

According to Supreme Court, freedom of speech and expression is one of the **basic structures of our Constitution**. Freedom of speech and expression is **not a single right** but a **composite right**. Freedom of speech and expression includes - Right to propagate one's views as well as views of others; **Freedom of the press**; Right against tapping of telephonic conversation; Right to have access to information about government activities; Right to make informed choices during elections; Candidates contesting elections are required to disclose their assets and liabilities (**UOI vs Association for Democratic Reforms, 2002**); Right to negative vote during elections (**People's Union for Civil Liberties vs UOI, 2003**); **Freedom of silence**.

Importance of freedom of speech and expression:

1. It is the **mother of all liberties**.
2. As per **John Stuart Mill**, no idea is completely false and **truth does not emerge by itself** but through a conflict of opposing views.
3. It allows **development of individual's creativity, sensibilities and capabilities** through reason and judgement.
4. It is important for the **success of Parliamentary democracy**.

However, the **state can impose reasonable restrictions under Article 19 (2)** on the **grounds of sovereignty and integrity of India, security of state, public order, decency and morality, defamation, contempt of court and incitement to violence**.

Challenges to freedom of speech and expression:

1. **Constraints imposed by government through laws**: regularly abused by political organisations and other influential people. Although these cases rarely result in a conviction, it is used as a form of intimidation which leads to wide spread self-censorship by the people
 - a. **Criminal defamation** (Sec 499 and Sec 500 of IPC)
 - b. Undefined power of **Contempt of Court**. Example: contempt case of Prashant Bhusan
 - c. Law of **Sedition** (Sec 124A of IPC)
 - d. **Hate speech laws - Sec 153A** of IPC (punish persons who indulge in wanton vilification or attacks upon the religion, race, place of birth, residence, language etc.)
 - e. Misuse of **Unlawful Activities (Prevention) Act** and **National Security Act**.
 - f. **Dilution of the Right to Information Act 2005** through recent amendments.
2. **Censorship**
 - a. Films, television shows and music videos are prone to scene cuts or even bans. Example: The **Central Board of Film Certification** refused to certify the film *Lipstick Under My Burkha*
 - b. The vague phrase **"decency or morality" used in article 19(2)** of the constitution has enabled wide spread **moral policing** of mass media and