article 19, Corruption, Examples, Sedition

INTRODUCTION

Instead of upholding the great triumphs of Dr Babasaheb Ambedkar and other jurists who strived hard to make a Constitution, to give us a better India, the higher authorities have invariably started to exploit it to overcome their own agendas. This present analysis subsists of a perusal of how the importance of Article 19 of the Indian Constitution is gradually vanishing?

There are Six Fundamental Rights, that are granted to all the Indian citizens, and are enumerated in Part III of the Constitution of India. These Rights are administered for the security of individual liberty and their free rein. In today's era, the motto of the Constitution has seemed to have lost its way. The purpose for which it was designed, appears to have bygone.

ARTICLE 19:

Article 19 of the Indian Constitution, preconizes to all the Indian citizens to freely and openly proclaim their views and opinions in public by any mode of communication. The inference for its framing was that, even the lowest common denominator of the society gets a say in the matters relating to his/her country.

In this era of politics, 'The Right to Freedom of Speech and Expression'¹ is seemed to have lost its importance. It is being caught up in the web of rampant corruption, hence driving away from its initial objective.

Freedom of speech affected by the Government:

The nefarious nature of the Indian politicians have reached to such extents, that it has started to affect the fundamental rights given to the citizens. The higher authorities have begun to take undue advantage of the inability of people to protect themselves, who critic any of their policies. Therefore, anyone who tries to express their views fearlessly are forcefully detained and are left in torment. The Government begins to override the constitution, as soon as someone is found expressing views about its notions. Below is a scrutiny of innocents whose Right to freedom of speech and expression was violated by the government.

HERO TURNED VILLIAN:

Mr Kafeel khan , a resident of Gorakhpur, Uttar Pradesh, a successful and a knowledgeable person, pursued his MBBS and MD(paediatrics) from KMC, Manipal, Karnataka. He was

¹ Article 19 of the Indian Constitution

appointed as an incharge of the Encephalitis² ward in the BRD Medical College³. One fine day in 2017, a predicted acute shortage of oxygen cylinders broke out, to which the Hospital authorities turned a deaf ear. Then, it was Kafeel Khan who salvaged many lives by spending his own money to buy oxygen cylinders. This is when, this common man became a hero in the eyes of people. But who knew that, in lieu of he being acknowledged, the Government would make him a reprobate, obscuring their malice prepense in the oxygen shortage situation. He was then falsely charged under Section 409, 308, 120B, 420 of Indian Penal Code, Prevention of Corruption Act, and Section 15 of the Indian Medical Council Act, 1956. He was detained for around 6 months during which he wrote letters supplicating for his release and also averred that he was innocent of all the allegations against him. .

He was then finally released after the Courts verdict of non-guilty.

Speech by Dr Kafeel Khan:

In 2019, he was re-arrested for orating openly regarding the Citizenship Amendment Act, at the Aligarh Muslim University on December ,2019. His speech consisted of , bigotry the Muslims had to face due to the CAA. He was charged under the National Security Act (NASA) and Section 153(A) of Indian Penal Code. His family too had to face a lot of humiliation by the higher authorities. In spite of this, he proffered to aid the Corona patients in his letter from the jail to the Prime Minister. The Court finally released him giving the verdict of non- guilty and also stating that his speech, by no angle created communal enmity.

FREEDOM OF SPEECH REPLACED BY SEDITION:

Freedom of speech asserts the right of any individual to express his/her views concerning any subject. It is nowhere affirmed that no invalidated opinion can be asserted by any individual regarding the government policies.

On the other hand Sedition, refers to a speech which tends to cause violence or public disorder.

Nowdays, any person who avails himself/herself of his Right to freedom of speech in unveiling the Government is charged under Sedition without even examining whether the speech caused public disrupt or not. Every Right to freedom of speech is given the name of sedition, hence

² Inflammation of the brain, caused by infection or allergic reaction

³ Government Hospital

leaving no difference between them. Two of the many people who's right under Article 19 was camouflaged by sedition are given below:

- Mr Asseem Trivedi, a political cartoonist was arrested under the charges of sedition for trying to manifest the government through his cartoons of the National Emblem, Assaulting Mother India etc. Hence, his right to freedom of speech and expression was curtailed giving it the name of sedition.
- Kanhaiya Kumar, the ex-president of the JNU Students Union was allegedly detained under sedition for two reasons: firstly, for trying to free India from the grasp of the higher authorities and secondly, for citing, the challenges faced by women, on the International Women's Day celebration.

CONCLUSION:

The Incidents of Kafeel khan, Assem Trivedi and Kanhaiya Kumar are enough to make one realize the loosing importance of Article 19 of our Constitution i.e., Right to freedom of speech and expression The Courts verdict of non- guilty in all the three cases are a proof that there was a simple usage of the fundamental right and no matter of public distrust. It was the government who coerced these common people by intercepting them from using their own right.