

**"FREEDOM OF SPEECH
AND EXPRESSION"**

Constitutional Perspectives

Right to Freedom

- *Guaranteed by—
Constitution of India.*
- *Guaranteed to--
Citizens of India.*
- *Guaranteed under--
Article 19(1).*
- *Restricted under--
Article 19 (2).*

Rights Guaranteed Under Article 19 (1)--

- ✓ *A. Freedom of Speech and Expression.*
- ✓ *B. Freedom of Assembly.*
- ✓ *C. Freedom to form Association.*
- ✓ *D. Freedom of Movement.*
- ✓ *E. Freedom to Reside and Settle.*
- ✓ *F. ***OMITTED UNDER 44TH AMENDMENT ACT 1978.*
- ✓ *G. Freedom of Profession, Occupation, Trade or Business.*

Grounds of Restrictions

- ◆ *Security of the State.*
- ◆ *Friendly relations with the Foreign States.*
- ◆ *Public order.*
- ◆ *Decency & Morality.*
- ◆ *Contempt of Court.*
- ◆ *Defamation.*
- ◆ *Incitement to an offence.*
- ◆ *Sovereignty and integrity of the nation.*

"Security of the State "

- **19 (2) says the reasonable restrictions can be imposed on the freedom of speech and expression in *interest of security of the nation*.**
- **An incitement to an armed revolution though infructuous ultimately is enough to attract the term Security of the State.**

"Friendly Relations with the States"

- ✓ *Inserted by the 1st Amendment Act 1951.*
- ✓ *To prohibit unrestrained malicious propaganda against the foreign friendly nation.*

"Public Order"

- *Something more than ordinary maintenance of law and order.*
- *Synonymous with public peace, safety & tranquility --
Kanu Biswas v. State of WB AIR 1972 SC 1656*
- *Anything that disturbs public tranquility or public peace disturbs public order. –
Om Prakash v. Emperor AIR 1948 Nag 199*

"Public Order"

- *The concept of law and order, public order and the state security can be exemplified with the help and three concentric circles with respective order -- representing their respective importance.....-----
Kishori Mohan v. State of WB 1973 SC 1749.*
- *Public order includes public safety-----
Romesh Thapar v. State of Madras 1950 SC 124*

"Public Order"

- *Public safety means protecting communities from the internal and external danger.*
- *Creating internal disorder /rebellions would definitely affecting the public order and safety.*

Brij Bhushan v State of Delhi AIR 1950 SC 129

- *Absence of violence and an orderly state of affairs in which citizens can peacefully pursue their normal avocation of life---*

Basudev v. Rex AIR 1949 All.513 FB.

"Decency and Morality"

- ✓ *Synonymous with obscenity.*
- ✓ *Whether the alleged things corrupts or deprave the minds open to these immoral influences.*
- ✓ *The person into whose hands the publication is likely to fall.*

"Contempt of Court"

- *Restrictions on free speech and expression can be imposed.*
- *If excess the reasonable or fair limit.*

"Defamation"

- *Injuring anyone's reputation*
- *Without facts and truth*
- *Amounts defamation*

"Incitement to an Offence"

- *Added to the Constitution*
- *First Amendment Act 1951*

"Integrity and Sovereignty of India

- *Added by the Constitution 16th Amendment Act --1963*
- *Involves the challenges to sovereignty and integrity of the nation*
- *Involves the secession of any part of India from the union.*

'THANK YOU'