

Indian Constitutional History Workshop

Exploring Freedom of Speech

“All Citizens shall have the right to freedom of speech and expression”

1. Which Article of the Constitution of India protects the Freedom of Speech?
On which date was this Article discussed and debated by the Constituent Assembly? Note down three dates.
2. Identify 4 members who participated in the debate on the freedom of speech in the Constitution. Find out the background of one of these members.
3. Recently, owing to the media reportage of the Rafale Controversy, Reliance filed a defamation case against NDTV media. Does the Constitution of India also protect the freedom of the Press? Did the members of the Constituent Assembly debate this issue? Identify 2 members who did.
4. How did Deshbandhu Gupta invoke the example of America in the context of the freedom of the press?
5. What was Dr. Ambedkar's response to the debate on Freedom of the Press?

FREEDOM OF SPEECH EXTRACTS : DEBATE EXTRACTS

“Now, Sir, this article 13 guarantees freedom of speech and expression, freedom to assemble peaceably and without arms, to form association and unions, to move freely throughout the territory of India, to sojourn and settle in any territory, to acquire and hold and dispose of property, and to practice any profession or trade or business. While the article guarantees all these freedoms, the guarantee is not to affect the operation of any existing law or prevent the State from making any law in the general interests of the public. Indeed, Sir, the guarantee of freedom of speech and expression which has been given in this article, is actually not to affect the operation of any existing law or prevent the State from making any law relating to libel, slander, defamation, sedition and other matters which offend the decency or morality of the State or undermine the authority or foundation of the State.”

Deshbandhu Gupta: “Mr. Jefferson, a great American Constitutionalist said: "Were it left to me to decide whether we should have Government without newspapers or newspapers without Government I should not hesitate a moment to prefer the latter. But I should mean that every man should receive these papers and be capable of reading them". After the American Constitution was framed the article regarding the Freedom of Press was inserted in the Constitution as an amendment. I want that there should be a mention of the Freedom of Press in our Constitution also in specific terms. I am sure that time will come when the Members of our Parliament will also consider this issue and will not hesitate in inserting an amendment regarding this and our Press will also acquire the status which it deserves in our Constitution. With these words I thank you once again and pray that may this Constitution be crowned with success.”

Ambedkar: “Now, the only point which I had noted down to which I had thought of making some reference in the course of my reply was the point made by my friend, Professor K. T. Shah, that the fundamental rights do not speak of the freedom of the press. The reply given by my friend, Mr. Ananthasayanam Ayyangar, in my judgment is a complete reply. The press is merely another way of stating an individual or a citizen. The press has no special rights which are not to be given or which are not to be exercised by the citizen in his individual capacity. The editor of a press or the manager are all citizens and therefore when they choose to write in newspapers, they are merely exercising their right of expression, and in my judgment therefore no special mention is necessary of the freedom of the press at all.”