



FACULTY OF JURIDICAL SCIENCES

COURSE: B.A.LL.B

Semester

SUBJECT: POLITICAL

SCIENCE - II

SUBJECT CODE: BAL ,201

NAME OF FACULTY: DR.INDERJEET KAUR

Lecture- 25



LECTURE 25 Freedom of expression

Main article: [Freedom of expression in India](#)

According to the estimates of [Reporters Without Borders](#), India ranks 122nd worldwide in 2010 on the press freedom index (down from 105th in 2009). The press freedom index for India is 38.75 in 2010 (29.33 for 2009) on a scale that runs from 0 (most free) to 105 (least free).^[1] In 2014 India was down ranked to 140th worldwide (score of 40.34 out of 105) but despite this remains one of the best scores in the region.^[2]

The [Indian Constitution](#), while not mentioning the word "press", provides for "*the right to freedom of speech and expression*" (Article 19(1) a). However this right is subject to restrictions under subclause (2), whereby this freedom can be restricted for reasons of "[sovereignty](#) and integrity of India, the security of the State, friendly relations with foreign States, public order, preserving decency, preserving morality, in relation to contempt of court, [defamation](#), or incitement to an offence". Laws such as the [Official Secrets Act](#) and [Prevention of Terrorism Act](#) ^[3] (POTA) have been used to limit press freedom. Under POTA, person could be detained for up to six months before the police were required to bring charges on allegations for terrorism-related offenses. POTA was repealed in 2004, but was replaced by amendments to [UAPA](#).^[4] The Official Secrets Act 1923 is abolished after right to information act 2005

For the first half-century of independence, media control by the state was the major constraint on press freedom. [Indira Gandhi](#) famously stated in 1975 that [All India Radio](#) is "a Government organ, it is going to remain a Government organ..."^[5] With the liberalisation starting in the 1990s, private control of media has burgeoned, leading to increasing independence and greater scrutiny of government.

Organisations like [Tehelka](#) and [NDTV](#) have been particularly influential, in bringing about the resignation of powerful [Haryana](#) minister [Venod Sharma](#). In addition, laws like [Prasar Bharati](#) act passed in recent years contribute significantly to reducing the control of the press by the government.

LGBT rights

Main article: [LGBT rights in India](#)

Until the [Delhi High Court](#) decriminalised consensual private sexual acts between consenting adults on 2 July 2009,^[6] homosexuality was considered criminal as per interpretations of the ambiguous [Section 377](#) of the 150-year-old Indian Penal Code (IPC), a law passed by the colonial British authorities. However, this law was very rarely enforced.^[7] In its ruling decriminalising homosexuality, the [Delhi High Court](#) noted that existed law conflicted with the fundamental rights guaranteed by the [Constitution of India](#), and such criminalising is violative of Articles 21, 14 and 15 of the Constitution.

On 11 December 2013, homosexuality was again criminalized by a [Supreme Court](#) ruling.^[8]

On 6 September 2018, a five judge constitutional bench of the Supreme Court of India, in a landmark judgement, decriminalized homosexuality.^[9]

By state

Assam[

Main article: [Human rights abuses in Assam](#)

A Human Rights Watch report notes that journalists and human rights activists have been arrested for falsely reporting on human rights abuses. Assam continues to be one of the forefront states where the claims of human rights abuses have been committed by India. Resultant secessionist and pro-independence movements have intensified the political situation, with widespread allegations of human rights abuses being committed by Indian