

Freedom of Speech & Expression and the Issues of Intellectual Property and Copyright

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The right to freedom of speech and expression is a development of the political philosophy regarding the form of the government in any country. The nature of the polity implies clearly by or by expressed words signals the role of freedom of speech and expression. A democracy or a democratic form of state is synonymous with the existence right to freedom speech and expression. The true significance of the freedom of speech and expression for the democrat lies in the fact that thousands of martyrs have shed their blood in defense of those liberties and the modern citizen who breathes the air of democracy should consider those liberties as sacred and invaluable and try to preserve them. In fact the very essence of democracy lies in free debate and free discussion. Without them it is impossible to build up an opinion. This could only be done by conferring on the citizens the right to freedom of speech and expression, which is the basic importance in a democratic way of life. It is characteristic of democracy that it should provide the fullest opportunity to the citizens to develop their personality in any way they choose and they must be free to propagate their views without fear.

Introduction

In a country like India, U.S.A or U.K. there are different political parties professing different political ideologies and economic philosophies. Each of those parties must have full freedom to express themselves, despite the views conflicting with those of others. They must be given the fullest opportunity of secure the acceptance of the majority of citizens, by means of healthy persuasion and free argument. This demonstrates the true significance of the freedom of speech and expression. The liberty to express one's self freely is important for a number of reasons.¹ First, self expression is a significant instrument of freedom of conscience and self-fulfillment. Secondly, it enables people to contribute to debates about social and moral values. Thirdly, free expression is that it allows the political discourse, which is necessary in any country, which aspires to democracy. Fourthly, freedom of expression facilitates artistic and scholarly endeavor of all sorts. Hartals and Satyagrahas became quite a common form of peaceful constitutional agitation for the cause of civil liberties. The congress in its session at Calcutta (1917) reiterated its strong protest against the wide and arbitrary powers conferred by the Press Act. Even in 1917, order of internment had been passed against Tilak and B.C.Pal, from the Punjab and Delhi. But popular agitation continued vigorously. In August 1918, Tilak was served with an order as per which he had to take the permission of the District Magistrate to deliver a lecture.² This shows the pitiable plight of the freedom of speech at that time. The resolution of the 19th August, 1918 session of the Indian National Congress at Bombay is significant. The resolution said; "that subject to a declaration of rights of the people of India (a) guaranteeing to them to them liberty of person, property, association, free speech and writing, except under sentence of an ordinary court of justice as a result of lawful and open trial.³ Though it has a long history in the Europe from the Greek time, Athens & Sparta city states (B.C.735-715)⁴ to the Magna Carta the beginning of thirteenth century. After renaissance in Europe and the French revolution, American independence, the right to freedom of expression is got very concrete shape. Freedom of expression has four broad social purposes to serve; i) it helps an individual to attain self fulfillment, ii) it assists in the discovery of truth, iii) it strengthens the capacity of an individual in participating in decision-making and iv) it provides a mechanism by which it would be possible to establish a reasonable balance between stability and social change.⁵ All members of society should be able to form their own beliefs and communicate them freely to others.⁶ The Universal Declaration of Human Rights, the European Convention, the Indian Constitution and various other International Human Rights Organs enshrine the right to freedom of expression and access to information. Declaration of Human Rights adopted by United Nations General Assembly⁷ indicates; "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 regardless of

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frontiers..." After a detailed discussion on the Constituent Assembly, the Indian Constitution came into force with effect from 26th January, 1950. Article 19 (1) (a) and Article 19 (2) of this constitution deal with the freedom of speech and expression and the restrictions laid on that freedom respectively. The text of Article 19 pertaining to freedom of speech and expression is given below; Article 19 (1) All citizens shall have the right (a) to freedom of speech and expression. Article 19 (2) Nothing in sub-clause (a) of clause (1) shall effect the operation of any existing law or prevent the state from making any law, in so far as such law imposes reasonable restrictions on the exercise of the right conferred by the said sub-clause in the interests of the security of the state, friendly relations with foreign states, public order, decency or morality or in relation to contempt of court, defamation or incitement to an offence. Framers of constitution have shown the importance of this right in the preamble of the constitution "to secure to all its citizens LIBERTY of thought, expression, belief, faith and worship." Here the freedom of thought and expression gets the first priority. Freedom of speech and expression is the bulwark of democratic government. This freedom is regarded as the first condition of liberty.⁸ It occupies a prominent place in the hierarchy of liberties in preference to all other freedoms. It has been truly said that it is the mother of all other liberties.⁹ Article 19(1)(a) guarantees to all citizens the right to "freedom of speech and expression" which includes the right to express one's views and opinions at any issue through any medium e.g., by words of mouth, writing, printing, picture, film, music, movie etc., Freedom of expression is an essential process of advancing knowledge and discovering truth. The values and functions of the freedom of expression in democratic polity are obvious. Freedom of expression is essentially as a means of assuring individual self-fulfillment. The proper end of man is the realisation of his character and potentialities as a human being. For the achievement of this self-realisation the mind must be free. Human expression finds utterance not merely in speech, but in publication of books and pamphlets, in art and architecture, in histrionic talents by way of dram, cinema or television or internet or in publication of newspapers. Human personality finds its maximum development in an atmosphere of free speech and expression.¹⁰ Freedom of expression also includes the right to not express.¹¹ This right plays a crucial role in the formation of expression, just as equality clause and the guarantee of life and liberty has been very broadly construed by the Supreme Court right from the 1950. The Supreme Court of India has attached importance to the freedom of speech and expression. Patanjali Sastri, C.J., delivering the majority judgement in the case of *Romesh Thappar v. The State of Madras*¹² observed-"there can be no doubt that freedom of speech and expression includes freedom of propagation of ideas and that freedom is ensured by the freedom of circulation. Indeed without circulation the publication would be of little value". Freedom of speech is considered as one of the most valuable rights guaranteed to a citizen by the constitution¹³ and the courts have considered it their duty to jealously guard it.¹⁴ In *Maneka Gandhi v. Union of India*¹⁵ Bhagwati, J., has emphasised the significance of the freedom of speech and expression in these words; "Democracy is based essentially on free debate and open discussion, for that is the only Corrective of government action in a democratic set up. If democracy means government of the people by the people, it is obvious that every citizen must be entitled to participate in the democratic process and in order to enable him to intelligently exercise his right of making a choice, free and general discussion of public matters is absolutely essential". In *Vishram Singh Raghubanshi v. State of U.P.*¹⁶ the Supreme Court held that liberty of free expression is not to be confounded allegations against any institutions, much less the judiciary. In *Bhagwandass v. State*¹⁷ (popularly known as "Honour killing" case) the Supreme Court interpreted the right to freedom of expression includes "right to marry person of one's choice". The Apex Court held; "Honour" killing have become common in many parts of the country, particularly in Haryana, U.P. & Rajasthan. Often young couples who fall in love have to seek shelter in the police lines or protection homes to avoid the wrath of Kangaroo Courts. Honour killings are nothing but barbaric and brutal murders by bigoted person with feudal minds. Right to marry person of one's choice is personal liberty under Article 21 and freedom of expression under Article 19(1) (a) of the constitution".¹⁸ In *Centre for Public Interest Litigation v. Union of India*¹⁹ the Supreme Court held that telephone tapping unless it comes within the grounds of restrictions under Article 19(2) is violative of Article 19(1) (a) of Indian constitution. Talking about the First Amendment to the U.S. Constitution which guarantees freedom speech in the U.S.A. the U.S. Supreme Court has observed;²⁰ "It is the purpose of the First Amendment to preserve an uninhibited market place of ideas in which truth will ultimately prevail, rather than to countenance monopolisation of that market whether it be by the Government itself or a Private licensee" The United States Constitution states; the Congress shall have the power to promote the progress of science and useful arts, by securing limited times to authors and inventors the exclusive right to their respective writings and discoveries.²¹ In order to find what is right and what is not right, why and which idea is acceptable and how a policy should be framed ultimately what should be enacted

as law. It is impossible to imagine meaningful working of a democratic government without the right of thought and expression. Very existence of the political parties, the parliamentary system of government would not be possible or without the right to freedom of expression these would become a Foss. The Supreme Court on innumerable occasions has discussed the significance of this right.²² In *Sakal Papers v. Union of India*²³, the Supreme Court has held that even indirect impediment to right of freedom of speech and expression is not permitted. Except during the emergency 1975–77 Indian democracy can differently boast that that it has enjoyed this freedom of expression in an appreciable manner. The ultimate goal of every democratic state is that “no idea should go unheard”. The beauty of freedom of speech is not in every idea express as the right expression, but can discover the myth in any idea express so that the truth ultimately found. Strictly speaking this right is true manifestation of all the democratic freedoms like the right to freedom of speech and expression, assembly, association, movement, residence and settlement and profession, occupation trade or business.

IPR and Freedom of Speech and Expression

Hence, from the above discussion it is clear that copyright is a fundamental right under Article 19(1) (a) of the Constitution of India. The law of copyright is the extension of right of freedom of speech and expression, which means that if an individual has freedom of speech and expression that person, will naturally get a right to protect that intellectual work as a property. Almost all democratic constitutions provided a guarantee for right to freedom of speech and expression. Under Article 300-A of the Constitution of India, right to property is provided which says that no person shall be deprived of his property save by authority of law. It ensures that a person cannot be deprived of his property without any law. Deprivation of property can only be done according to law. Intellectual property is also a property, hence protected by Article 300-A of the Constitution of India. Technological revolutions, innovations developed through intellectual accomplishment demands protection of their product against misuse. Intellectual property is the tangible outcome with commercial value. This is outcome of intellectual labour. Property right form interfaces between law and social sciences especially economics, political science as well as sociology. With Globalisation and privatisation, the interface between law and economics is the major divider for property rights. Intellectual Property Rights are essentially private rights. Different types of terminologies are in practice to protect intellectual property rights. They are Copyright, Patent right, Trade Mark or Design etc., The march of civilisation is the march of reason and communication of such reason from an individual to the community or to the world at large.²⁴ It is part of the man’s irresistible urge to express oneself hence, communicate it to others. If that creative instinct of man is not expressed, no communicate is possible. Again the type of communication, various forms of communication are dependent upon progress of the society. When a man was a simple hunter, alone, there was no need for communication. As the man became more and more a social animal, the pattern of the society became varied. Communication in each group was a regional growth, hence, different languages. Language itself is a great invention of man. What is conveyed in communication became symbolic of group living. Some nomads, tribes, even today do not have language written of their own. From primitive age man because he is indivisible part of the society, developed script and then printing was invented, the circulation became important and easy means of communication. The printing and circulation did give an advantage, but at the same time piracy became easy. So around 15th and 16th century in Europe the original authors, the printers, (publishers) felt the need of a protective legal frame work. In England also, charters were issued for that effect, in other countries of Europe codes were framed for the protection of authors and the printer’s rights. With the development of democratic society the right to freedom of expression became an important political right. Intellectual property rights protect some of the finer manifestations of human achievement. It is the most interesting branch of law with international acceptance and importance. After so many conventions, deliberations, the comity of nations has acknowledged and accepted that intellectual property is also tangible and could be made *corpus* of proprietary right for the original creator. There are certain basic concepts common to all intellectual property. E.g. Patent law is all about concept of novelty, the Design law on originality of design, the Trade mark on the concept of distinctiveness and the copyright on the concept of originality.²⁵ Therefore, intellectual property right today is built around intangible incorporate property. Yet, a group of rights are created to the advantage of the owner. Patents give temporary protection to the technological inventions for mass produced goods. Copyright give longer lasting rights in literary, artistic and musical creations. Trademarks are protected against imitations. All these put together can be classified as Intellectual Property Rights. The objective of IPR is to control the activities of the competitors and licensees. Intellectual property rights protect application of ideas and information that are of commercial value. The fund of exploitable ideas become more sophisticated and hopes

for a successful economic future depended increasingly upon the superior corpus of new knowledge and fashionable conceits. Various types of manifestation ideas are now being protected all over the world, for instance the new plant varieties, the circuit of silicon chip etc., It is in fact, not possible to confer on the creator of an idea of perpetual in it against imitators. The political and economic implications of such a complete protection will be before reaching. However, a set of limited forms of protection is accorded against some types of exploitation by others. The objective is to achieve a balanced approach to the economic needs of the country with a justifiable reason.²⁶

Copyright and Freedom of Speech and Expression

Copyright is one of the most important aspects of the intellectual property. Copyright means an intangible incorporeal right, granted to the author or originator of certain literary, artistic, dramatic, musical production. Copyright gives rise to a form of property that can be dealt with just as with any other property and which can be assigned, mortgaged and licensed. Copyright is exclusive right of the author to derive economic benefits from his writing, performance or creative work. The copyright law provides an incentive to creative activity, after lapse of period that becomes the property of the public. The laws of copyright enhance the value of such speech and expression, because it gives an effective protection to the creative speeches and expressions like poetry, criticism etc, from being reproduced without a license, Copyright Law cannot be viewed as an obstruction or restriction on the freedom and expression, because the freedom is available to express his own views and views of others also, but not to express views of other as his own. The most important feature of copyright is the proprietor or owner may use his property as he wishes. Copyright law is concerned with rights; the copyright is a right to do certain things such as making copies of a work of art and correlative duty is duty owned by all others not to infringe it. The moral basis of protection of copyright afforded against plagiarism can be stated in the words of Eighth Commandment of Mosaic Law "Though shall not steal"²⁷. It is the basis of copyright law, which means that no man shall steal what belongs to others. Copyright is confined to the expression of ideas and does not extend to the ideas themselves.²⁸ Copyright does not extend to ideas or schemes, or systems or methods, it confined to their expression or methods.²⁹ Being a species of 'property' copyright has all the characteristic features of property. Copyright implies the existence of 'bundle of rights' such as right to own, sue, transfer, exploit, copy, translate or adopt the copy righted work.³⁰ The copyright law in each country was developed according to the needs of that country. But one common notion that ran through all laws of all the countries was the original author could be protected, but at the same time, that creative work or ideas in that creative work as expressed cannot be held of imprisonment for all time. If ideas are restricted, the society cannot advance. In order to strike a compromise, the proprietorship given to the author was restricted to a period. It was for some time 16 years, or during the life time of the author and during life or some period after the death of the author. In the 19th century several international conventions were held³¹ to protect copyright of an author not only in their own country but also for their own countrymen, in foreign countries. This type of international understanding through the conventions, continued in 20th century and also in 21st century. One of the main causes for the development of copyright law was the invention of the printing press by Gutenberg in 1436, which significantly increased the rate at which authors' manuscripts could be copied but also paved the way for piracy of these manuscripts. Pirate booksellers would copy books that had already been legitimately published and they would "sell these copies books at lower prices since they could avoid paying for the authors' manuscripts". This motivated booksellers to lobby their respective governments for some form of protection, resulting in the enactment of national copyright laws.³²

Copyright Law in India

In ancient days the only property which was believed to be the most secured property was intellectual property. This was reason for this belief; intellectual property could not be stolen like the material property, because things were intangible and not corporeal. However, once its intellectual expression comes out of the originator it could be abused by unauthorised use of that intellectual accomplishment. It could be a book, a painting, music composition or design. With the advance in communication in it became easy to commit piracy. When any original work expressed, it is as good as opening it or making it available to the community, country, and world at large. Before independence, the Copyright Act, 1911 of England was extended in India. The Indian legislature passed the copyright Act, 1914 to solve the problems. In 1957 a new Copyright Act was legislated by Indian Parliament repealing the Copyright Act, 1914. The Act called for certain amendments due to new and advanced means of communications like broadcasting, lithography etc. The amendments made adequate provisions for fulfillment

of international obligations in the field of copyright. The word 'copyright' was not used expressly in Constitution of India. But it does not mean that Constitution framers were not aware of this concept. Before independence, we were governed by Copyright Act, 1914 so the issue of the copyright was not new to our Constitution framers. The copyright is protected in our Constitution in the Preamble and Fundamental chapter.³³ Brief explanation of the provisions of Copyright Act, 1957 so far as they relates to freedom of speech & expression and its judicial interpretations are as fallows;

Subject of Copyright

The underlying principle of copyright protection is that specific creative expressions are protected but not the ideas behind them. Copyright comes into existence as soon as a work is created. The law does not permit one to appropriate to him what has been produced by the labour, skill and capital of another. This is very foundation of the copyright law.³⁴ Copyright in a work means the exclusive right to make certain uses of the work and varies from work to work as indicated below;³⁵

- a) Literature; it is a form of expression through literature
- b) Drama; the expression through the performance
- c) Musical Work; the expression by way of communication to public by loudspeaker
- d) Artistic work; expression through reproduce in any material form
- e) Cinematograph film; communicate by broadcast
- f) Record; communicate the recording by broadcast

News Media Freedom of expression and Copyright

The Newspaper, Television channel, Movie, the computer software, the music listen in our system etc., as different forms of expression are all copyrighted. There is paradigm shift from viewing copyright as a monopoly that the public is willing to tolerate in order to encourage innovation and creation of news works to viewing copyright as a significant asset to country's economy.³⁶ Nothing can be more properly described as a man's property than the products of his mind, and over the years a system of law has been established to protect the ideas patents for inventions, copyright for literature and art, and so on. The intellectual property system has served us well by encouraging creativity and innovation and the spread of ideas. Without copyright law, the publishing and record industries would scarcely operate. With its enormous writing and printing activity, the media may confront several copyright issues. Whether it is a letter to the editor or a contribution from a free lance journalist, or a commissioned interview or a photograph purchased or a story sought for magazine section or an investigative report sent by staff correspondent, the publisher is concerned with the ownership and other related rights regarding that creative writing. A film script, but not the actual film or its sound track, will normally count as a dramatic work, dramatic work includes a work of dance Feature films, newsreels, home and music videos, television programmes and filmed advertisements are also part of these dramatic works.³⁷ Broadcast also can be copyrighted. It is defined as a transmission by wireless telegraphy of visual images; sounds or other information which is capable of being lawfully received by members of the public or its transmitted for presentation to members of the public.³⁸

Privacy of individual and news reporting

The man must have his own way of living. Privacy is man's copyright in his own self, where the publication of the most worrying factor than imitation. Imitation of a particular life would be emulation and emulated derive the pleasure.³⁹ It is not possible to have satisfactory definition for the 'privacy'. Black explained it as the right of an individual to withhold himself and his property from public scrutiny and unwarranted publicity.⁴⁰ It is further explained by Indian Apex Court in *R.R.Gopal case*;⁴¹ A Citizen has a right to safeguard the privacy of his own, his family, marriage, procreation, motherhood, child bearing and education amongst others. None can publish anything concerning the above matters without his consent – whether truthful or otherwise, and whether laudatory or critical. This kind of publication not protected under Article 19 (1) (a) of the constitution. If he does so, he would be violating the right to privacy of the person concerned and would be liable in action for damages.

Identity of Rape victims; A frequent intrusion of privacy by media⁴²;

Publication of rape-victim's name affects the victim further. If a newspaper published or motion picture is made alleging that particular woman was raped, it was held to be defamatory publication of the victim, reason is the social atmosphere and the stigma attached to a helpless woman suffering the wrong and consequences

thereto. Recently the Supreme Court⁴³ observed rapist not only causes physical injuries but more indelibly leaves a scar on the most cherished possession of a woman i.e., her dignity, chastity, honor and reputation. The deprivation of such animals in human form reach the rock bottom of morality when they sexually assault children, minors and like the case at hand, a woman in the advance stage of pregnancy. A similar protection, of course, is not available to the accused, he has no right to seek non-disclosure of identity as a matter of right. The accusation of a criminal charge deprives him of his right to privacy and even the reputation to some extent. However the report in press cannot extend the accusation beyond the prima facie basis as available for prosecution. If the media gives unnecessary allegations and details without any basis and fail to prove the truth of the narration would have to pay for invasion of privacy and also reputation. The sexual harassment of women at workplace recognised by Indian Supreme Court as a new violation of right in *Visakha*⁴⁴ case offers a judicial protection to protection to privacy of working women. Indirect protection for privacy is available through the enforcement of rights and interests in land, such as trespass to land and nuisance. In *Autoshankar Case*⁴⁵ the state pleaded privacy on behalf of the prisoner and sought to restrain the Nakheeran from publishing his autobiography, written in prison and given to the Petitioner-editor of that magazine, alleging involvement of the police and jail authorities. It was held that privacy was an individual right of the concerned person and no other had any domain over other's privacy even though such person was a prisoner. In *Hyde Park Residence Ltd. v. Yelland*,⁴⁶ (popularly known as Diana case) a newspaper published still photographs taken on a security camera when Princes of Wales Diana, and her friend Dodi Fayed visited Villa Windsor in Paris, on the day prior to their deaths in a car accident. The photographs were stolen by a security guard and sold to the newspaper, which published them more than a year later. Hyde Park had sought summary judgment at the first instance relying on breach of copyright. The Defendant relied on the defense of fair dealing for the purpose of reporting current events. The judge upheld it as fair use. However, it was reversed on appeal.

Selling stories of private lives;

In 1998, in *Pro Sieben Media AG v. Carlton UK Television Ltd.*,⁴⁷ the Carlton UK TV had broadcast a current affairs programme, which critically analysed the issue of cheque book journalism, and the sale of stories about people's private lives to the media⁴⁸. The programme included a 30 second sequence taken from an interview, which was the broadcast of the plaintiff Pro Sieben with Mandy Allwood, a woman who was notorious at the time for being pregnant with eight fetuses, and making money out of her situation. The Plaintiff complained infringement of his copyright and the Defendant pleaded the fair use defense for criticism or review. The Trial Judge refused to accept the defense of fair use and held there was no sufficient acknowledgment of the author of original programme. The court of appeal reversed the decision finding that there had been sufficient acknowledgement. The Court explained that the exemptions under doctrine of fair use had achieved proper balance between protection of the rights of a creative author and the wider public interest and that the free speech is an important part of that wider public interest.

Constitutional Rights and the Copyright Law

The recent amendment that has been proposed to the Copyright Act has sparked deliberations on its compatibility in terms of upholding the spirit of the constitution. In particular, it has been argued by the opponents of the bill that the proposed amendment bill violates the constitutional guarantee of equality⁴⁹, since it discriminates between those blind persons who know Braille and other print disabled persons (including the blind) who do not. Even otherwise, by failing to institute a meaningful copyright exception that would enable access to reading materials by the print disabled, the state will continue to fail in its duty to guarantee a meaningful right to life. Millions of Indians are unable to read printed material due to disabilities. The State must appreciate that it has a constitutional duty to provide a decent standard of living to all its citizens; The Article: 21 has been interpreted several times to include a meaningful right to life. Such a right to life would also include the right to read as a fundamental right (especially educational materials) and participate more meaningfully in society.⁵⁰ The provisions of the Indian Copyright Act, 1957 does not permit conversion of books into accessible formats for the benefit of persons with print impairment. An international convention to which India is a signatory specifically requires amending its copyright laws for the benefit of persons with disabilities and making available information and materials to persons with disabilities on an equal basis as others. Technologies are in place which can help them read printed matter if the material gets converted into alternate formats such as large print, audio, Braille or other electronic formats. Publishers too do not make books available in accessible formats as a result of which less than 0.5 per cent of books are available in accessible formats in India. As a result, persons with print impairments get excluded from the education

system and this has a big impact on their career choices⁵¹. Hence, it is necessary that, we accelerate changes in the copyright law with a holistic approach for facilitating the enjoyment of rights by one and all including those who are visually challenged. In this concern, there is a need to raise public awareness on the issue of access to reading for the print-impaired, by make availability of books in all formats. In these direction members of disability rights Organisations, lawyers and others who have interest in this issue have been campaigning for the amendment to be modified to ensure that⁵²:

1. Legal formalities prove not to be an obstacle for the progress in the right direction. The bill has to be modified on a humanitarian ground to enable the challenged people to get to know what is happening around them and in particular enable them to excel in learning and progressing
2. The procedure for granting compulsory license by the Copyright Board is simplified.
3. The conversion of books into all formats that can be used by persons with print disabilities depending on their disability and comfort;
4. All stakeholders including Organisations, educational institutions and the persons with disability are allowed to undertake the conversion; and
5. The conversion of reading materials into accessible formats is not subject to red-tape and there is no delay in their availability.

Conclusion;

Sometimes it looks like an anomaly that proprietorship of copyright and right to freedom of speech and expression cannot go together. Right to freedom of speech and expression is a very broad right, a varied right, whereas a copy right is an exclusive right of the creator. This exclusion of using any work of an artist or a creator *prima facie* restricts the right to freedom of expression. But it is made very clear a copy right is given to originator for its explicit form. Eg: a play, a music composition, but not for the 'idea'. The 'love' is the most universal content of literary works all over the world. When the idea of love takes shape, a form it can be become a novel, a short story, a play, even a painting, sculpture and no one would be foolish enough to claim copyright for the idea of love. Similarly there are endless ideas, so, a copyright in its essentials is not a infringing right to freedom of expression, but only to a use a particular use. There are several instances even in science the same idea found expression by more than one scientists at the same time. Eg. Darwin Theory of Evolution was the finding of the Darwin. There was another scientist also who had hit upon "evolution", but not known to the world as Darwin known. The right to freedom of expression gets a philip by providing an incentive to the original author to enable him obtain economic benefit. This is again a great motivator for similar efforts on the part of innovators, original thinkers. So let there not be any doubt, that a copy right is extension of freedom of expression at the same time incentive to innovators and authors of original ideas, and defend different forms of expression. With the development mass communication like TV, Computer technology, (technology information) in the absence of copy right, there can be lot of confusion about the authorship. In fact it might be good move to free from the protection of copyright, but then very fruitful incentive would be lost. It is not only a economic gain, but it is a kind of recognition to the original innovator and that makes the all the difference. A Thomas Alva Edison, a Marcony, a Grahambell and many others renowned scientists have been protected, not only the interest of the author, but encouraging similar contributions in the vast field of literature, science, arts, designs and in all spheres.

Endnote

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