

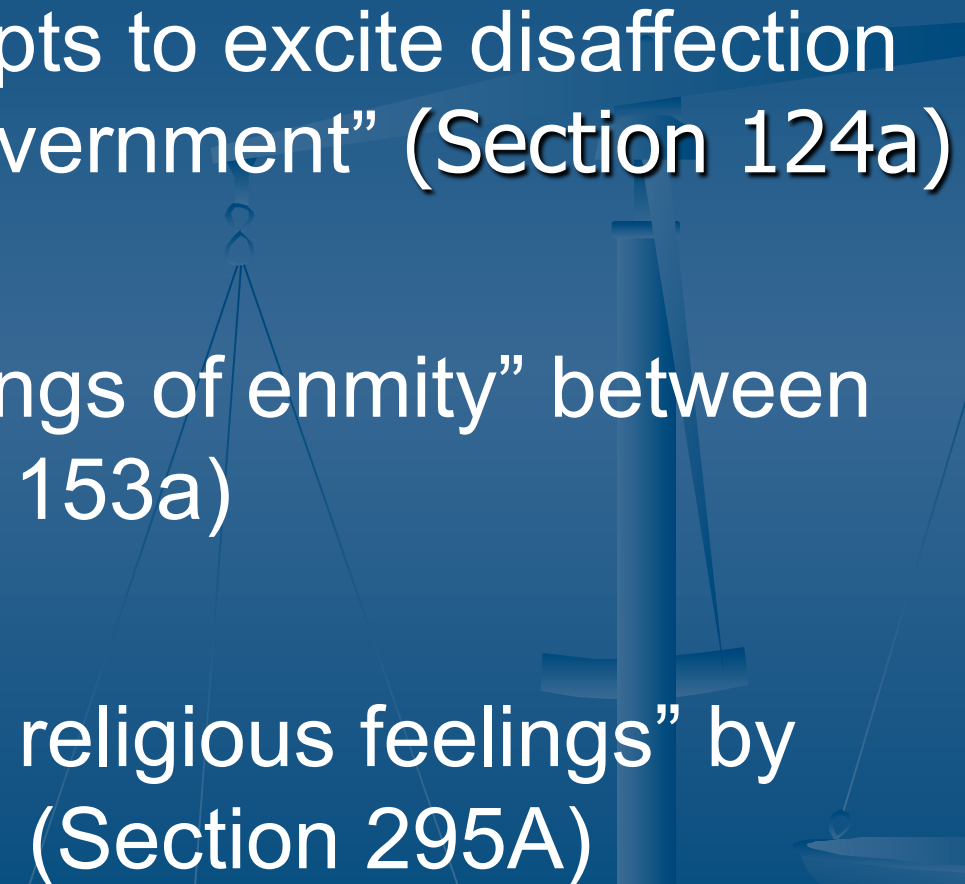
Freedom of Speech: An Indian Overview

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The Indian Penal Code, 1860

- Sedition: “attempts to excite disaffection towards, the Government” (Section 124a)
 - Promoting “feelings of enmity” between groups (Section 153a)
 - Acts to “outrage religious feelings” by insulting religion (Section 295A)
- 

The Constitution of India

Article 19(1)(a)

All citizens shall have the right to freedom of speech and expression;



Constitution of India:

Article 19(2)

Allows “reasonable restrictions” on speech for:

- sovereignty, integrity of India
- security of the State, friendly relations with foreign States
- public order, decency or morality
- contempt of court, defamation or incitement to an offence

- Dualist

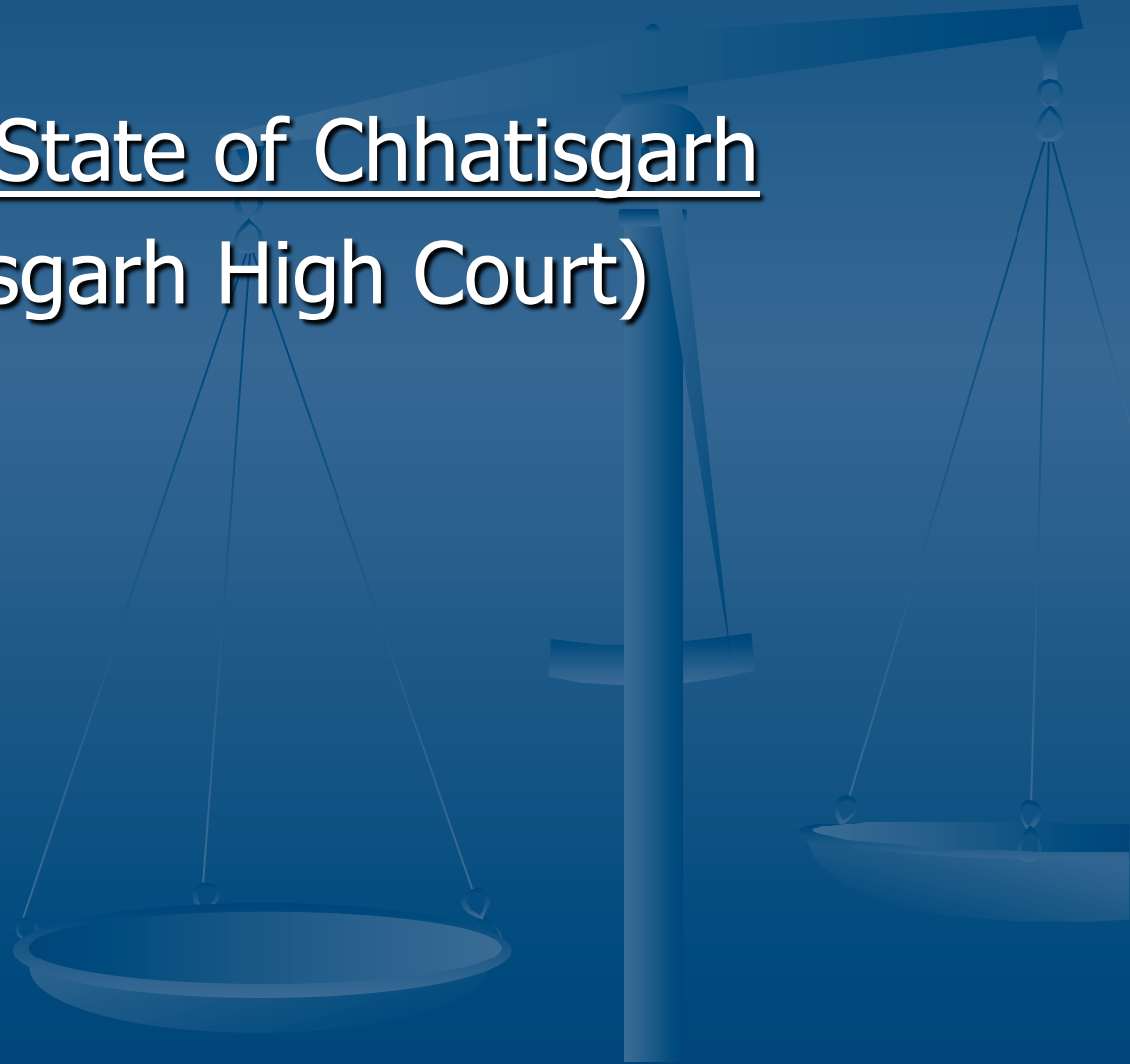
But

- Bangalore Principles for Commonwealth Judges



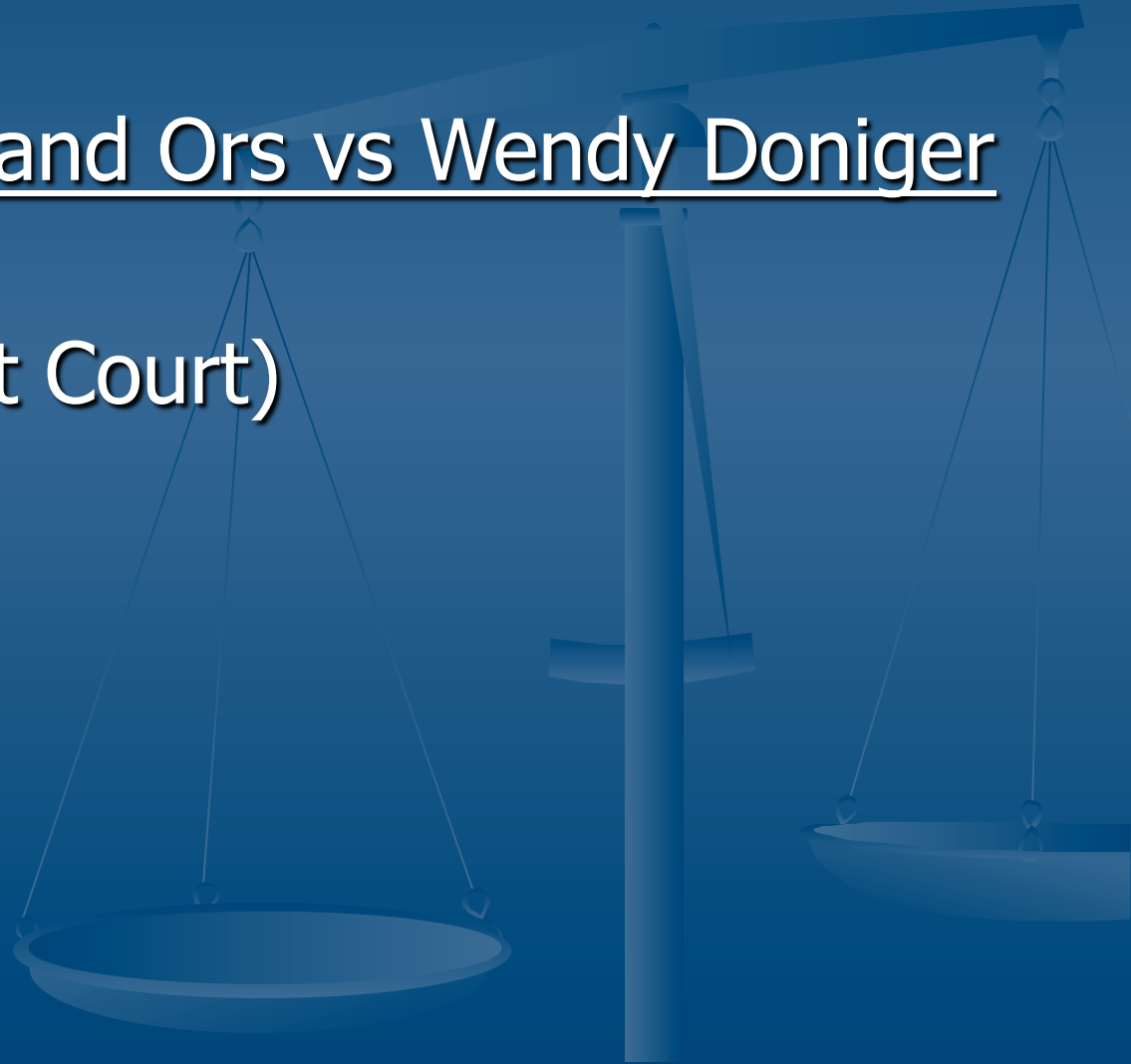
The process is the punishment

- Binayak Sen vs State of Chhatisgarh
- (Appeal, Chhatisgarh High Court)



Growing intolerance and the chilling effect

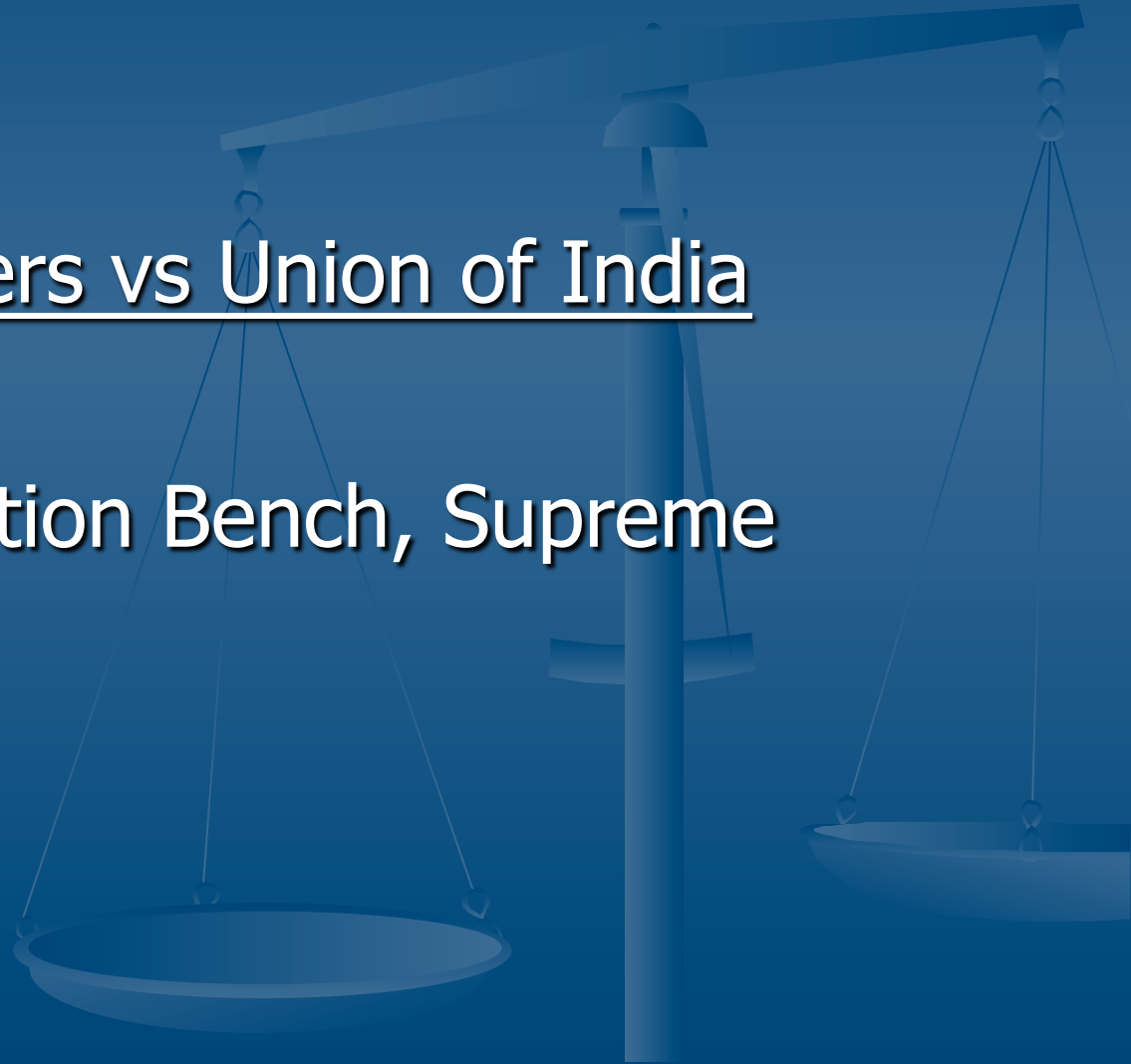
- Dinanath Batra and Ors vs Wendy Doniger and Ors.
(Settled, District Court)



Concentration of corporate media power

- Sakal Newspapers vs Union of India

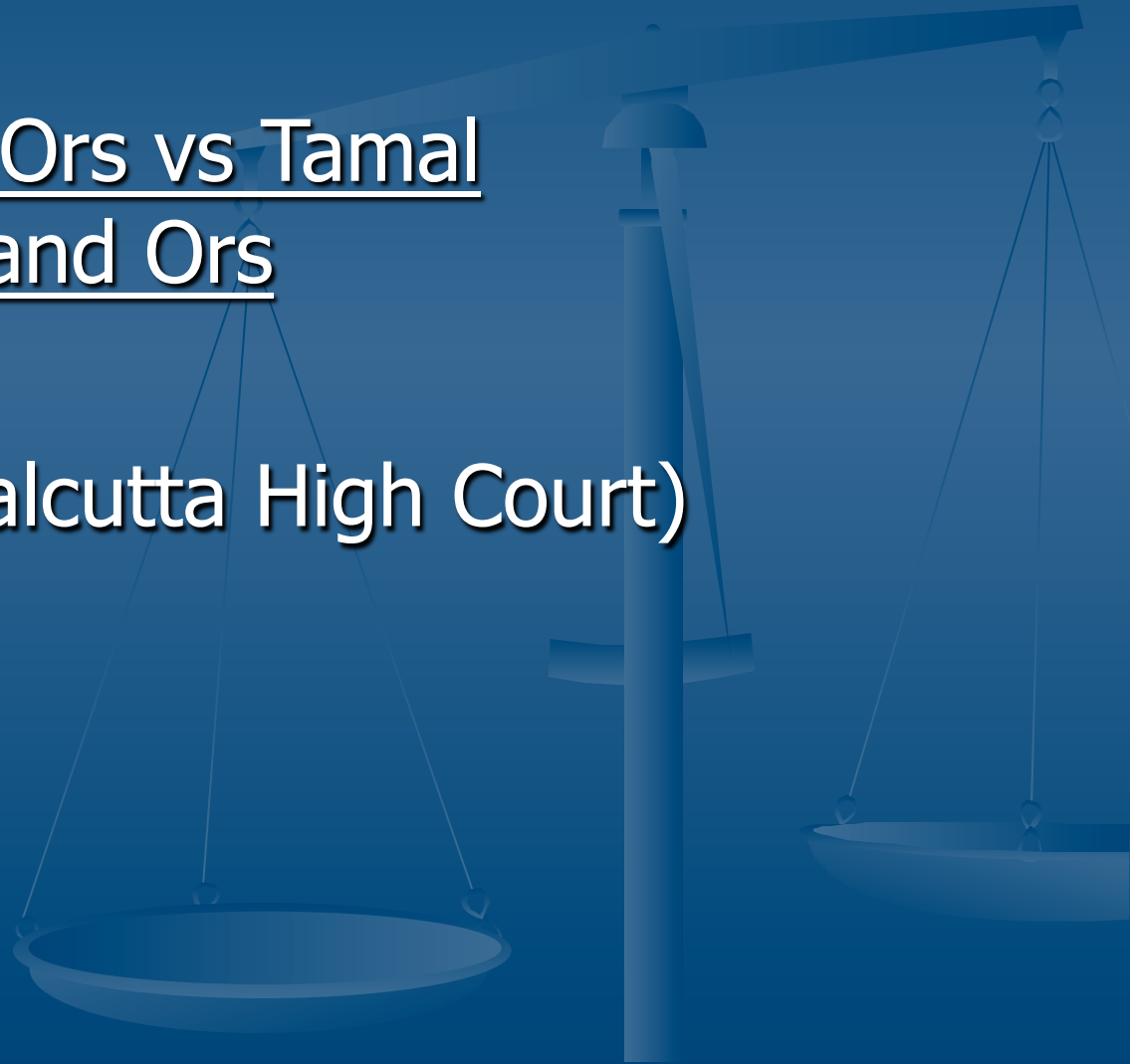
(5 Judge Constitution Bench, Supreme Court)



Bankrupting the speaker

- Sahara Ltd and Ors vs Tamal Bandopadhyay and Ors

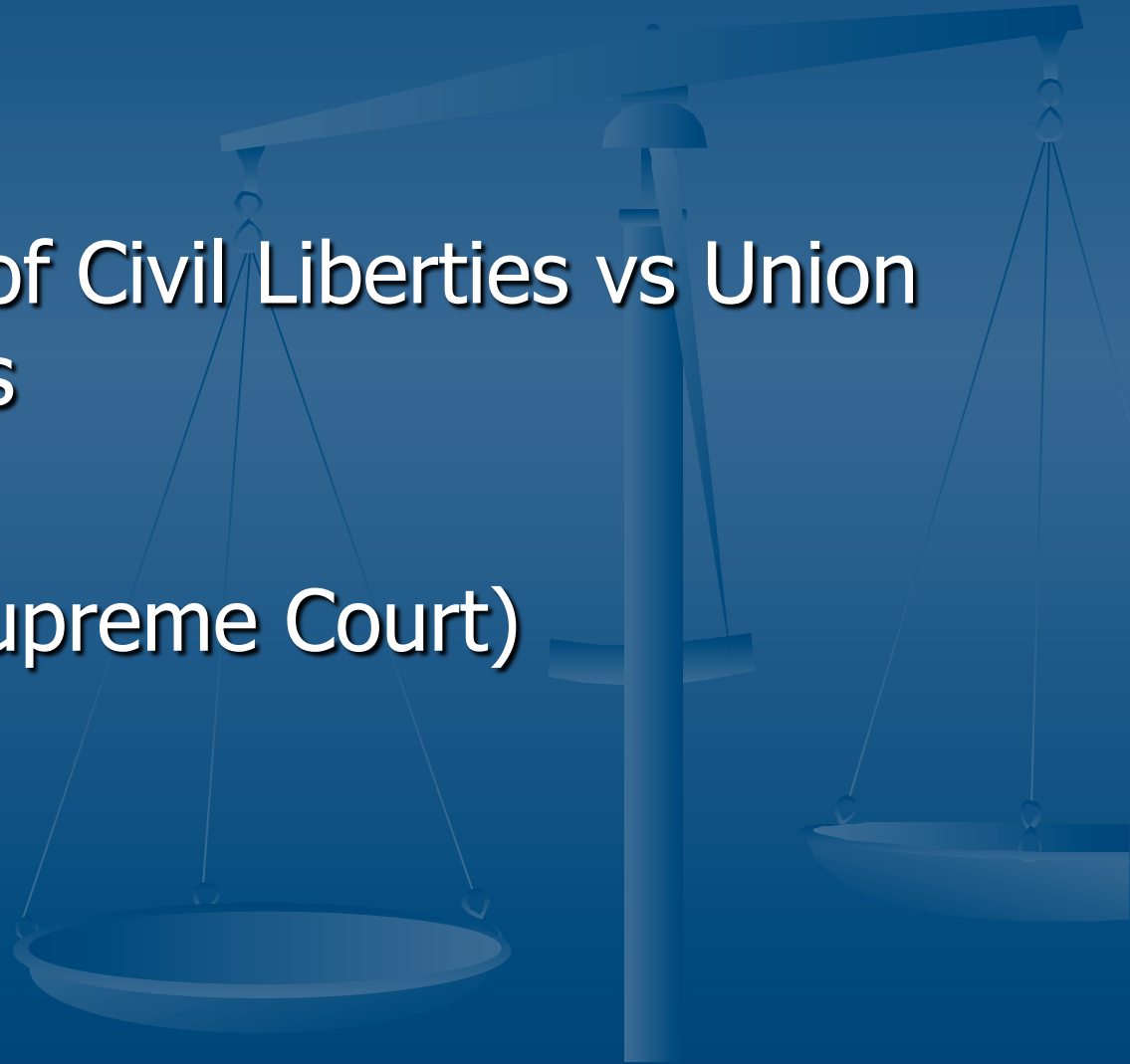
(Ongoing case, Calcutta High Court)

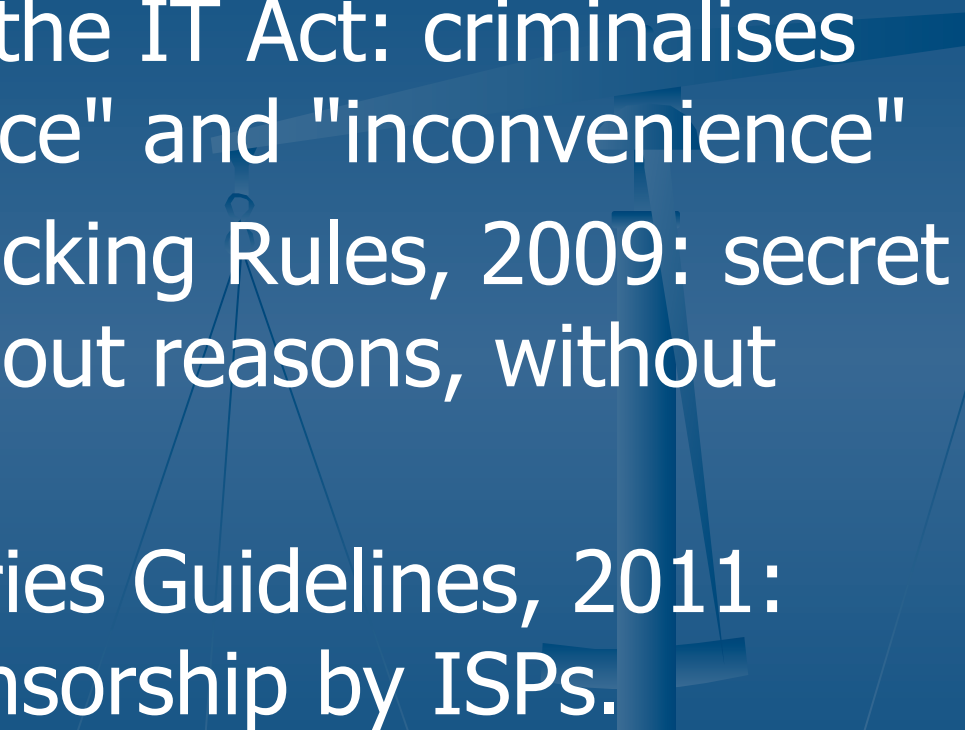


Online speech, replacing hammers with scalpels

- Peoples' Union of Civil Liberties vs Union of India and Ors

(Ongoing case, Supreme Court)

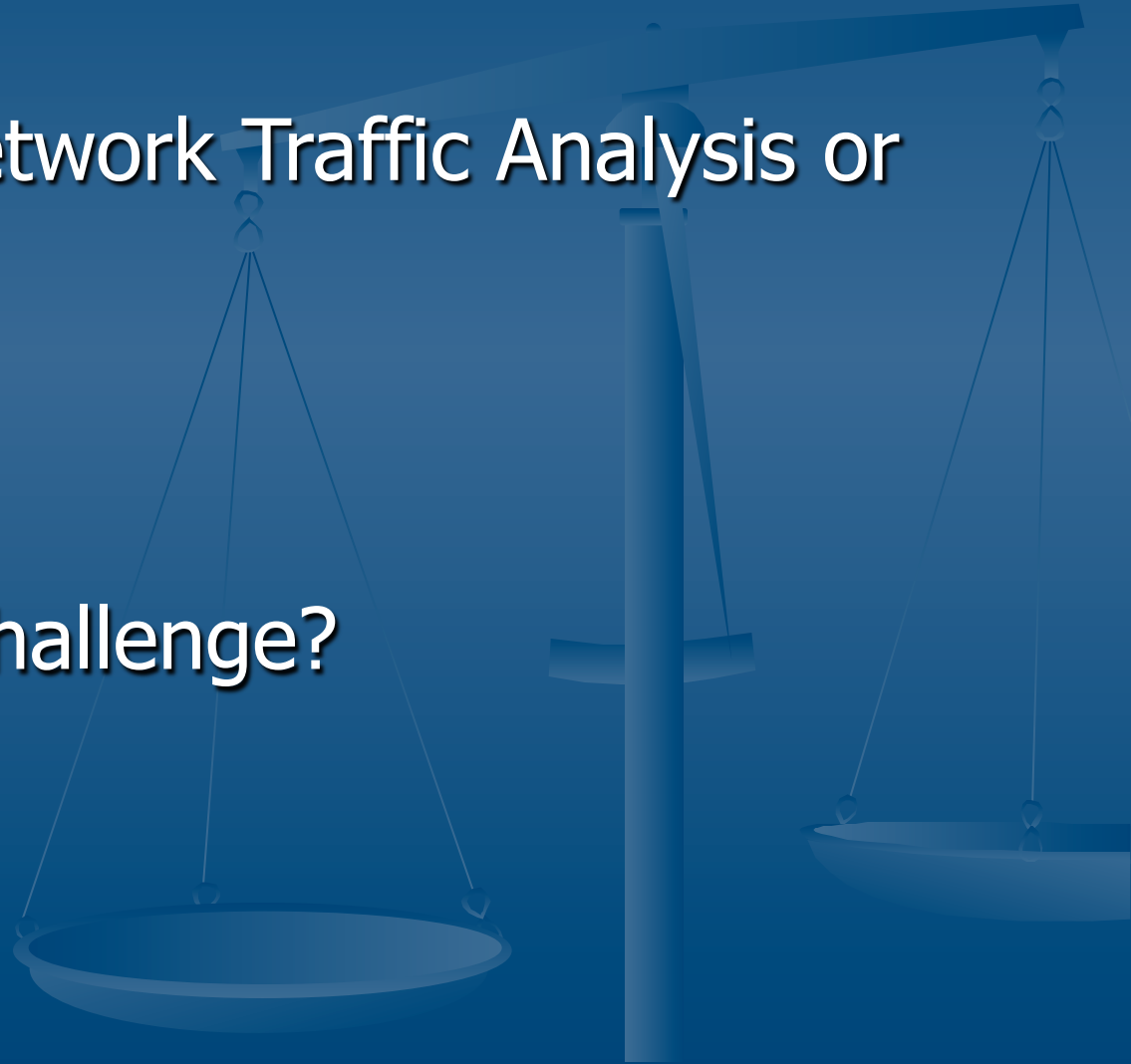


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- Section 66A of the IT Act: criminalises online "annoyance" and "inconvenience"
 - The Website Blocking Rules, 2009: secret censorship, without reasons, without appeal
 - The Intermediaries Guidelines, 2011: force private censorship by ISPs.

Secret censorship, secret surveillance

India's PRISM: Network Traffic Analysis or

- NETRA
- Constitutional challenge?



Thank you

