

**“THE CONFLICT BETWEEN RIGHT TO FREE SPEECH AND
SEDITION LAWS- HEADING TOWARDS DISSENTLESS
DEMOCRACY?”**

TABLE OF CONTENTS

1. Introduction.....	4
2. Limitations on freedom of speech	4-6
3. Misuse of Sedition Laws against Free speech.....	6-9
4. Majoritarianism over Constitutionalism- A Judicial Approach..	9-13
5. Conclusion.....	13-14
6. Bibliography.....	14-15

INTRODUCTION:

It is a very well-known fact that most of the sovereign nations and many democracies around the world considers sedition or crime against the integrity of the state as a very serious offence and has strong legislation to deter the same and punish the offenders who practice it. Concurrently, we all are aware that the right to free speech is a fundamental right in a democracy. In the Constitution of India, Article 19(1) gives a citizen the right to freedom of speech and it is considered as a very significant element for our nation to be called a democracy. However, there are certain limitations to it. Sometimes, this right may be used beyond limits that may lead to the crime of sedition. Contemporarily speaking, there have been numerous sedition cases filed against people who exercised this right resulting in the misuse of sedition laws by the influence of political clout. It is an issue in recent times that people who criticize the mistakes of the government are charged with sedition crimes. Therefore, being a part of the legal industry it a very important need that one has to learn the perfect balance between the freedom of speech and sedition to preserve the fundamental principle of a democracy which is dissent. This research would mainly focus on analyzing the conflict or clash between this right to free speech and sedition and check if these laws are interpreted and enforced in the right way in which it was meant to be. Also, the significance of this research is to criticize if the majoritarianism has taken over constitutionalism under the context of free speech. Through this discourse, the researcher would thus bring in landmark cases, judicial precedents by constitutional benches and opinions by eminent authors to bring light to the issue of the research in hand.

LIMITATIONS ON FREEDOM OF SPEECH:

During British India, the colonial rule completely restricted the Freedom of speech of the Indian masses using sedition laws and other measures.¹ However, when freedom was legally granted to India by the formation of a new Constitution, the concept of freedom of speech and expression became one of the very basic

¹ Chidige Sai Varnitha, Explained: Freedom of expression in India Lexlife India (2020), <https://lexlife.in/2020/05/21/explained-freedom-of-expression-in-india/> (last visited Nov 20, 2020).

and structural aspects of Indian democracy.² In the Constitution of India, Article 19(1) refers to the right to freedom of speech and expression saying that all citizens shall have the right to freedom of speech and expression. This right is multidimensional that it comprises several other aspects as well. This right includes the right to freedom of the press,³ right to freedom of commercial speech, right to broadcast, right to information, right to criticize, right to expression beyond national boundaries⁴ and it also especially includes the right not to speak and the right to be silent. In the case of *Indian Express v. Union of India*, it was ruled by the court that the Press plays a very significant role in the democratic machinery of the country. The court said it is the duty of the judiciary to uphold the freedom of the press and invalidate all laws and administrative actions that abridge that freedom, thereby including freedom of the press as a part of freedom of speech.⁵ Also in the case of *S. Rangarajan Etc v. P. Jagjivan Ram*, the court held that every citizen has the right to express his opinion on any government policy and that it cannot be a ground for restricting free speech. The court insisted that not every citizen needs to sing the same song in a democratic nation.⁶

Given this freedom, one must never remember that too much of anything is good for nothing. The drafters of the constitution realized this well and they specified the limit that must be laid upon the right to freedom of speech and expression. The basic idea behind this limitation or restriction on free speech is that a citizen while exercising this very basic democratic right of free speech may with or without intent directly cause or in some way contribute to some other offence in the society. This other offence may be anything such as inciting a riot, propagating hate speech, sedition etc. Article 19(2) imposes reasonable restrictions on the right to freedom of speech in the interest of the sovereignty and integrity of India, friendly relations with foreign States, public order, decency or morality or in relation to contempt of court, defamation or incitement to an offence.⁷ Among all these reasonable restrictions, the one which has higher relevance to this research is the restriction on the free speech in the interest of sovereignty and integrity of the state. It also restricts sedition which is supporting all those activities, whether through words or writing, determined to disrupt the State's tranquillity and drive misguided individuals to subvert the government. This is like a

² Npradhan, Constitution of India-Freedom of speech and expression, Legalserviceindia.com (2020), <http://www.legalserviceindia.com/legal/article-572-Constitution-of-india-freedom-of-speech-and-expression.html> (last visited Nov 20, 2020).

³ *Romesh Thappar v. State of Madras*, 1950 SCR 594

⁴ *Maneka Gandhi v. Union Of India*, 1978 SCR (2) 621

⁵ *Indian Express v. Union of India*, (1985) 1 SCC 641

⁶ *S. Rangarajan Etc v. P. Jagjivan Ram*, 1989 SCR (2) 204

⁷ Constitution of India, Article 19(2) (1950).

double-ended knife in a democracy where the citizens and the lawmakers must balance between free speech and sedition. In contemporary times, the war between free speech and the protection of the state's integrity can be seen much especially in India lately. Apart from the reasonable restrictions imposed under Article 19(2), there are several other legislations which act as a barrier to free speech. Section 124A of the India Penal Code defines sedition, "Whoever, words, either spoken or written or by signs or by visible representation or otherwise, brings or attempts to bring into hatred or contempt, or excites or attempts to excite disaffection towards the Government established by Law in India shall be punished with imprisonment for life, to which fine may be added or with imprisonment which may extend up to three years, to which fine may be added or with fine." Unlawful Activities (Prevention) Act, 1967 has been very much common these days to be used as a sedition law machinery.⁸ As indicated by Section 2(o) of the said Act, supporting cases of withdrawal, questioning territorial integrity, and causing or intending to cause disaffection against India fall inside the ambit of unlawful activity. Section 13 punishes unlawful action with imprisonment reaching out to seven years and a fine.⁹ Besides this, The Prevention of Insults to National Honour Act, 1971 and a few more guard the integrity of the state and in such sense limit the scope of freedom of speech. In the legal sense, these laws are very much important to safeguard the state's integrity and restrict free speech in a rational and just manner. Despite this, in recent times it can be seen that these laws are often misused to restrict dissent which is the backbone of democracy.

MISUSE OF SEDITION LAWS AGAINST FREE SPEECH:

The political discourse in India today have been designed in a manner where the parties put their best to safeguard and restrict the freedom of speech that the constitution of India is offering as a basic democratic right to every citizen of India. This can be called in many ways such as abuse of power, misinterpretation of the statute, etc. Nonetheless, the ultimate result is unconstitutional and the rights of people being infringed. This clash between the conflict between free speech and sedition has a long legal history in India since Independence and all of them denote the impact of colonial rule in India when free speech was a far from truth concept. The drafters of the constitution were very keen in this matter that they without any ambiguity clarified free speech and its reasonable restrictions in

⁸ Unlawful Activities (Prevention) Act, 1967

⁹ Tanishqa Jangid, *Sedition Law in India*, LEXLIFE INDIA (2020).

the constitution itself. However, the judiciary must interpret it in the best way to benefit the population. In an interview by *The Hindu*, a famous Bombay High Court litigant, author and a Harvard Law graduate Abhinav Chandrachud addressed that the historical context of the constitution of India refers directly to the communal unrest and the partition that was taking place in that text. He argues that it was because of keeping in mind this situation that the framers decided for an amendment to introduce reasonable restrictions on free speech by the inclusion of 19(2).¹⁰ This is in a way pulling the British legacy with respect to how they barred free speech based on decency, sedition, obscenity etc. The insurgent and charged environment which was the reason for the inclusion of 19(2) no longer exists today in a peaceful state after more than 70 years of independence. But today, with the kind of approach that the government has taken and the kind of campaigning that the government is doing, any speech pertaining to religion and causing offence to religion is conflated with political speech, taking the person into very new and uncharted territories as far as freedom of speech is concerned. This appears to be very much contrary to the intention of the framers of the constitution.

The misuse of these restrictions on free speech by the incumbent government has become very much prevalent in recent days. The right-wing ruling government has been for a long attempting to silence the opposition and protestors behind the façade of national interest and patriotism. The sedition cases filed on the CAA protestors, sedition case on Umar Khalid, the detention of Kashmiri leaders for protesting against the abrogation of Article 370 are recent examples. Hundreds of sedition cases were filed against the CAA protestors under the blanket of public order, blasphemy and integrity of the state. For posting a tweet thanking Kuwait for their cause of Muslims in India, Delhi Minorities Commission chief Zafarul Islam was arrested on the basis that he promoted hatred between different religious groups in India. What happened in JNU and Jamia Milia University is indubitably unconstitutional and it symbolises the defeat of the pro humanitarian objective of the law. The violence that the police caused to the CAA protestors in Jamia Nagar and Shaheen Bagh is never something that is recognized by any law in India.¹¹ The police arrested a three-month pregnant lady Safoora Zargar was charged with sedition and the UAPA and subsequently arrested. Umar Khalid, a former Democratic Student Union leader at JNU and his mate were arrested under sedition for allegedly holding anti-national events at JNU which was truly peaceful anti CAA protests. Delhi Municipal councillor Ishrat Jahan, president of the Jamia

¹⁰ Jayant Sriram, *Should restrictions on free speech be reviewed?*, *The Hindu* (2020).

¹¹ Ashlin Mathew, *Vindictive Govt finds sedition under every stone: vendetta for protests against CAA*, *National Herald* (2020).

Millia Islamia Alumni Association Shafi-Ur-Rahman and a lot of more peaceful protestors of the Citizenship Amendment Act, National Register of Citizens and the National Population Register were simply charged under sedition, the UAPA and put to jail. After the abrogation of Article 370 on August 5, 2019, the chief minister of Jammu and Kashmir Omar Abdullah along with other Kashmiri leaders like Farooq Abdullah, Mehbooba Mufti, Shah Faesal, Sajjad Lone, Yasin Malik were detained under the Jammu and Kashmir Public Safety Act. It was frivolously alleged that these leaders incited the Kashmiri public to protest against the abrogation of 370. This dogmatic and unproved allegation hardly possess any constitutional grounds to perform such detention. There is no proof as to indicating these leaders inciting any violence or making any preparation of violent protest. Moreover, the political record of the chief minister Omar Abdullah shows that he has always been constitutional in his actions and policy decisions.¹² The more saddening part is that the judiciary turned a deaf year to this issue by the fact that The Supreme Court at first did not hear Sara Pilot's petition challenging the detention of her brother, Omar Abdullah, under the Public Safety Act.¹³ Mere criticism of the government can never be a criminal offence and such detention indicates that the constitution has lost its values in recent times. In fact, in a historical US Supreme Court decision in the case of *Brandenburg v. Ohio*, the court while interpreting the first US constitutional amendment held that the freedom of speech in the country can only be curtailed if the speech made incites violence or creates imminent unlawful act.¹⁴ Apart from this, the movement of the leaders was restricted by detention. For this, Lord Denning in English case of *Ghani v. Jones* held that "A man's liberty of movement is regarded so highly by the laws of England that it is not to be hindered or prevented except on the surest grounds".¹⁵ The same was held in India by a seven Judge Constitution Bench judgment of our Supreme Court in *Maneka Gandhi v. Union of India*.¹⁶ Despite these judicial precedents, the detention of the Kashmiri leaders was not challenged constitutionally and their basic democratic right of free speech and the right to the movement was grossly violated. The culmination of these unconstitutional state actions is that it has become a very common notion as whoever speaks against the government policies and

¹² Markandey Katju, *OPINION: Omar Abdullah's detention a gross violation of his Constitutional rights*, The Week (2020).

¹³ The Print Team, *Why are Kashmiri politicians still in detention when other restrictions have been lifted?* ThePrint (2020), <https://theprint.in/talk-point/why-are-kashmiri-politicians-still-in-detention-when-other-restrictions-have-been-lifted/376259/> (last visited Nov 20, 2020).

¹⁴ *Brandenburg v. Ohio*, 395 U.S. 444 (1969)

¹⁵ *Ghani v. Jones*, (1970) 1 Q.B. 693 (709)

¹⁶ *Maneka Gandhi v. Union of India*, AIR 1978 SC 597

whoever criticizes the government will be charged under these laws and put to jail. The liberty for dissent has been steadily falling down in India over the past few years and the draconian Sedition Law has been used to clamp down on all those who are critical of the government. All these events tell us one thing that is very disheartening to a country with democracy as its one of the most significant founding principles of its independence, republic and its formation. That one thing is that this tyrannical sedition law which traces its origin to the vaguely worded despotic colonial law (during British India) has become a tool for the right-wing intolerant government to suppress the voices of criticism which is a mandate in the healthy functioning of democratic machinery. Now, as a law student when I look at all these events, it takes me to another whole new question whether or not in India, the majoritarianism has overtaken the constitutionalism as Ambedkar feared.

MAJORITARIANISM OVER CONSTITUTIONALISM- A JUDICIAL APPROACH:

Jawaharlal Nehru once said, “The spectacle of what is called religion, or at any rate organised religion, in India and elsewhere, has filled me with horror and I have frequently condemned it and wished to make a clean sweep of it. Almost always it seemed to stand for blind belief and reaction, dogma and bigotry, superstition, exploitation and the preservation of vested interests.”¹⁷ Similar was the opinion of Dr B R Ambedkhar when he said, “If Hindu Raj does become a fact, it will no doubt, be the greatest calamity for this country. No matter what the Hindus say, Hinduism is a menace to liberty, equality and fraternity. On that account, it is incompatible with democracy. Hindu Raj must be prevented at any cost.”¹⁸ What these words of the two political legends of the Indian legal history tell us is that if at all this nation polarizes on its religious identity with the majority population being Hindu, it may essentially become a great threat to the peace and harmony of the nation. In the current political context of India, this fear expressed by these two leaders is very much relatable. It is the majority government which is advocating Hinduism and creating a divide among the people. It is the majoritarian government which by its power trying to suppress the basic rights of people which the constitution has essentially offered. India’s slow ushering into a majoritarian democracy is a matter of concern for every such

¹⁷ Jawaharlal Nehru, *Toward freedom, The Autobiography of Jawaharlal Nehru*, p.240-241 (2015).

¹⁸ Dr.Ambedkar, *Pakistan or Partition of India*, p. 358, (1945).

individual who still believes in pluralism, democracy, equality and a clear separation of religion and politics.¹⁹ The government uses its power of the majority to shut peoples' voices with the help of certain enactments like the section 124a of IPC, the Unlawful Activities Prevention Act, etc. This is a very clear sign of the majoritarian ideology waging its war on the constitutional nature of the country. However, irrespective of the fact that the government is using these tricks to fool the democracy with the help of sedition laws, it is the judiciary that is responsible to interpret these laws in a just manner and enforce it in the best interest of the society.

Now, if we look at how the judiciary has balanced between majoritarianism and constitutionalism and its approach towards this conflict as a whole, there has been a long-standing legal history since independence. Right from the time India became independent, the judiciary through various high courts and supreme court rulings in several cases highlighted on this problem. One of the earliest cases that the Indian Judiciary saw a conflict between free speech and sedition is the case of *Tara Singh Gopi Chand v the State* on November 28, 1950.²⁰ In this case, the struck down Section 124A of the Indian Penal Code, which defines sedition, holding it to be unconstitutional as it was contrary to the freedom of speech and expression guaranteed under Article 19(1) (a) of the Constitution of India. Eight years after, came the landmark judgment of *Ram Nandan v. State of U.P.*²¹ In this case, Ram Nandan who was a farmer who was fighting for the cause of farmers and agricultural labours in Uttar Pradesh, was charged with sedition for an inflammatory speech in which he accused the that Congress government did not attempt to efficiently address extreme poverty in the state and he exhorted cultivators to form an army and overthrow the government if the need arises. The Allahabad High court for his sedition charges said that section 124A of the Indian Penal Code restricted free speech and it was not addressing people's interest, thus declared it to be ultra vires. The researcher while critically analyzing this judgement can understand one thing. When a citizen exercises his basic democratic right of free speech to criticize the government, the state takes the tool of sedition law(Section 124A of IPC) to suppress the voice of democracy thereby proving the majority's upper handedness over the constitutionalism. In this case, the judiciary's intervention saved the validity of the constitution from the evil hands of the majority government. In the evolution of this concept of sedition versus free speech, the 1962 case

¹⁹ Subhash Gatade, Nehru, Ambedkar And Challenge of Majoritarianism | Countercurrents Countercurrents (2020), <https://countercurrents.org/2018/01/nehru-ambedkar-challenge-majoritarianism/> (last visited Nov 20, 2020).

²⁰ *Tara Singh Gopi Chand v The State*, 1951 CriLJ 449

²¹ *Ram Nandan v. State of U.P.*, AIR 1959 All 101

of *Kedar Nath v. the State of Bihar*, has high significance.²² Kedarnath, a member of the forward communist party of Bihar accused the ruling Congress government of corruption and thus he was charged with sedition. In this case, the Chief Justice B.P. Sinha who headed the five-judge bench of the Supreme Court said, “Comments, however strongly worded, expressing disapprobation of the actions of the government, without exciting those feelings which generate the inclination to cause public disorder by acts of violence, would not be penal. In other words, disloyalty to the government established by law is not the same thing as commenting in strong terms upon the measures or acts of the government, or its agencies, to ameliorate the condition of the people” and by saying this, he upheld Section 124A of IPC as intra vires overruling the Allahabad High Court’s decision in Ram Nandan’s case in 1950. In the researcher’s opinion, the court’s ruling in this case and its reasoning is just in a general sense but lacks so much of relevance to the case. Kedarnath’s act of pointing out the government’s corruption cannot be considered an act to incite violence or threaten the security of the state. The mere act of criticizing the government and pointing out its mistake can never find relevance to violence and hate speech. Thus, the researcher feels that the judiciary in this case favoured the majority government (i.e) inclining more towards majoritarianism rather than constitutionalism. However, this case has much importance because it was in this case that the Supreme court laid down a test for sedition which would help the judiciary achieve a fine balance between fundamental rights guaranteed to the citizens and the need for public order. The court highlighted three pertinent ingredients for the sedition law to be applied to someone exercising their right to free speech. Those three ingredients for the sedition test established by the Kedarnath judgement was:

- There should be a clear disruption of public order.
- There should be a violent attempt to overthrow a lawfully established government and
- Finally, such an act must threaten the security of the state. Section 124-A of IPC should only be invoked if the abovementioned test has been complied with, the Court observed in its historic judgment.²³

This test was a very important establishment by the judiciary for the protection of the right to freedom of speech at the same time emphasizing the reasonable restrictions on it. After this judgement, there are numerous cases where this test has been used.

²² *Kedar Nath Singh v. State of Bihar*, AIR 1962 SC 955

²³ Law of Sedition and the Kedarnath Singh Test: A Confusing Paradox, Blog.lawskills.in (2020), <https://blog.lawskills.in/2019/10/18/law-of-sedition-and-the-kedarnath-singh-test-a-confusing-paradox/#:~:text=Firstly%2C%20there%20should%20be%20a,the%20security%20of%20the%20state.> (last visited Nov 20, 2020).

The significance of this test was realized after three decades in 1995 in the case of *Balwant Singh v. the State of Punjab*.²⁴ In this case, the respondent Balwant Singh was chanting slogans after the assassination of Indira Gandhi. The court applied the Kedarnath test in this case and it held that chanting slogans in a lone environment can in no way be considered as an incitement of violence or conspiracy also it did not create insecurity to the state. The application of this test did clarify the court that the action of Balwant Singh would not amount to sedition. Here, the Kedarnath test saved the constitutionality of his action from the majoritarian traps. Furthermore, Supreme Court in *Bilal Ahmed Kaloo V. State of Andhra Pradesh* and in several other subsequent cases clarified that criticizing a public measure or passing comment on government action is justified until it comes under the reasonable restriction of Article 19(2). It doesn't matter whether the usage of words was strong or not; it will only matter if the words have the pernicious tendency or intention of creating public disorder or disturbance of law and order.²⁵ From this case, it can be very well noted that the judiciary is clear in its intent to uphold the freedom of speech and expression to the maximum possible extent unless it harms society. From this ruling, it can be understood that if and only if the free speech exercised by an individual disturbs public order or creates insecurity to the state, the sedition law of Section 124A of IPC and the UAPA can be ever touched. In this sense, the Supreme Court of the US is also sharing a similar view and this can be noticed in two of its landmark judgements. In the case of *Schenck v. the United States*, the US Supreme Court laid down the "clear and present danger test" where free speech can be barred only in times when it poses a clear and imminent danger to the security of the state.²⁶ Later in the case of *Brandenburg v. Ohio*, the US Supreme Court expanded the test for sedition by saying that that free speech cannot be curtailed unless it advocates "imminent lawless action" and by this, the Court meant something likely to happen instantly or something forthcoming. Not only has this test been consistently followed in the US but it has found mention in Indian judgments as well.²⁷ It is a notable thing that the first constitutional amendment in both Indian and US constitution was related to the right to freedom of speech and expression. This way, the US constitution and the judicial interpretation has much relevance to the Indian context as far as free speech and sedition is considered. In the case of *S. Khusboo v. Kanniamal & Anr*, AIR, the court spoke about the importance and inevitability of freedom of speech in a democracy.²⁸ It said that that free flow of the ideas and

²⁴ *Balwant Singh v. State of Punjab*, (1995) 3 SCC 214

²⁵ *Bilal Ahmed Kaloo v. State of Andhra Pradesh*, (AIR 1997 SC 3483)

²⁶ *Schenck v. United States*, 249 U.S. 47 (1919)

²⁷ *Brandenburg v. Ohio*, 395 U.S. 444 (1969)

²⁸ *S. Khusboo v. Kanniamal & Anr*, (AIR 1997 SC 73)

perceptions in society ensures its citizens are well-informed, resulting in good governance. The good sign of democracy is a participatory democracy where students actively criticize the pros and cons of the government policies and schemes so as to ensure that it benefits everyone. This judicial precedent highlighted the importance of constitutionalism over majoritarianism. However, in recent days, the sedition cases filed on the CAA protestors and protestors against the abrogation of Article 370 gives us some different news about constitutionality.

CONCLUSION:

The first President of the United States of America, George Washington once said, “If the freedom of speech is taken away then dumb and silent we may be led, like sheep to the slaughter”.²⁹ This words of this world leader tell us the message of what is happening now in India. It simply means that the right to freedom of speech is very essential in a democracy and if it is unreasonably curtailed, then it will lead to a situation where we all move like a sheep with no dissents to government policies and which will ultimately result in the death of the democracy. In the Indian context, it was rightly put by Mahatma Gandhiji, “ The freedom of free speech, free association and free press is almost the whole swaraj”. This words by the father of our nation give us even more deep understanding of what free speech stands for. Swaraj refers to the self-governance which is the whole idea behind democracy where the government is of the people, by the people and for the people. So for good self-governance, free speech, press and association are what needed the most according to Gandhiji. In the researcher’s opinion, one must understand that the government is also run by human beings and human beings are bound to make errors. Therefore, it is only by free speech that the people get to criticize government decisions so that they improvise them and make necessary changes wherever needed according to the people’s demand. However, it is also humans on the other side too. This freedom of speech may also turn out badly if not regulated well. “Some people's idea of [free speech] is that they are free to say what they like, but if anyone says anything back, that is an outrage,” said Winston Churchill.³⁰ As his words go, it is true that if free speech is given as an absolute right will be taken out of proportion by these citizens and may lead to a lot of unlawful activities like communal riots, overthrowing the government etc. Therefore according to the researcher, the reasonable restrictions imposed on the free speech are very much essential but the legislature and the judiciary must ensure these restrictions are truly

²⁹ Shaunta Grimes, *Like sheep to the slaughter.*, Medium (2019).

³⁰ Winston Churchill, *THE CHURCHILL SPIRIT—IN HIS OWN WORDS*, The New York Times (1964).

reasonable on a case to case basis. This tool of reasonable restriction aided by the sedition law must never turn as a weapon to shut people's voice as it is happening in India. The courts must try to find the perfect balance between sedition and free speech. A conducive environment of free speech must be laid provided it does not threaten the harmony of the society and security of the state. As a writer, it haunts the researcher even while writing this paper as it may also be interpreted by sedition by some people. The researcher would conclude with a note of hope that at least in the forthcoming days, the judiciary and the lawmakers must try their best to uphold constitutional values in the context of free speech amidst the tyranny of the majoritarianism, given that this doesn't lead to public unrest and secure the state's sovereignty.

REFERENCES:

- Chidige Sai Varnitha, Explained: Freedom of expression in India Lexlife India (2020), <https://lexlife.in/2020/05/21/explained-freedom-of-expression-in-india/> (last visited Nov 20, 2020).
- Npradhan, Constitution of India-Freedom of speech and expression, Legalserviceindia.com (2020), <http://www.legalserviceindia.com/legal/Article-572-constitution-of-india-freedom-of-speech-and-expression.html> (last visited Nov 20, 2020).
- *Romesh Thappar v. State of Madras*, 1950 SCR 594
- *Maneka Gandhi v. Union Of India*, 1978 SCR (2) 621
- *Indian Express v. Union of India*, (1985) 1 SCC 641
- *S. Rangarajan Etc v. P. Jagjivan Ram*, 1989 SCR (2) 204
- Constitution of India, Article 19(2) (1950).
- Unlawful Activities (Prevention) Act, 1967
- Tanishqa Jangid, *Sedition Law in India*, LEXLIFE INDIA (2020).
- Jayant Sriram, *Should restrictions on free speech be reviewed?*, The Hindu (2020).
- Ashlin Mathew, *Vindictive Govt finds sedition under every stone: vendetta for protests against CAA*, National Herald (2020).
- Markandey Katju, *OPINION: Omar Abdullah's detention a gross violation of his Constitutional rights*, The Week (2020).
- The Print Team, *Why are Kashmiri politicians still in detention when other restrictions have been lifted?* ThePrint (2020), <https://theprint.in/talk->

point/why-are-kashmiri-politicians-still-in-detention-when-other-restrictions-have-been-lifted/376259/ (last visited Nov 20, 2020).

- *Brandenburg v. Ohio*, 395 U.S. 444 (1969)
- *Ghani v. Jones*, (1970) 1 Q.B. 693 (709)
- *Maneka Gandhi v. Union of India*, AIR 1978 SC 597
- Jawaharlal Nehru, *Toward freedom, The Autobiography of Jawaharlal Nehru*, p.240-241 (2015).
- Dr.Ambedkar, *Pakistan or Partition of India*, p. 358, (1945).
- Subhash Gatade, *Nehru, Ambedkar And Challenge Of Majoritarianism | Countercurrents Countercurrents* (2020), <https://countercurrents.org/2018/01/nehru-ambedkar-challenge-majoritarianism/> (last visited Nov 20, 2020).
- *Tara Singh Gopi Chand v the State*, 1951 CriLJ 449
- *Ram Nandan v. State of U.P.*, AIR 1959 All 101
- *Kedar Nath Singh v. State of Bihar*, AIR 1962 SC 955
- *Law of Sedition and the Kedarnath Singh Test: A Confusing Paradox*, Blog.lawskills.in (2020), <https://blog.lawskills.in/2019/10/18/law-of-sedition-and-the-kedarnath-singh-test-a-confusing-paradox/#:~:text=Firstly%2C%20there%20should%20be%20a,the%20security%20of%20the%20state.> (last visited Nov 20, 2020).
- *Balwant Singh v. State of Punjab*, (1995) 3 SCC 214
- *Bilal Ahmed Kaloo V. State of Andhra Pradesh*, (AIR 1997 SC 3483)
- *Schenck v. United States*, 249 U.S. 47 (1919)
- *Brandenburg v. Ohio*, 395 U.S. 444 (1969)
- *S. Khusboo v. Kanniamal & Anr*, AIR 1997 SC 73
- Shaunta Grimes, *Like sheep to the slaughter.*, Medium (2019).
- Winston Churchill, *THE CHURCHILL SPIRIT—IN HIS OWN WORDS*, The New York Times (1964).

