

**SEMINAR
ON
FREEDOM OF SPEECH AND EXPRESSION**

Organised by:

**University Institute of Legal Studies,
Ava-Lodge Campus, Shimla-171004.**

**On
16th March, 2020**

VENUE:

**Conference Hall of University Institute of Legal Studies,
Shimla-04.**

ABOUT HIMACHAL PRADESH UNIVERSITY

The Himachal Pradesh University, Shimla came into existence in July, 1970 through Himachal Pradesh University Act, 1970. Though it does encompass the challenges and limitation of hill University, it nevertheless stands apart from the rest in academic accomplishments. It has a beautiful campus spread over 200 acres. The University is surrounded by a panoramic view of nature having snow laden mountains, thick deep forests growing oak, pine and soul winning deodar trees. The University is one of the leading affiliating – cum- residential Universities in India, catering to the needs of more than 1.50 lac student. It enjoys the national and international repute.

ABOUT US:

With the approval from the Himachal Pradesh Government, the UILS was established in 2005 by Himachal Pradesh University, Shimla. The Institution has been striving for excellence since its inception in the field of legal education and to ensure an ideal dissemination of excellent academic opportunities. The Institution is situated in the foothills of the Himalayas, in the heart of Shimla District, Himachal Pradesh. The British architecture of the building and the sylvan beauty of its surroundings makes the environment conducive for teaching and learning. Currently the UILS is running B.A.LL.B(Hons.) Five Year Integrated Course, with the aim to provide a platform of knowledge and confidence which further helps in moulding the students into intellectually active, professionally awakened, morally upright and socially responsible citizens.

ABOUT THE SEMINAR: CONCEPT NOTE

“Give me the liberty to know, to utter and argue freely according to conscience above all liberties” John Milton.

The essence of free speech is the ability to think and speak freely and to obtain information from others through publications and public discourse without fear of retribution, or repression by the Govt. Freedom of Speech and Expression includes freedom of silence and right to decline to listen. In the noise pollution AIR 2005 SC 3136, Supreme Court held that noise pollution cannot take shelter under Article 19 (1) (a) in order to defeat the basic purpose of Article 21. It is meant for the right to express one’s own convictions and opinions freely by words of

mouth, writing, painting, pictures or any other mode. Liberty to express ideas and opinions without hindrance and especially without fear of punishment play vital role in the development of a particular society. This freedom is not guaranteed only by constitution or statues of various states but also by International conventions like Universal Declaration of Human Rights, European Convention on Human Rights and fundamental freedoms, International convention on civil and political rights etc. Article 19(1) (a) of constitution of India guarantees to all its citizens the right of freedom of speech and expression. The Law states that “All citizens shall have the right to freedom of Speech and Expression” under Article 19(2) “Reasonable restrictions can be imposed on the exercise of this right for certain purposes. Any limit on the exercise of the right under Article 19(1) (a) not falling within the concerns of Article 19(2) cannot be valid. Indian judiciary also supported this view in Bennet and Coleman and Co. V Union of India (1973) 2 SCR 757 by pointing out that the right of freedom of Speech and cannot be taken away with the object of placing restrictions on the business activities of citizens. Even in Maneka Gandhi vs Union of India, Bhagwati J has emphasised on this aspect by stating that if Democracy means govt. Of people by the people, it is obvious that every citizen must be entitled to participate in the democratic process and in order to enable him to intelligently exercise his rights of making a choice, free and general discussion of public matter is absolutely essential. The scope of Article 19(1) (a) of the constitution has been expanded to include the right to receive and disseminate information. 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. Right to Information Act 2005 empowers people to ask for information from Govt. officials but prohibits disclosure of certain documents under Section 8 of the Act. These prohibitions are nothing but are the grounds of reasonable restrictions over Freedom of Speech and Expression. It further includes the right to communicate and circulate information through any medium including print media, audio, television, broadcast or electronic media. The print media is a powerful tool for dissemination and receipt of information for any citizen. But persons with print impairment have no access to printed material in their normal format. There is a complete failure on the part of State Govt. to make legislative provision for enabling access to persons with print impairment of material in alternative accessible formats would constitute a deprivation of their right to freedom of speech and expression. Under this head, there is no separate guarantee of freedom of the press and the same is included in the freedom of expression

which is conferred on all citizens. Hence, the phrase “Speech and Expression” is of very wide connotation. The freedom of expression includes freedom of the propagation of ideas, their publication and circulation.

Under the Constitution of India, an individual as well as corporation can invoke freedom of speech and expression and other fundamental rights against the state by way of writ petition under Article 32 and 226 of the Constitution. Keeping in view the permissible restriction imposed by state in the interests of Social control. So the fundamental right of freedom of speech and expression is not absolute but subject to reasonable restrictions mentioned under 19(2) in the forms of Security of State, Friendly relations with foreign states, public order, decency or morality, Contempt of Court, defamation, incitement to an offence, Sovereignty and Integrity of India etc. Hence unhindered flow of words in an open forum is the essence of free society and needs to be safeguarded at all times.

OBJECTIVES OF THE SEMINAR

The objective of this seminar is to understand each and every aspect of the theme including Right to Information. Accordingly, the net proceeds of the seminar would afford reasonable material to the organisers, participants to protect the present democratic set-up. It will definitely provide a better platform for qualified dialogue to panel of experts. This seminar will inculcate the presenters that how can they express their own ideas and what are the different reasonable restrictions placed on it.

SUB THEME(S)

- (a) Scope of Article 19(1) (a) of constitution and reasonable restrictions.
- (b) Recording and publishing court proceedings/public order.
- (c) Parliamentary privileges.
- (d) Contempt of Court.
- (e) Sedition and article 19(2) of constitution.
- (f) Dissent, Sloganeering, incitement to violence, Free Speech and Sedition.
- (g) Defamation as Civil and Criminal remedies.
- (h) Mistake as a defence to defamation proceedings.
- (i) Govt. Surveillance of Social Media and privacy.
- (j) Speech and Expression in Social Media under IT Act.
- (k) Media trial and Right to Privacy.
- (l) Freedom of Expression in Internet Age.
- (m) Right to know vs Right against information.
- (n) Issues and Challenges of Right to Information Act,2005.
- (o) Any other co-related theme.

SUBMISSION GUIDELINES:

The submissions shall consist of an Abstract followed by objectives of the Paper, explanation of legal provisions, case laws related to the topic, empirical analysis (if empirical study is done), findings analysis which will be subject to anti-plagiarism check.

SUBMISSION FORMAT FOR PAPER(S):-

Participants are requested to adhere strictly to the following guidelines:

- The length of the Abstract shall not be more than 250 words and the research paper should not exceed 3000 words.
- The cover page of manuscript must contain the title of the paper, author's name, designation, name of the Institution, email id, full address and contact number.
- Co-authorship of maximum 2 authors per paper is allowed, however registration has to be done individually.
- Abstract alongwith the full paper shall be reviewed by the panel of experts.
- The paper should follow the format of font type-Times New Roman, Font size-12, ILI Rules for footnoting.
- Submissions should be sent by email to **seminaruils3@gmail.com**

IMPORTANT DATES:

Last Date for Submission of Abstract: 05-02-2020

Last Date for Submission of Full Paper: 15-02-2020

Confirmation of Acceptance of Paper: 25-02-2020

PUBLICATION OF PAPERS:

Selected Papers would be published in the form of a Book or may be in the Peer Reviewed Journal of the UILS after the Seminar.

REGISTRATION FEES:

- | | |
|---------------------------------------|----------------|
| (a) Faculties/Professionals/Delegates | : Rs. 1,500-00 |
| (Co-Author) | : Rs. 1,000-00 |
| (b) Research Scholars/Students | : Rs. 800-00 |
| (Co-Author) | : Rs. 500-00 |

* Registration fees has to be paid on the spot only.

ACCOMMODATION:

No accommodation shall be provided.

CHIEF PATRON:

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PATRON:

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