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FREEDOM OF SPEECH AND EXPRESSION Test of reasonable restriction



Birendra Kumar Tiwari

INTRODUCTION

Article 19 (1) (a) says that all citizens shall have the right to freedom of speech and expression. But this right is subject to limitations imposed under Article 19 (2) which empowers the state to put reasonable restriction on the following grounds, e.g. security of states, friendly relations with foreign States, Public order, decency and morality contempt of court, defamation, incitement to offence and integrity and sovereignty India. Thus the guarantee of each of the above right is, therefore restricted by the constitution in the large interest of the community.

Freedom and speech and expression means the right to express one's own convictions and opinions freely by words of mouth, writing, printing, picture, (symbolic) or any other mode. It thus includes the expression of one's ideas through any communicable medium or visible representation, such as gesture, signs and the

Abstract

Article 19 of the Constitution guarantees Protection of certain freedom of Speech and of the Press lay at the foundation of all democratic organizations, for without free political discussion no public education, so essential for the proper functioning of the process of popular government, is possible. Freedom of Speech and Expression is thus a natural right, which a human being acquires by birth. Everyone has the right to freedom of opinion and expression, the right includes freedom to hold opinions, without interference and to seek and receive and import information and idea through my media and regardless of frontiers. Proclaims the universal declaration of human rights 1948.

Keywords : Reasonable restriction, Publication, Pre-censorship, Obscenity, Security of States, Public order, Decency and morality, Contempt of Court

Short Profile

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like. The expression connotes also publication and thus the freedom of the press is included in this category. Free propagation of ideas is the necessary objective and this may be done on the platform or through the press. The freedom of propagation of ideas is secured by freedom of circulation. Liberty of circulation is essential to that freedom as the liberty of publication. Indeed, without circulation the publication would be of little value.

The imposition of censorship of a journal previous its publication would amount to an infringement of article 19(1)(a). The question of validity of censorship came up for consideration in following few cases

In Ramesh Thopper Vs. State of Madras¹, in this case the petitioner was printer, publisher and editor of a weekly journal in English called "cross road" printer and published in Bombay.

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The State Government of Madras in exercise of their powers under section 9 (1A) of the maintenance of public order Act, 1949, issued an prohibiting the entry into or the circulation of the journal in State. The Supreme Court by majority expressed that there can be no doubt, that freedom of speech and expression includes freedom of propagation of ideas, and that freedom is secured by the freedom circulation. Liberty of publication is an essential to that freedom as the liberty of publication.

The plain reading of Article 19 (a) makes it clear that article 19 (a) nowhere mentioned the freedom of press. It was the case of *Brij Bhushan Vs. State of Delhi*² in order of section 7 (1) (C) of East Punjab Safety Act 1950 directing the editor and publisher of news paper to submit for scrutiny in duplicate before publication till further orders, all communal matters and news and views about Pakistan, including Photographs and cartoons other than those derived from official sources or supplied by the news agencies. The court struck down the order observing. The fundamental right of the freedom of press implicit in the right to the freedom of speech and expression. Further court said, there can be little doubt that the imposition of pre-censorship on a journal is restriction of the liberty of press which is an essential part of Freedom of Speech and expression declared by Article 19 (1) (a).

In *Bennet Coleman and Company vs. Union of India*³, the Supreme Court enunciated, the 'effect test' and not the "Subject matter Test" with regard to determine the question whether a legislation or executive action encroach the fundamental right or not. In this case News Print control order, 1962 issued under section 3 of the essential commodities Act, 1955 along with the import policy for news print for 1972-73 provided (1) bar on starting news papers or editions by common ownership unit, (II) rigid limitation of ten pages, (III) Bar on interchange liability with in common ownership unit, (IV) allowance of 20 percent page increase only to news papers below ten pages. The said order and policy was

challenged on the ground of it being violative of right to freedom of speech and expression. The Supreme Court struck down the policy as being violative of Article 19 (1) (a) and held that it was also not reasonable restriction as provided in article 19(2).

The Court held that if the direct and inevitable effect of the impugned law or executive order is to abridge a fundamental right, its object or subject matter will be irrelevant. In the instant case the court held that although the subject matter of the newsprint policy was different, its direct, effect was newspaper control and hence violative of article 19(1)(a).

The imposition of censorship on a journal previous to its publication would amount to a infringement of article 19(1)(a). In *Express News Paper Private Ltd Vs Union of India*⁴, In this case the petitioners challenged the constitution validity of a notice of re-entry upon the forfeiture of lease and of threatened demolition of the express Buildings on the ground that it was violative of Articles 14, 19(1)(a) and (g). By an agreement of lease the petitioner was allotted certain plots for construction of its press building by the government of India. The express news papers then constructed its new express building. The Lt. Governor of Delhi alleged that the New Express Building was constructed in contravention of Municipal Corporation laws and served a notice for re-entry and for its demolition. The court held that the impugned notices constituted direct and immediate threat to the freedom of this press and were thus violate of Article 19(1)(a) and article 14 and invalid.

FREEDOM OF PRESS:-

The fundamental right of the freedom of press implicit in the right the freedom of speech and expression, is essential for the political liberty and proper functioning of democracy. The Indian Press Commission says that

“Democracy can thrive not only under the vigilant eye of legislature, but also under the care and guidance of public opinion and the press is par excellence, the vehicle through which opinion can become articulate.” Unlike the American Constitution, Art. 19(1)(a) of the Indian Constitution does not expressly mention the liberty of the press but it has been held that liberty of the press is included in the freedom of speech and expression. The editor of a press for the manager is merely exercising the right of the expression, and therefore, no special mention is necessary of the freedom of the press. Freedom of press is the courts to uphold the freedom of press and invalidate all laws or administrative actions, which interfere with it contrary to the constitutional mandate.

Indian Express Newspapers v/s union of India⁵ The American constitution expressly produces for freedom of press, but Article 19 (1) (a) of the Indian Constitution does not expressly produce for the freedom of press, However it is well settled norms that the word “Speech and expression” in Article 19(1) (a) includes the freedom of press also.

Freedom of circulation involves freedom of communication over which there can no censorship Though secrecy of correspondence is which there can no censorship. There can be little doubt that the imposition of pre censorship on a journal is a restriction on the liberty of the press which is an essential part of freedom of speech and expression declared by Article 19 (1) (a). The Indian Constitution does not expressly mention the liberty of press but is has been held that liberty of press is included in the freedom of speech and expression.

In Express newspapers v. union of India⁶ the supreme court held that a law which imposes pre censorship or curtails the circulation or prevents newspapers from being started or require the government to seek government aid in order to survive was violative of article 19 (1)(a). In this case the validity of the working journalists act, 1955 was challenged the Act was

enacted to regulate conditions or persons employed in newspaper industry e.g. payment of gratuity hours of work leave fixation of wages etc. It was contended that the act would adversely office financial position of news paper which might be forced to close down and would curtail circulation and thereby narrows the scope for dissemination of information and hence violative of article 19(1) (a). The court held the act valid the act was passed to ameliorate the service conditions of workmen in the newspaper industry and therefore imposed reasonable restriction on the right guaranteed by article 19(1) (a).

In Sakal Papers Ltd. Union of Indian,⁷ the daily newspaper (price and control order 1960 which fixed a minimum price and number of pages which : newspaper was entitled to publish was challenged as unconstitutional by the petitioner on the ground that it infringed the liberty of the press. The government justified the law as reasonable restriction. The court struck down the order rejecting the state’s argument. It said that the right of freedom of ‘speech and expression cannot be taken away with the object of placing restrictions on the business activity of a citizen. Freedom of speech can only be restricted on the grounds mentioned in clause (2) of article 19.

In Odyssey Communication Pvt. Ltd, v/s. Lokvidayan sanghatan⁸ the respondents a registered social organization of Pune, filed a public interest litigation under article 226 to restrain the union of India, ministry of information and Broadcasting and the state of Maharashtra from telecasting the serial ‘Hony Anhony’ on the ground that it was likely to spread false or blind beliefs and superstition amongst the members of the public. It was however held that the rights of a citizen to exhibit films on the Doordarshan, on the term and conditions imposed by the Doordarshan is a part of the fundamental right of a freedom of expression guaranteed under article 19(1)(a) which can be curtailed only on the grounds

mentioned in article 19(2). The right is similar to the right of a citizen to publish his views through any other media e.g. newspapers magazine etc. subject to the terms and conditions of the owner of the media. The respondents failed to show that exhibition of the serial was prima facie prejudicial to the community. It was also not likely to endanger public morality. In a historic judgment in *R.Rajagopal v. state of T.N.*⁹, the Supreme Court held that the Government has no authority in law to impose a prior restraint upon publication of defamatory material against its officials. The ruling was given by the court. While allowing a writ petition by a Tamil Weekly magazine "Nakheeran" Seeking a direction to Tamil Nadu Government from interfering with the publication of the autobiography of the condemned prisoner, Auto Shankar, in the magazine who had been charged and tried for as many as six murders. His mercy petition to the president of India was pending consideration. The petitioner was editor, printer and publisher of the magazine published from Madras. The autobiography depicted a close nexus between the prisoner and several IAS and IPS officers, some of whom were indeed his partners in several crimes. The Division Bench of the, Supreme Court consisting of Mr. Justice B. P. Jeevan Reddy and Mr. Justice Subhash C. Sen has held that the petitioners have a right to publish the autobiography of Auto Shankar in so far as it appears from the public records even without his consent or authorization. But if they go beyond that and publish his life story, they may be invading his right to privacy and will be liable for the consequences in accordance with law. Similarly, the state and its officials who apprehend that they may be defamed cannot impose prior restraint upon the publication of the alleged autobiography.

The court accordingly held that the petitioners were entitled to publish the autobiography of Auto Shankar as it appeared from public documents.

In *Bobby Art international vs. Om Pal*

*Singh Hoon*¹⁰ (1964) SCC, (Bandit queen case) the respondent filed a writ petition for quashing the certificate of exhibition given to the film "Bandit Queen" and restraining its exhibition in India. This film was granted as "A" certificate subject to certain modifications and cuts by the revising committee of Censor Board. In appeal filed before Supreme Court the allowed the appeal and held that the certificate issued to the film upon conditions imposed by the Appellate Tribunal is valid. The Supreme Court set aside the judgment of the High Court restored the order of the Appellate Tribunal which consisted with its one chairman and the other Ladies members.

In *life Insurance Corporation of India Vs Manu Bhai D Shah*¹¹. In this case the Supreme court examined the scope and extent of the freedom of speech and expression guaranteed by Article 19(1)(a) of the constitution and held that the freedom of speech & expression includes freedom of circulation and propagation of ideas therefore the right extends to the citizen to use the media to answer the criticism leveled against the views propagated by him. Every free citizen has undoubted right to lay what he seutiwants he pleases. This freedom must however be exercised with circumspection and care must be taken not to trench on the right of the other citizens to jeopardize public interest.

In *Ajay Goswami Vs Union of India*¹² a petition was filed to seek protection from the court to ensure that minors are not exposed to sexually exploitative materials, whether or not the same is obscene and prohibited by the law. The court held that in order to shield minors and children should not for fit that the same content cannot be offensive to the sensibilities of adult men and women. When art and obscenity are mixed, what must be seen in whether the artistic, literary or social merit of work in question outweighs its "obscene" content? The test for judging a work should be that an ordinary man of common sense and prudence

and not an out of the ordinary or hypersensitive man. The blanket ban on publication of obscene materials or article in order to shield juvenile innocence cannot be imposed. No news item should be viewed in isolation. Publication must be judged on a whole. Fictitious imagination of anybody especially of minors should not be agitated in court of law. However, the court suggested the press council to amend provision of Act.

NEW DIMENSIONS & CHALLENGES: FREEDOM OF SPEECH AND EXPRESSION

Government has no monopoly on electronic media: The Supreme Court widened the scope and extent of the right to freedom of speech and expression and held that the government has no monopoly on electronic media and a citizen has under Article 19(1)(a) a right to telecast and broadcast to the viewers/Listeners through electronic media television and radio any important event. The government can impose restrictions on such a right only on grounds specified in clause (2) of Article 19 and not on any other ground. A citizen has fundamental right to use the best means of imparting and receiving communication and as such have an access to telecasting for the purpose.

In historical judgment in Secretary Ministry of information and Broad Casting, Govt of India Vs. Cricket Association of Bengal (CAB)¹³ the Supreme Court has tremendously widened the ambit and extent of the right to freedom of speech and expression and laid down that the Government has no monopoly on electronic media and a citizen has under article 19 (1)(a) a right to telecast and broadcast to the viewers/listeners through electronic media, television and Radio any important event. Court further held that State monopoly on electronic media is not mentioned in clause (2) of Article 19.

RIGHT TO INFORMATION:-

The right to know, 'receive and impart

information has been recognized within the right to freedom of speech and expression. A citizen has a fundamental right to use the best means of imparting and receiving information and as such to have an access to telecasting for the purpose. The right to know has, however, not yet extended to the extent of invalidating Section 5 of the Official Secrets Act, 1923 which prohibits disclosure of certain official documents. One can conclude that 'right to information is nothing but one small limb of right of speech and expression.

In Prabhu Dutt vs. Union of India¹⁴ the Supreme Court has held that the right to know news and information regarding administration of the Government is included in the freedom of press.

Another important judgment in Union of India vs. Association for democratic Reforms¹⁵, the Supreme court further extended the right to speech and expression to voter's right to know about their candidates.

Another room where the constitutional makes vested enormous power of playing creative role by the Supreme Court is imposition of reasonable restrictions under Article 19 (2) to (6) upon the exercise of rights enshrined in Article 19 (1) (a) to (g). Regarding all restrictions court has to decide whether a restriction falls within the permissible grounds enumerated in the concerned restriction clause and whether such a restriction is a reasonable restriction.

In Bennet Coleman case¹⁶ the court also held that the right to freedom of speech includes right to receive information also. But regarding this right S.P Sathe¹⁷ has submitted that the right to receive information is only partly covered by the right to freedom of speech because my right to receive information does not obligate the other person to give me information. The right to know is also covered by the right to personal liability and the right to procedure established by law guaranteed Article 21.

Commercial Advertisements: The court held that commercial speech (advertisement) is a part of the freedom of speech and expression. The court however made it clear that the government could regulate the commercial advertisements, which are deceptive, unfair, misleading and untruthful. Examined from another angle the Court said that the public at large has a right to receive the "Commercial Speech". Art. 19(1) (a) of the constitution not only guaranteed freedom of speech and expression, it also protects the right of an individual to listen, read and receive the said speech.

Telephone Tapping: Invasion on right to privacy: Telephone tapping violates Art. 19(1)(a) unless it comes within grounds of restriction under Art.19(2)(a) Under the guidelines laid down by the Court, the Home Secretary of the center and state governments can only issue an order for telephone tapping. The order is subject to review by a higher power review committee and the period for telephone tapping cannot exceed two months unless approved by the review authority.

Tata Press Ltd Vs Mahanagar Telephone Nigam Ltd¹⁸ In this case the Supreme Court held that a commercial speech (Advertisement) is a part of freedom of speech and expression granted under Article 19(1)(a) of the constitution. It can only be restricted on the grounds specified in clause (2) of Article 19 such as in the interest of the security of state, friendly relations with foreign states, public order, decency or morality, or relation to contempt of court defamation or incitement to an offence.

In the case of *Hamdard Dawakhana v/s union of India*,¹⁹ The Validity of the Drugs and magic Remedies (objectionable advertisements) Act 1954 was challenged. The Act was passed with all objects to control the advertisement of drugs in certain cases and to prohibit the advertisement for certain purpose of remedies alleged to possess magic qualities. The court held that every advertisement does not fall with the scope of freedom of speech and expression

guaranteed by article 19(1)(a). The advertisement for propagation of ideas no doubt falls within the ambit of Article 19(1) (a) but advertisement for the Promotion of business or trade does not fall within all ambit of article 19(1) and therefore restriction on advertisement for Promotion of business or trade in public interest is not an trade in public interest is not unconstitutional. The court thus held the Act is Valid.

For recognition of a state political Party:-

In Desiya Murpokku Dravida kazhagam Vs Election Commission of India²⁰ The supreme court has held – For the recognition of a political party as a state party, the election commission order amending clause 6 of the election symbols order, 1968 providing that the political party would not only have to secure not less than 6% of the total valid votes polled but it had also to return at least two members of the legislative Assembly of the state was held to be valid. In order to gain recognition as a political party, a party has to prove itself and to establish its credibility as active political leader in the political arena of the state. It was a bench – mark set by the election commission and was not unreasonable. Further court said the election commission has kept the said balance in mind while setting the bench mark to be achieved by a political party in order to be a recognized as a state party and become eligible to be given a common election symbol.

Television showing terrorist attack:-

In *Mohd. Ajmal Mohd. Amir kasab alias, Abu Mujhid Vs State of Maharashtra*²¹ the supreme court in an important observation at though by way of obiter, regarding the role of media in live electronic coverage of terrorists attacks on hotel oberoi, Taj Hotel and Nariman House and shown on T.V. Screens stated –

The terrorists attacks at all the places, in the goriest details, were shown live on Indian T.V. from beginning to end almost non-stop in

which almost all the T.V. Channel were competing with each other in showing the latest news on a minute to minute basis. This reckless coverage gave rise to a situation where on the one hand terrorists were completely hidden from the forces and they had no means to know their exact position or even the kind of fire arms and explosives they possessed and on the other hand, the positions of the security forces, their weapons and all their operational movements were being watched by the collaborators across the border on T.V. Screens and being communicated to the terrorists. The way the operations of security forces were freely shown, made their task not only exceedingly difficult but also dangerous and risky.

In the above issues any attempt to justify the conduct of T.V. channels by citing the right to freedom of speech and expression would be totally wrong and unacceptable in such a situation. The freedom of expression like all other freedoms under article 19, is subject to reasonable restriction. An action tending to violate another person's right to life guaranteed under article 21 or putting the national security in jeopardy can never be justified by taking the plea of freedom of speech and expression.

By covering live the terrorist attack on Mumbai in the way it was done, the Indian T.V. Channels were not serving any national or social cause but they were acting in their own commercial interest putting the national security in jeopardy. It is in such extreme cases that the credibility of an institution is tested. The news coverage of Mumbai terror attack by the mainstream electronic media has done much harm to the argument that any regulatory mechanism for the media must only come from within.

Territorial extent of freedom:-

There are no geographical limitations to freedom of speech and expression guaranteed under Article 19 (1)(a), and this freedom is exercisable not only in India but outside and if

State action sets up barriers to its citizens' freedom of expression in any country in the world, it would violate Article 19 (1)(a) as much as if it inhibited such expression within the country.

The test of direct effect again applied in *Menka Gandhi Vs. Union of India*²² however in the *Gopalan case*²³ the court held applied the test of subject matter in order to uphold the validity of the preventive detention Act against a challenge under Article 19 (1)(a)

In *People Union of Civil Liberties Vs. Union of India*²⁴ the Supreme Court has observed that in the absence of just and fair procedure for regulating the exercise of power under section 5(1) of the Indian Telegraph Act, it is not possible to safeguard the right of citizens guaranteed under Article 19(1)(a) and article 21 of the constitution. It was held that telephone tapping also violates Article 19(1)(a) unless it comes within ground of restriction under Article 19(2)

Test of Reasonable Restrictions:-

The restriction on the right under Article 19(1) can only be imposed by a 'Law' and not executive or departmental instructions.

The term "reasonable restrictions" in article 19(6) means that the restrictions imposed on a person in the enjoyment of his right should not be arbitrary or of an excessive nature, beyond what is required in the interest of the public. The word "reasonable" implies intelligent case and deliberation which reason dictates. A law which arbitrarily or excessively invades the right of a person cannot be said to contain the quality of reasonableness and unless it strikes a proper balance between the right guaranteed in Article 19(1) and the social control in Article 19(6), it must be held to be wanting in that quality²⁵ the requirement that a restriction should be reasonable means that it is for the courts to determine whether any restriction is reasonable or not. If the courts are of the opinion that a particular restriction is not

reasonable then it well declared it void. The word "reasonable" thus widens the scope of judicial review and the determination by the legislature as to what constitute as reasonable restriction is not final and conclusive but subject test to judge the reasonableness of a restriction. Each case is to be judged on its own merits. The Supreme Court has laid down the following guidelines for the determining the reasonableness restrictions.²⁶

1-It is the court and not the legislature which has to judge finally whether a restriction is reasonable or not.²⁷

2-The term "reasonable restriction" in Article 19(6) can-note that the limitation imposed on a person in the enjoyment of his right should not be arbitrary of an excessive nature, beyond what is actually required in the interests of the public. The word "reasonable" implies intelligent care and deliberation, that is, the choice, of a course which reason dictates. The expression seeks to strike a balance between the individual rights guaranteed by Article 19 and social control permitted by 'clause (2) to (6)' of article 19. Therefore, the restriction must have a reasonable relation with the object which the legislation seeks to achieve and must never exceed it. "Legislation which arbitrarily or excessively invades the right cannot be said to contain the quality of reasonableness unless it strikes a proper balance between the freedom guaranteed in article 19 and the special control permitted by clause (6) of Article 19 it must be wanting in that quality.²⁸

3-There is not exact standard or general pattern of reasonableness that can be laid down for all cases. Each case is to be judged on its own merit. The standard varies with the nature of right infringed, the under lying purpose of the restrictions imposed, the extent and the urgency of the evil sought to be remedied, the disproportion, of the imposition, the prevailing condition all the time. These factors have to be taken into consideration for any judicial

verdict.²⁹

4- The restriction must be reasonable form the substantive as well as procedural stand point³⁰, The court should consider not only the duration and extent of the restriction but also the circumstances under which, and the manner in which that imposition has been authorized.

5-A restriction which is imposed for securing the objects laid down in the directive principles of state police may be regarded as reasonable restriction.³¹

6-The court must determine the reasonableness of a restriction by objective standard and not by subjective one. In other words, the question is not of the court feels the restriction to be reasonable but where a normal reasonable man would regard the restriction to be reasonable. It is this need of objectivity which prompted the Supreme Court to warn the judges not be guided by their own economic and social philosophy. It said "In evaluating such exclusive factors and forming their own conceptions of what is reasonable in all the circumstances of a given case, it is inevitable that the social philosophy and the scale of values of the judges participating in the decision should play an important part and the limit to their reference with legislative judgment in such cases can only be dictated by their sense of responsibility and self restraint and the sobering reflection that the constitution is meant not only for people of their own way of thinking but for all, and that the majority of the elected representatives of the people have, in authorizing the imposition of the restriction, considered them to be reasonable³²"

7-A restriction to be reasonable must have a rational relation with the object which the legislature seeks to achieve and must not be in excess of the object³³. The grounds for which the legislature can impose restriction are mentioned in clauses (2) to (6) of Article 19.

8-If is the reasonableness of the restriction which is to be determined by the court and not the reasonableness of the law. The court has

only to see whether the restrictions imposed on citizens, rights are reasonable. The question whether a provision of the Act provides adequate safeguards against the abuse of power, given to the executive authority to administer the law, is not at all relevant. Mere possibility of the abuse of the power by the executive authority is not test for determining the reasonableness of restriction.³⁴

9-Restrictions may also amount to prohibition under certain circumstances. Thus, a law depriving a citizen of his fundamental right may be regarded as reasonable restriction, if it prohibits him to carry out dangerous trades such as that of trade in liquor or cultivation of narcotic plants or trafficking in women. The right of every citizen to pursue any lawful trade or business is obviously subject to such reasonable conditions as may be deemed proper by the governing authority of the country essential to the safety, health, peace, decency and morals of the community. But where a restriction reaches the stage of prohibition, special care has to be taken by the court to see that the test of reasonableness is satisfied.³⁵

In *K.P. Hafsath Beevi Vs State of Kerala*³⁶ The court has held that restricting a person's petitioners from offering cures for illness or basis of prayers is a reasonable restriction imposed on grounds of public health, morality etc, In particular when petitioner has not authentic scientific certification in support of any claim of such ability to cure.

CONCLUSION:-

In this article it can be easily concluded that right to freedom of speech and expression is one's of the most important fundamental right. It includes circulating one's views by words or writing through audiovisual instrumentalities through advertisements and through any other communication channel.

Thus article 19 of the constitution guarantees to the citizens of India six freedoms namely speech and expression, peaceable

assembly, 'association' free movement', 'residence and practicing any profession and carrying on any business. The above freedoms are necessary not only to promote certain basis rights of citizens but also democratic values in the oneness of the country. These freedoms are, however, not guaranteed by any modern state. If the people were given complete and absolute liberty without any control the result would be ruin. The guarantee of each of the above rights is therefore, restricted by the constitution itself by conferring upon the State a power to impose by law reasonable restrictions as may be necessary in the public interest.

FOOTNOTES:-

1. AIR 1950 SC 124
2. AIR 1950 SC 129
3. AIR 1973 SC 106
4. (1986) 1 SCC 133
5. AIR 1985 SC 641
6. AIR 1958 SC 578
7. AIR 1962 SC 305
8. (1988) 3 SCC 410
9. (1994) 6 SCC 632
10. (1996) 4 SCC 1
11. (1992) 3 SCC 637
12. AIR 2007 SC 493
13. (1995) 2 SCC 161
14. AIR 1982 SC 6
15. AIR 2002 SC 2112
16. AIR 1973 SC 106
17. S.P. Sathe, *Judicial Activism in Indian* 2nd ed. 2002, Page 111-112
18. (1995) 5 SCC 13
19. AIR 1960 SC 554
20. AIR 2012 SC 2191
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