



INQUISITION ON THE SAFEGUARD OF THE RIGHT TO FREEDOM OF SPEECH AND EXPRESSION IN PERTINENCE TO ARTICLE 19 OF THE INDIAN CONSTITUTION THROUGH COLLABORATION OF THE ARTIFICIAL INTELLIGENCE, A DIGITAL PLATFORM OF COMMUNICATION

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Abstract: India is one of the largest democracy in the world, holding with a special character on the multi-cultural and multi lingual feature and has been rendered with the stint of “Unity in Diversity.” depicting the sketch of the nation having no discrimination on the grounds of religion, race, caste, creed, sex, etc.

To be considered in view of the expansive locality of the nation’s gigantic community, the theme on the inquisition on the safeguard of the right to freedom of speech and expression in link to the Artificial intelligence, a digital platform of communication has been chosen. To be held with the fact that the right to freedom of speech and expression is considered as one of the basic and also the fundamental rights that has been guaranteed by the Indian Constitution with the commanding fact of development, re shaping and re building of new ideas and innovations, the finding of the truth and circumstances by giving a shot of raising voice freely before a forum in order to ensure a better form of administration.

At this contemporary era, it is under our integral observation that the technological innovations are being more advanced in our day to day business routine, even the honourable Apex Court of the Republic of India has decided to conduct the judicial proceedings paper free, just in order to evade the paper jammerage that turns up as a congestion as its consequence. That the system of Artificial Intelligence has set a weighty illustration towards the entire community in making the society faster to fastest, as we even put an eye in the legal community, Artificial Intelligence (AI) has taken a major reshape even in expression of one’s voice be heard before an authoritative forum, in a structured way, without creating any loss and damages. That it has created a wider milestone in the upcoming times too.

Keywords: rendered, stint, expansive locality, gigantic, commanding, jammerage, reshape, weighty, milestone.

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1. Introduction

The concept of freedom of speech and expression has been regarded as one of the most integral and also one of the most vital term, while expressing the concept of democracy, it is regarded to be one of the most essential shield in the legal colloquial, where every citizen has the right to express and also to opine one’s own view as well as thoughts in preserving the democracy that has been formed for the people, by the people and of the people. Our country India is regarded to be one of the largest democracy in the world, where there has been an essence of wide cultural diversity, with a hold on multilingual features to it throughout the entire community as a whole that the nation holds a wider palate on its affluent birth right in the dais of intellectual achievements day to day, from the extreme North towards the extreme South, whereby a plural number of attractions of plural habits, food and taste and

lifestyles. Among which the native tongue shines the most, while defining the concept of unity in diversity in a broad ranging ingredient.

People in India are much more habituated with their own native tongue, while articulating their own thoughts, faith and credence, even if there is any sort of discontentment found on in framing of the Government policies, a citizen can charter on the equal rights of giving his most precious school of thought, in resolving out the framed policies, just to built it as a measure of reshaping it in order to make it ambiguity free with an integral role of a better understanding that has been mentioned in the subject of the Indian Constitution, where the citizen has been awarded with the right as a basic and a fundamental right in order to preserve, safeguard and keep from harm the group of words, “for the people, by the people and of the people.” but to keep it in the sight of reasonable

restriction so that none's personality be incapacitated or make it detriment under any sort of being in the upcoming times.

Henceforth, the overall paper will be highlighting upon how the right to freedom of speech and expression shall be safeguarded at a very beneath the Article 19 of the Indian Constitution, in collaboration with the Artificial intelligence, the programmed manifesto, in the contemporary times, when we are emerging from conventions and customary hour towards contemporary cadence, in making the drift of transmission more malleable from 8 to 80s.

2. Review of Literature

Herbert Hoover, in his contention have ascended on the potentiality of the set of steps, by the fact and knowledge that every individual bags the right to hold the right of freedom of speech and expression, as a proximate principle of safeguard of democracy and also to eradicate the absolute rule of a ruler, who is administering the rule of governance, in a very tyrannical manner.

John Marshall, in his contention on the rule of law certainly suggested with the fact that in a nation, where there is an elective government for running the nation, needs a well and a tangible legislation as a purpose of welfare and benefit for the common people at large, which was behind the time took over from Marshall to **Justice A.V. Dicey**, in the rule of law, where he propounded some of the interesting concepts as the Equality before Law, Supremacy of the law, and last but not the least, the predominance of the legal spirit, where it got an equal highlight to the fact that these above concepts of both Marshall and Dicey are a sign and a symbol of a representative and also an elective form of Government, where, there should be an equal opportunity of every social being, for equally expressing their opinions and thoughts, as a purpose of implementation of necessary action, in case of any kind of circumstances that may turn up as a consequence of any kind of undemocratic, despotism, and tyranny, where, every individual shall not be differentiated on any grounds of their religion, race, caste, creed, and sex.

Referring to the landmark decision in the matter of the **STATE OF UTTAR PRADESH V. RAJ NARAIN, 1975 SCR (3), 333**, the honourable Apex Court held that the Right to freedom of speech and expression that has been assured upon the citizens of the republic of India, as one of the fundamental and also one of the constitutional rights, is considered to be a safeguard of the conferred rights upon the citizens of the Republic of India, beneath the Article 19 (1)(a) of the Indian Constitution, that this article assists the people in sustaining the obligatory knowledge and facts in regard towards public concern.

Pointing out the landmark decision in the matter of **Government of India v. Cricket Association of Bengal, 1995, AIR 1236, 1995 SCC (2) 161**, it has been drawn with the fact that **Article 19 (1)(a)** of the Constitution of India, includes the right of coming to have and circulate those facts, information and knowledge towards every social being at large.

Freedom of Speech and Expression have always been entertained in one of the distinctive ranks as far as the nation is concerned. Even, the preamble of the Indian Constitution at its very beginning highlights with the facts of liberty of thoughts, expression and beliefs that none individual shall be under privileged at any, in expressing their own range of vision, line of thinking and confidence,

That in reference to the decision of **MANEKA GANDHI VS. UNION OF INDIA**, Justice PN BHAGWATI remarked to the fact with a very minute way of thought that a nation that has been set up with a concern of by the people, for the people and of the people shall be possessing with a precision of deliberation, exchange of views, and last but not the least with a valuable line of reasoning with a logical and also in a cogent thought process, in regard to the appropriate functioning of administrative functionary and machinery as a whole, whereby, it defines that the concept and the notion of democracy is bearing an original feature and characteristic of the essence of debates, deliberation as well as discussion.

2.1. Objectives of the Study:

The inquisition work on the hand picked topic of the safeguard of the freedom of speech and expression foremost strives for :

- An exploratory work or a detailed study upon the right to freedom of speech and expression under **ARTICLE 19 (1) (a)** of the Indian Constitution.
- The paper often competes in a climacteric mantle in examining the necessity of use of Computational Intelligence or Artificial Intelligence as a compelling medium of communication, while in the way of expressing of one's proposition and postulates in the contemporary span of digitization, with an unique rallying cry of Digital India.
- The paper would also ascertain the embryonic exert influence of expression of one's own thought process in the era of digital India rally, by using of specific **ARTIFICIAL INTELLIGENCE** tools, as a medium of communication, with a quick development and progress of certain technology.

2.2. Freedom of Speech and Expression, a Boon towards Democracy

Article 19 of the Indian Constitution, confers a statutory and a basic as well as also a basic right that has been conferred upon the common people. That Article 19 (1) of the Indian Constitution certainly suggests that all Indian citizens shall have the right :

- ❖ To freedom of speech and expression.
- ❖ To get together or assemble peacefully without any arms and ammunition.
- ❖ To shape or form alliance or associations and unions.
- ❖ To move or proceed freely throughout the territory of India.
- ❖ To get settled in or reside in any part of the territory of India.
- ❖ To profess on or to carry on any occupation, trade and commerce in India freely.

That Article 19 of the Indian Constitution is basically regarded as the Right to freedom, where it assures that every citizen of India has been granted liberty towards freedom of speech and expression, peaceful gathering without any menacing and deathlike shields or munitions and also empowering every intrinsic and inherent citizens to move and also to carry out any profession and practice in any part of the nation.

That in order to care for democracy, sovereignty and supremacy, freedom of speech and expression have competed in one of the major role, where every social being has been awarded with the right to opine on any matter in question, relating towards public

proposed undertaking in a greater and a wide reaching scale.

Every individual shall book the equal option conferred on, to remark the Government's mounted proposed undertakings, as a welfare for public in a very fair manner and shall be free from any sort of derogatory utterance that certainly acts as a consequence in impeding the resemblance of the Government that might amount to a severe penal action as prescribed by the law.

Henceforth, the remark passed on shall be fair and free from all encumbrances that seems to be impeding the resemblance of the Government.

2.3. Bane at the Time of Infliction of Reasonable Restriction:

At the foregoing deliberation, it was held that there has been a vital and a pivotal necessity of freedom of speech and expression, in order to make our democratic nation free from any kind of encumbrances that is synonymous towards dictatorship from the part of administration, which was regarded a major boon with a favour towards the public at large. As held with the fact that the rights that have been catalogued beneath Article 19 (1) of the Indian Constitution are the cardinal rights which is an essential requisite for the purpose of acknowledgement of the individuals. These rights are regarded as the natural rights which are again inherent as well as deep-rooted and also immanent towards the stature of the individuals.

That the supremacy and the sovereignty of the law, itself held with the term and the depiction of the portrait of reasonable restrictions. That if we look back towards the

bona fide of the term, it would be towards our notification that a distinction and also a differentiation would be pinched in between clauses (3) to (6) of the Constitution of India, in regard towards reasonable restrictions, where it was minutely pointed out that the term and the concept of reasonable was absent from it, whereas, the term restrictions were incorporated. That restrictions were usually inflicted upon a proximate reason, where the administration is under an assumption of fear of being impeded by the widely known being at large and that might be a consequence of occurrence of any kind of militancy and truculence that shall turn up towards combativeness, while on the process of combating the political commotion in the society at large. However, after a long with a considerable length of thought process, the legislators and the administrators have revived it with the definition of reasonable restriction that certainly put forward that the right to freedom of speech and expression, under Article 19 (1) (a) of the Indian Constitution shall be restricted only under the reason of a particular cause.

Pointing out the landmark decision of **Rustom Cavasjee Cooper vs. Union Of India, (1970)1 SCC 248: AIR 1970 SC 564**, the fact held that the petitioner was one of the shareholder, who was a director and also a holder of deposit of current accounts in the bank, the question that arose was in regard towards standing in opposition of the communization or the nationalization of the banks at that point of time, which was a company.

That in view of the above facts, it has been held by the honourable court that any step taken by the state may disable the rights of the company on its own and not the of its shareholders, even both of the company and also the shareholders can also be exert influence on to it. That the honourable court had also a command in

conceding reassurance and a consolation that cannot be repudiate and dissented from the state, when the state itself actions upon the rights of the individual shareholder's are being disabled, where in its final ending procedure, the honourable court held up with a wonderful closure point that raising of an interrogation against a Governmental blueprinted proposed action may add up towards an act of barbarity inside the entire administrative mechanism and henceforth, the set of circumstances may light up towards a downswing and also a brush aside the entire structured methodology of administrative power and functions. Henceforth, the honourable court have obtruded a reasonable restriction over the above instance, with the logical fact of an ultimatum of commensuration and also a reasonableness upon both significant or substantive and procedural in the quick and rapid functioning of the Government. And thus for that reason, the petition filed by the petitioner on the ground of standing opposition against the nationalization policy of the Banks stands dispersed or dismissed.

That the same policy was adopted in the case of **Bennett Coleman and Co. V. Union of India (1972) 2 SCC 788, 806: AIR 1973 SC 106**, where the honourable court had drawn the same conclusion to it.

3. Artificial Intelligence, an Utmost Manifesto in The Meadows of Articulation, Elocution and Utterance :

As we take a look towards the elucidation and the precision of the Artificial Intelligence, it is under our profound prudence that the concept of Artificial Intelligence, with the commendation of the rapid advancement of computer technology have played a major role in the meadow of articulation, elocution, and utterance i.e. speech and expression.

That in reference to the History of Computer, it has been found that the concept of Artificial Intelligence has been elucidated as one of the structured computer apparatus that is mainly having a prior engagement in accomplishing those assignments that are one of the most complicated and difficult that are also quite synonymous towards those of human core of actions and certainly includes logical way of solving reasoning s and also drawing out of major concluding points and last but not the least in coming out to a major determination.

That from the above points it is basically exemplified with the fact that an individual, who is an inherent citizen of the Republic of India, can also use certain Artificial Intelligence techniques while expressing his or her own ideas, own views, own thoughts and also his or her own expression. The term Artificial Intelligence in the modern dais of technology has been acting as a major and also an integral role by dispensing out a mandate in upgrading our day to day routine bound activities that are in our regular accustomed.

3.1. Artificial Intelligence (AI), an Automated Methodical and Well Ordered Design of Promulgation:

In the foregoing discussion it was held that in the epoch of the eternity at 21, i.e. (in the era of twenty first century), the springing up of Artificial Intelligence, has been playing a pivotal and a crucial part in all meadows of technological realm, where every individuals from 8 to 80s, have been well intrigued as well as also captivated in the technological vicinity that have got a well fascination, by setting up of a big augment among each and every one of us.

Synonymous to the term of Computational Intelligence, some of the experts have often considered it as a boon towards the society. Just at the time, when the entire universe is healing back from the global pandemic that had led towards declination of the entire economy, even when one's nearest and dearest have lost their lives but still the nation have not deterred or demotivated itself from bouncing back and regain its boost and reshape its infrastructure and commence its business and trade as scheduled. That during the period when the entire universe was quarantined as well as confined within the restrictions of the 4 walls, as a purpose of shattering the chain of the pandemic that was a creating a vulnerable commination as a final ultimatum towards the human species, there the nation had come to a sensational determination of a virtual mode of working concept, where people can commence and control their regular routine through an online medium of communication and can also reserve the equal option of reciprocating one's thought process, the way of their philosophical thinking, their psychological intelligence quotient and others with the public at large. That on the contrary a transmogrification of the system of Artificial intelligence or Computational intelligence had created a big rebellion and also an u turn inside the field and the meadows of technical governance, where the entire system of the technological spin had made a great fruit in bartering one's own views and thoughts.

3.2. Artificial Intelligence, a mode of Bartering of Transmission of an Individual's Means of Expression in the Representative form of Government:

That earlier, it was held with the discussion that the right to freedom of speech and expression, under Article 19 (1)(a) of the Constitution of India, is one of the elementary as well as the foundational rights bestowed upon the citizens of India, while remarking upon any of the Governmental proposed plan as a methodical sake for the people at large and also evidently in a righteous credence and reliance, where the Government shall not be injured or hampered at all. Artificial Intelligence is considered to be as one of the most precious and also a valuable tenet in reciprocation of an individual's thought and also fabricating an equal option of dialogue, as a symbol and a gesture of one and the other trade off discussion and deliberation.

Pointing out the decision held in the issue of **MANEKA GANDHI VS. UNION OF INDIA (1978) 1 SCC 248 : AIR 1978 SC 597**. Justice PN BHAGWATI had built up a greater and a gigantic milestone, by remarking to the fact with a very minute way of thought that a nation that has been set up with a concern of by the people, for the people and of the people shall be possessing with a precision of deliberation, exchange of views, and last but not the least with a valuable line of reasoning with a logical and also in a cogent thought process, in regard to the appropriate functioning of administrative functionary and machinery as a whole, whereby, it defines that the concept and the notion of democracy is bearing an original feature and characteristic of the essence of debates, deliberation as well as discussion.

Therefore, in the dialect and the dais of law, we can say that expressing our own thoughts and views through Artificial Intelligence can also be taken as an appropriate procedure or an appropriate platform for opinion. Justice P.N. Bhagwati also pointed out that the rudimentary rights that got a solemn affirmation beneath the emblem or the seal of the Constitution of

India represents the basic values that are cherished by the citizens of the Republic of India, since during the period of the vedas and they are being numerically highlighted, as a tool of safeguard of the dignity of the individual and create certain essential conditions as well as agreement through which a human being can develop his personality towards fullest extent. Justice Bhagwati has also ruled out that the fundamental rights are the rights that has been achieved by an individual through accomplishing of spiritual, and moral values. The command of the fundamental rights in the constitution basically serving as a prompt to the Government who are holding the royal seat, by assuring that certain liberties and freedom are to be conferred upon the common citizens, as a symbol of giving an equal option and also giving an equal respect, as an emblematic endorsement of an accolade and also a tribute to it. That the main object behind the inclusion in the chapter of fundamental rights in the Indian Constitution gradually establishes 'a Government of law and not of man.' that a Governmental system, cannot play the role of tyranny of majority, whereby the common individuals shall not be oppressed, cause of their representation and depiction as a minority. In common school of thoughts, it is held that there should be a proper and also an appropriate establishment of the rule of law, along with its proper execution and also through a proper administration that the main goal is every citizen must be well safeguarded from any societal atrocity.

Therefore, keeping in view of the landmark ruling of Justice PN BHAGWATI, the transmission as well as bartering of an individual's thought process with one another shall be executed in an apparent clean and also in a proper demeanour, as a determined way of creating an attraction towards the international dais too. That till yet there has been no landmark ruling that has been implemented or that got implemented, in contemplation to Artificial Intelligence, as it is one of the most advanced and upgraded technology, in the field of communication, at the time when the nation has just made its way across the 75th year of its Independence and also with a high spirited effort of Digital India.

3.3. Artificial Intelligence be not defended in ignorantia juris non excusat:

That this philosophy certainly is also applicable under the Indian Constitution too, where, the Indian Substantive law as well as the procedural law also specifies certain procedure, in regard to any kind of lawful prosecution of any being, whosoever conducts any code of conduct against the morality of the state, whereby if traced that any individual or any citizen has adopted any kind of unfair technological gadgets that certainly plays a wider part in assassination of the character of Government, in such a circumstance, the person who have assassinated the policy in an outrage modesty shall not be defended at all. As, the Government is itself the law maker, the Government is itself the law and is the supreme command of the supremacy, possessing the pre dominance of the legal spirit.

The maxim "Ignorantia Juris Non Excusat.", certainly signifies that Ignorance of law is not excusable. Ignorance of law is certainly an accountable for a person, who is willfully failing to comply the prescribed statutory obligations, in a deceptive way, in compliance towards its specified provisions defined as well as interpreted in the charter. Held that any individual or any person, who has been found to be contravening the principles of the rule of law mistakenly, would be certainly considered to be non excusable.

As, the phrase itself suggest that “*Ignorantia Facti Excusat.*”, means that a person who is mistaken by any fact can be excusable but a person or an individual, who has been mistaken by law cannot be excusable, henceforth, the maxim arises as a consequence that “*Ignorantia Juris Non Excusat.*” to be held with the philosophy of the rule of law, in compliance with the provisions as well as the principle of the UN CHARTER that none can go beyond the rule of law, as it is non excusable, often the judicial, the semi - judicial institutions and establishments are bound not to spare the offenders at any cause or at any sense.

Taking into account of the case of Motilal Padampat mills ltd vs. State of Uttar Pradesh (1979)118 ITR 326 (SC), the Hon’ble Supreme Court observed in a strict way commenting that it must be made sure to the fact that every individual of a state is certainly not aware with each and every laws that are implemented day to day in our routine life and that such there has been no such maxim that is prevailing to a person, who is well versed with the laws itself, as the court itself in a very clear term claimed that the Presiding Officers, i.e. the judges who are presiding the benches of the court are also certainly not aware with the laws that are being implemented regularly. And as a consequence, the admission made by the judge in the above case held that the petitioner was a resident of a remote village in the state of Uttar Pradesh and is also unlettered. Especially, in India there are 1,248 statutes and among which majority of the statutes are certainly not in knowledge towards an individual and therefore, the court acquitted the petitioner charged for violating the provisions, by presuming that the administration, were having a lesser knowledge of facts, while applying the maxim in order to make the petitioner prove guilty (“Ignorance of law is not an excuse.” <https://www.njsbf.org,2022,India.>)

Therefore, on the contrary it is to be culminated with the fact that none is above the rule of law, a person, whoever is ignorance with the law is not excused at all.

4. Conclusions and Suggestions:

That Article 19 (1) (a) of the Indian Constitution is regarded as one of the vital mechanism in safeguarding the interest of the public at large. Thus, apart from the provisions of the Constitution of India and also enactment of the protection of Human Rights Act,1993 it has propounded an updated landmark that certainly gave a warm homage and also a estimable as well as also a reputable and a distinguished felicitation and a highest magnitude of acknowledgement to each and every individual in the society. However, it one cannot certainly comment that the dedication and the devotion through hard work has fragiled cause of its specific defects and limitations that has been interpreted widely in a statutory format. To be held with the contemporary issue that when India at it’s 77th year of it’s Independence has adopted a great technological transmogrification, in the field of communication, while bartering one’s thought process through the medium of Artificial Intelligence, that had established a path breaking initiative with a major dynamism and ingenuity, where every individual’s thought of expression as well as the doctrinal view of thinking have reached the sky and have also procreated a tangible outcome towards the entire universe.

That in literal meaning it is said that a person who has been an ignorant in the field of law is certainly be non excusable in the terms of the legal dais. The meaning has been derived from the

Latin Maxim “*Ignorantia legis neminem excusat.*” that is a synonymn to the legal jargon “*Ignorantia Juris non excusat.*”, where there is a general interpretation that a person who is unaware with the legal provisions both at the civil society and also at the technological circle too, in the Modern India, where the nation is progressing with a deeper prosperity of technological innovation, by setting up a landmark and also a lucrative instance among the common man, by assuring and affirming certain convenience and flexible mode of operating it both at instant and also at the upcoming times.

Now, if traced out with diligent and also in a high strict sense that an individual, who is exerting to create an undue manipulation towards the nation, by adopting certain immoral and whimsical proposed plan than as a consequence, the person would certainly be ministered as a delinquent and would be kept out of the way and secluded from the civil society. That Artificial Intelligence, in the modern way of communicative process, acts as a replication of the intelligent quotient as well as emotional quotient of a human being and it also creates a wider ingrediential aspect in the field of the contemporary propounded postulate of communication of the experts as a whole.

Just in reference to the pertinent case of Motilal Padampat, it has been notified by the court that it is not a necessary for every person in bearing with the knowledge of the number of enacted statutes in India. Thus, by drawing a major conclusion to the fact that there has not been a room for doubt that in the above said case the learned Judicial Officers has given a clear cut statement through interpreting that a major number of people, who are being uneducated, as well as non versed with the subject of the law. Therefore, in pertinence with the above facts the Learned Court has absolved those persons who has been charged for breaking the rule of law. That in the upcoming times, based upon the contemporary scenario, the inquisition can be done on how to adopt a new framework policy, that would be creating an awareness among the common people at large. That on the contrary, law is being certainly getting a transition from it’s customary thoughts and philosophy, with a broader perspective, based on it’s daily requisites, where each and every social being are considered as a specific agenda in the chapter of progression.

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