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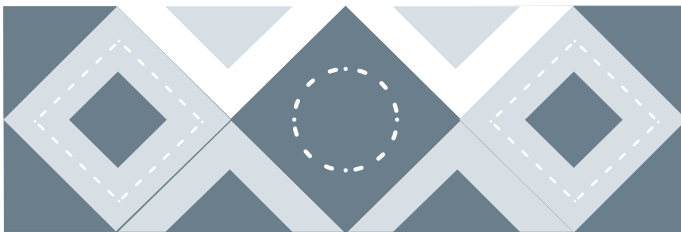
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How Free is Free Speech in India?

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How Free is Free Speech in India?

by

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Preface

This policy paper examines the contemporary crisis of freedom of speech and expression in India through constitutional doctrine, judicial practice and State regulation of speech and expression. Against the backdrop of recent controversies—ranging from the prosecution of comedians, journalists, academics and digital creators to internet shutdowns and content-blocking frameworks devoid of review systems—it argues that India is witnessing a structural erosion of the constitutional framework for protecting free speech. Although Article 19(1)(a) guarantees free speech subject to reasonable restrictions under Article 19(2), the expanding invocation of national security, public order and morality has increasingly transformed these exceptions into routine instruments of targeted control of free speech by the State. Judicial responses, particularly the Supreme Court’s referring to the ‘vacuum’ in the speech control regime and calling for further regulation, reflects a doctrinal shift that risks legitimising executive overreach rather than restraining it, producing a chilling effect.¹

This paper situates these developments within India’s constitutional history and its contemporary global position on protection as well as control measures, drawing on comparative free-speech and internet-freedom assessments to show how far practice has diverged from the constitutional promise. It traces the developments during colonisation, emergency-era precedents, and modern digital surveillance and platform regulation which have converged into a dense architecture of State control. While the constitutional framework

through the exceptions to right to free speech seeks to balance liberty with legitimate state interests, its ever expansive and selective deployment today has converted the right into an arbitrary privilege.

REKHA SHARMA



Note

1. *The Leaflet*, 'Supreme Court Mulls Filling up Vacuum in Law to Control Hate Speech', 21 September 2022, <https://theleaflet.in/hate-speech/supreme-court-mulls-filling-up-vacuum-in-law-to-control-hate-speech> (accessed 8 April 2026).





How Free is Free Speech in India?

REKHA SHARMA

INTRODUCTION

The Supreme Court of India is presently adjudicating several cases with significant bearing on the constitutional guarantee of freedom of speech and expression.¹ Notably, certain oral observations made during the proceedings of these cases elicit concerns about an emergent judicial position tilting against the freedom of speech and expression. A divided understanding surfaced after the criminalisation of Ranveer Allahabadia's allegedly 'obscene' comment on the talent show *India's Got Latent* which could be viewed on Youtube (Mollan, 2025). It has ignited legal and academic debate concerning the permissible limits of expression, particularly in the realm of satire, humour and digital content. While several commentators have defended Allahabadia's right to freedom of speech under Article 19(1)(a),² others have argued for the legitimacy of regulatory constraints on content deemed offensive or morally objectionable. The Supreme Court has also taken a preliminary view with Hon'ble Mr Justice Surya Kant (as he then was) expressing disapproval of content criticising the criminal action against Allahabadia and defending his freedom of speech and expression.

‘We also know some brainless people are writing articles in the name of freedom of speech, etc...we know how to handle them also...in this country, there is nothing like a fundamental right on a platter...the fundamental rights come with duties, and unless people understand their duties, we know how to deal with such elements...if somebody wants to enjoy fundamental rights, this country gives a guarantee to enjoy, but guarantee is with a duty so that guarantee will involve performing that duty also’, Justice Kant noted orally during the proceedings (Mishra, 2025).

Over the course of the hearings, the Court also urged the Union government to address the ‘vacuum’ in regulation of online content while remarking: *‘We don’t want any regulatory regime which leads to censorship...but it can’t be a free for all platform’*.³ The Court also expressed dissatisfaction on the self-regulation provided under the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, which are sub-judice before the Delhi High Court for privacy violations. On Justice Kant taking over as Chief Justice of India, he reportedly remarked: *‘Self-styled bodies will not help....Some neutral autonomous bodies which are free from the influence of those who exploit all of this, and the state also is needed as a regulatory measure’*.⁴

A parallel concern emerges from the Court’s inconsistent approach toward speech directed at the judiciary itself. For instance, while *suo motu* contempt proceedings were initiated against journalist and YouTuber Ajay Shukla for allegedly making scandalous allegations against a sitting Supreme Court judge, no action was taken against a Member of Parliament who publicly delivered a harsh and personalised critique on the then Chief Justice of India, Sanjiv Khanna, even holding him

responsible for civil unrest in the country. These contrasting responses raise difficult questions about uneven thresholds of tolerance. In both situations, if the allegations were indeed problematic, it was not merely the personal reputation of the individual judge but the institutional dignity and authority of the Court that was involved.

While the final adjudication of these cases is yet to play out, these judicial remarks compel a deeper enquiry into the question: To what extent does freedom of speech in India remain true to its constitutional promise?

A further illustration of the fragile dichotomous approach of the Apex Court between protection of the right to free speech and allowing suppression of dissent comes from the case of Ali Khan Mahmudabad, a professor at Ashoka University, who was arrested following his remarks on social media about Operation Sindoor. While the Police charge sheet accused him under serious provisions—including one under Bharatiya Nyaya Sanhita (BNS) Section 152 (acts allegedly endangering sovereignty, unity and integrity of India), along with other charges related to public mischief and communal disharmony—the Supreme Court, in August this year, restrained the trial court from taking cognisance of the charge sheet and barring it from framing charges until further orders. The SIT formed to investigate the said social media posts filed a closure report, consequent to which the Court quashed the First Information Report (FIR) in respect thereof, and stayed proceedings in the other, signalling that the posts did not *prima facie* disclose a crime under the invoked laws.

This development raises yet another dimension of concern: that State action—including arrest, jail and charges under most serious criminal offences—can be launched against academics for expressing

dissent, even after the highest Court steps in to check overreach. The case underscores the chilling effect on expression, especially in academic and intellectual spaces, and prompts urgent questions about the robustness of constitutional guarantees when the boundaries of legitimate critique and alleged endangerment remain vague.

The situation is particularly concerning given India's consistently low performance across multiple global assessments of freedom of expression, placing it among low scorers in several key indices measuring internet freedom, press freedom, and public support for free speech. The *Freedom on the Net Report 2024* by Freedom House⁵ ranks India 56th out of 72 countries, noting a consistent decline in its internet freedom score over recent years.⁶ The report employs a set of control indicators, including blocking of social media platforms, blocking of political, social or religious content and pro-government manipulation of online discussion, all of which were observed to be in active use in India, alongside countries like China, Iran and Russia. The report reveals a striking parallel. India recorded the second-highest number of government-ordered internet shutdowns globally, with 84 instances, just one less than Myanmar, which, under a repressive military junta, imposed 85 shutdowns. The Ministry of Electronics and Information Technology (MeitY) issued around 27,000 online content blocking orders across platforms such as X (formerly known as Twitter), YouTube, Facebook and others between 2014 to 2020. However, the Review Committee mandated under IT Rules 2009 (Rule 14) to review such blocking orders has not ordered unblocking even in a single case (Das, 2022).

On 4 August 2019, one day prior to the issuance of Constitutional Order 272 by the President, applying all provisions of the Constitution of India to the State of Jammu and Kashmir, and modifying Article

367 in its application to the State of Jammu and Kashmir, the Government discontinued mobile phone networks, internet services and landline connectivity in the valley, with restrictions on movement also being imposed in some areas. The Executive Editor of the *Kashmir Times* approached the Supreme Court of India challenging the communication ban orders.⁷ The Supreme Court, inter alia, ruled that orders instituting internet shutdowns must be published in the public domain, any order suspending internet services must have a legal basis, the principle of proportionality is to be followed, indiscriminate or indefinite shutdown orders cannot be passed, and that a review committee of the government itself must assess the legality of such an order within seven working days of the previous review.

The Court's reliance on committees when issues of blatant and mass rights violations are brought before it surfaced again, when only a few months later, citing the *Anuradha Bhasin* judgment, a petition was filed to challenge the 4G internet ban in Jammu and Kashmir especially in the light of the COVID-19 pandemic.⁸ Interestingly, the same bench of the Apex court now noted the presence of 'cyber-terrorism' as well as a Pakistani military publication titled *Green Book 2020* calling for information warfare, and the 'need to balance rights with national security'—disposing off the petitions by forming a 'Special Committee', consisting of the Union Home Secretary, Union Communications Secretary, and the Jammu and Kashmir Chief Secretary (Nair and Brunner, 2020). In this scenario, it is left for us to wonder if such dereliction of judicial function has a constitutional basis. If any parallel is needed, the same can be drawn with the national Emergency in 1975 when the right to approach the Courts for violation of fundamental rights was suspended and the Supreme Court upheld that decision.

The Supreme Court's adjudication of these Fundamental Rights violation cases did not deter the Haryana government from shutting down internet services in February 2024 during the Farmers' protests, in four districts of Haryana (Sakunia, 2024) citing '*spread of misinformation and rumours through various social media platforms*' and '*for facilitation and mobilisations of mobs and agitators and demonstrators who can cause serious loss of life and damage to public and private properties*' (Internet Freedom Foundation, 2024). The neighbouring state of Rajasthan ordered an internet shutdown citing the possibility of law-and-order disruptions during the public services exam, which has been a frequent situation in Rajasthan during government exams—irrespective of the ruling party in the state (Sakunia, 2024).

In early May 2023, an internet shutdown was ordered in Manipur following violent clashes between local communities. A Public Interest Litigation (PIL)⁹ was filed in the Manipur High Court, which following the trend set by the Apex court, constituted an expert Committee in June 2023 to review the internet shutdown (Lakshman, 2023). The constitutionality of internet shutdown orders were challenged in a petition filed on 28 May 2023 before the Supreme Court. The petition, available online,¹⁰ claims gross contempt of the earlier judgments of the Supreme Court regarding publication of such orders, review of the orders, etc., as well as the statutory law on telecommunication. However, first the Vacation Bench refused to hear the matter stating that since the High Court is dealing with a matter on internet suspension, there is no urgency and the regular bench will hear the matter (Vora, 2023a), only for it to be ultimately withdrawn by the petitioner after the three-judge bench led by the then Chief Justice of India (CJI) Chandrachud,

refused to entertain the petition (Vora, 2023b). The internet shutdown in Manipur set a world record for being the longest in the year 2023, totalling 5,000 hours and reportedly resulting in the loss of 'more than half a billion dollars' (Sakunia, 2024). It was ultimately partially lifted by the Governor of Manipur in December 2023, resulting in the disposal of the petition before the High Court, where the only prayer was restoration of the internet,¹¹ leaving the grave issues of contempt of the Supreme Court judgments un-adjudicated and the alleged perpetrator, i.e., the State, unaccounted for.

In an analysis of press freedom by the Future of Free Speech,¹² India is ranked 159th out of 180, with at least 135 instances of criminalising speech (Skaaning and Krishnarajan, 2025). Another global public opinion survey conducted by this organisation positions India at 24th among 33 countries in terms of societal support for free speech in a global survey (ibid.). The report places India in the 'Lower Support' group with countries like Israel and Lebanon. Despite its constitutional identity as a socialist, secular and democratic republic, India secured a score of 62.6 on the report, only marginally higher than Pakistan's score of 57, widely criticised for lacking foundational liberal democratic commitments (ibid.).

In the light of growing concerns about executive overreach, as documented in multiple global assessments, Justice Kant's observations in the *Allahabadia* case mark a troubling tilt towards reinforcing restrictions rather than robustly defending the constitutional guarantee of free speech. At a time when the executive is actively employing a wide array of legal instruments to curtail dissent and control digital spaces, the judiciary's role in fortifying expressive freedoms becomes all the more critical. Rather than counterbalancing this trend, the Court's remarks risk reinforcing it. Far from being

an isolated moment, such judicial discourse reflects and legitimises a broader pattern of democratic regression.

STATUS OF THE RIGHT TO FREEDOM OF SPEECH AND EXPRESSION IN INDIA

Freedom of Speech and Expression is governed by Article 19¹³ in Part III of the Constitution of India, 1950.¹⁴ Clause (1)¹⁵ guarantees citizens the right to freely express their thought, opinion and expression, which is qualified by the restrictions enumerated in clause (2).¹⁶ Article 19(2)¹⁷ lays down the ‘reasonable restrictions’ to free speech allowing for restrictions in the interests of the security and sovereignty of India, friendly relations with foreign States, public order, decency or morality in relation to contempt of court, defamation or incitement to an offence. The restrictions provided can only be imposed through laws enacted by the Parliament, and any limitation on free speech should not be arbitrary or excessive, but only in the interest of the public.

In recent years, India has witnessed a sharp escalation in the assault on freedom of expression, marked by a series of high-profile incidents that signal a shrinking space for dissent, satire and independent journalism (Nisar, 2025; Basu, 2024). In 2021, stand-up comedian Munawar Faruqui was arrested in Madhya Pradesh on allegations of offending religious sentiments, despite the absence of any recorded evidence confirming that the purported remarks were made during his performance (Faleiro, 2021). His continued detention was marked by repeated denials of bail by the lower court, and a subsequent refusal by the High Court, which reasoned that his release could disturb public law and order (Irani, 2021). It was only after spending over a month in custody that he was granted bail by the Supreme Court.

Journalists have increasingly come under attack in India. In 2022, Mohammed Zubair, co-founder of the fact-checking website *Alt News*, was arrested over a four-year-old tweet that authorities deemed offensive, raising serious concerns about the use of outdated legal provisions to muzzle criticism and investigative journalism.¹⁸ Similarly, in Uttar Pradesh, journalist Siddique Kappan was detained under the Unlawful Activities (Prevention) Act (UAPA) while covering the Hathras gang rape case—highlighting the heightened risks for reporters handling sensitive topics.¹⁹

The assassinations of journalists such as Gauri Lankesh (Deb, 2018) and Shujaat Bukhari (Iftikhar, 2019) further underscore the extreme dangers faced by those who challenge entrenched power structures. Both were well-known for their sharp critiques of the establishment, and their deaths serve as stark reminders of the perilous state of press freedom in India.

Eminent public figures, including Nobel laureate Amartya Sen, have openly voiced alarm over the country's declining respect for free speech (Vincent, 2024). Sen has cautioned that deteriorating protection for this foundational right poses a grave threat to democracy. These concerns reflect the findings of the above referred global studies, which rank India among countries with some of the most stringent internet control apparatuses in the world.

A particularly telling episode in the suppression of creative freedom was the case of Kunal Kamra in March 2025, after he performed a satirical set at the Habitat Comedy Club in Mumbai. An FIR was registered against him, which the Bombay High Court refused to quash, only providing protection from arrest.²⁰ Earlier, the members of the ruling Shiv Sena's youth faction had stormed the venue during another show and vandalised the premises,

despite police presence, claiming to be ‘protesting’ against Kamra’s reference to Maharashtra Deputy Chief Minister Eknath Shinde as a ‘*gaddar*’ (traitor) in his previously recorded show (V. K. Yadav, 2025). Multiple arrests were made, and the venue was forced to shut down temporarily following the violence, drawing criticism over law enforcement’s failure to prevent such acts in real time and raising questions about the security of spaces for performance and dissent. Shortly thereafter, Delhi Chief Minister Rekha Gupta, when asked whether Kamra would be allowed to perform in the national capital, remarked that the comedian could ‘come at his own risk’—a response widely perceived as reflecting the broader climate of insecurity for artists and comedians.²¹

A recent flashpoint in the struggle between digital freedom and State-led regulation is the rollout of the Sanchar Saathi app. It was launched by the Department of Telecommunications (DoT) as a cybersecurity and ‘anti-fraud tool’ that allows users to block or track lost/stolen phones, monitor SIM-fraud and report suspicious calls or messages. The government initially mandated that all new smartphones be pre-installed with the app. The mandate triggered a strong backlash as critics raised concerns that its broad permissions, which the users have no control over, and forced pre-installation could effectively transform every smartphone into a surveillance instrument. Within days of widespread public outcry, reportedly the government reversed its order stating that the app will remain optional.²²

The Sanchar Saathi episode adds a fresh dimension to the debate over freedom of expression, privacy and State power in digital life. It underscores how tools presented as protective can also morph into instruments of control—especially when enforced across the board, without meaningful consent, transparency or institutional oversight. In the

broader context of legal and judicial trends outlined earlier, it reinforces the argument that regulatory and surveillance measures, if unchecked, pose grave risks not only to privacy but to the very environment in which free speech, dissent and critical debate can survive.

All these developments have exposed a sobering reality: the curtailment of free speech in India is not an abstract issue but one that exerts deep and far-reaching consequences for democracy and public discourse.

THE COMPLEX JOURNEY OF FREE SPEECH IN OUR COUNTRY

The contemporary state of free speech in India is in complete contrast to its rich ancient heritage of free thought, central to Ashoka's and Buddha's enduring messages of reason, debate and dialogue. Although, they remain important historical symbols, their practical application has been uneven. Even in pre-colonial times, the durbar system under princely states and Mughal rule provided limited forums for expression—yet one still risked consequences for challenging hierarchical authority.

Colonial rule drastically reversed any traditions of openness. Laws like the Vernacular Press Act 1878²³ and Section 124A of the Indian Penal Code²⁴ (sedition) were used to suppress nationalist voices, prosecuting leaders such as Bal Gangadhar Tilak and Mahatma Gandhi for their dissenting views.

Post-independence, the initial idealism of constitutional freedoms quickly faced constraints. The first constitutional amendment of 1951 narrowed Article 19(1)(a),²⁵ adding new grounds for 'reasonable restrictions' including sovereignty, security and public order. These measures were justified as necessary to maintain national unity and order, particularly after landmark judgments like *Romesh Thapar v. State of Madras*,²⁶ overcame the challenges posed

by the original restrictions in the Constitution. This amendment marked a significant shift towards greater State control over speech.

The national Emergency²⁷ from 1975 to 1977 remains a stark reminder of the fragility of free expression in our democratic framework. During this period, press censorship was imposed, civil liberties suspended and dissenters detained arbitrarily, under laws such as the Maintenance of Internal Security Act (MISA).²⁸ Publications critical of the government were banned, illustrating how quickly speech liberties can be curtailed.

Further constitutional amendments, including the Sixteenth²⁹ and Forty-Second,³⁰ strengthened State powers to restrict speech under broad pretexts, often tied to concerns about internal disturbance or national security. These changes reflect a recurring tension: balancing freedom and order within our evolving political context.

THE CONTRADICTIONARY LEGAL LANDSCAPE

The Right to Information Act (RTI), 2005³¹ empowered citizens by promoting transparency and accountability, supporting the constitutional right to informed public discourse. Yet this progress is offset by several laws that broadly restrict speech, many criticised for their potential misuse:

1. Bharatiya Nyaya Sanhita (BNS), 2023:³² While formally repealing the colonial sedition law, it replaces sedition with Section 152,³³ criminalising acts allegedly threatening the sovereignty and integrity of our country. Critics argue that this provision continues to pose risks for dissenting voices.
2. Indian Penal Code (IPC), 1860:³⁴ The colonial-era IPC had long been used to limit speech through provisions like sedition and

defamation. Although sedition has been removed, the legal framework still includes restrictions on speech related to public order, which courts have upheld, albeit narrowly.

3. Information Technology Act, 2000:³⁵ Despite the Supreme Court striking down Section 66A³⁶ for vagueness and misuse, other sections, particularly Section 69A³⁷ (content blocking) and Section 69B³⁸ (communication monitoring), grant the government extensive powers over online speech. This often pressures intermediaries to practice pre-emptive censorship to avoid liability.
4. Unlawful Activities (Prevention) Act (UAPA), 1967,³⁹ and National Security Act (NSA), 1980:⁴⁰ These laws are frequently invoked against activists and journalists, with reported low conviction rates that indicate possible overuse as tools to intimidate dissent.
5. Digital regulation and surveillance: The Intermediary Guidelines and Digital Media Ethics Code Rules (2021),⁴¹ along with the IT interception rules (2009),⁴² compel online platforms to regulate content, destroy privacy protections and encourage self-censorship—all justified in the name of public order and security.
6. Indian Telegraph Act, 1885⁴³ and Telecom Suspension Rules, 2017:⁴⁴ These colonial-era laws facilitate internet shutdowns during protests and unrest, severely restricting access to communication and, consequently, free speech.

While the government presents these measures as necessary for national security and order, concerns persist that they often serve to shield authorities from accountability and mute critical voices.

CONTEMPORARY CHALLENGES TO FREE EXPRESSION

Free speech in India faces complex barriers beyond legal restrictions:

1. **Vigilante censorship and platform overreach:** The removal of comedian Kunal Kamra's shows from the online ticket booking platform and app BookMyShow, following complaints from political groups, exposes how fear of offending dominant sentiments leads to institutional capitulation and extralegal censorship.⁴⁵
2. **Surveillance and control:** Advanced technologies, including facial recognition and AI surveillance during protests, raise serious concerns about profiling and intimidation of dissenters (Ulmer and Siddiqui, 2020).
3. **Political misinformation:** Coordinated disinformation campaigns linked to ruling party operatives undermine public debate, making it difficult for citizens to discern the truth (Rajvanshi, 2024).
4. **Erosion of media independence:** Majoritarian pressures constrain independent journalism; responses to critical reports, like the BBC documentary on the 2002 Gujarat riots, have included tax raids and censorship (S. Yadav, 2023).
5. **Shrinking space for civil society:** NGOs face legal and financial hurdles, with many forced to close, leading to India's 'repressed' ranking in global civic space indexes (Civicus, 2023).
6. **Paid speech and influence:** The rising dominance of paid PR and influencer campaigns distorts public discourse, sidelining genuine critical voices (Pandey, 2022).

At the same time, it is important to recognise that the constitutional design of Article 19(1)(a) and 19(2) does not treat free speech as an unfettered liberty but as one exercised in harmony with legitimate state interests. The framers expressly incorporated narrowly tailored exceptions—the sovereignty and integrity of India, security of the State, public order, decency, morality, contempt of court, defamation and incitement—to ensure that unregulated or harmful speech does not destabilise the democratic order. In principle, these restrictions reflect a carefully balanced constitutional vision: one that acknowledges that speech can empower but also injure, and that the State may sometimes be justified in intervening to prevent violence, protect vulnerable groups or safeguard institutional functioning. The challenge, therefore, does not lie in the existence of these exceptions but in their *frequent and expansive misuse*, where the State deploys them not as calibrated safeguards but as instruments to circumvent or dilute the guarantee of free expression. The constitutional framework thus seeks equilibrium, but it is the State's deviation from this equilibrium—rather than the design itself—that produces the current climate of suppression and democratic anxiety.

Yet, when placed against contemporary practice, this constitutional equilibrium often collapses, revealing how far our country's narrative about free expression falls short of its constitutional promise. Laws and practices ostensibly crafted to preserve security and unity, risk undermining the very democratic values they claim to protect. The challenge remains to reconcile these contradictions and ensure that freedom of speech is not just a constitutional ideal but a lived reality for all (Human Rights Watch, 2016).

Without robust safeguards, the foundational promise of expressive freedom risks becoming an empty ideal. It is imperative that we confront

these tensions openly and recommit to ensuring that freedom of speech remains a living, breathing right—one that empowers voices, embraces diversity of thought and upholds the democratic spirit in practice, not just on paper.



Notes

1. *Ranveer Gautam Allahabadia v. Union of India & Ors.*, 2025 SCC OnLine SC 969; *Ashish Anil Chanchlani v. State of Guwahati & Anr.*, 2025 SCC OnLine Gau 869; *Mohammad Amir Ahmad @ Ali Khan Mahmudabad v. State of Haryana*, W.P. (CrI.) No. 219 of 2025.
2. Constitution of India, Article 19, clause (1)(a), <https://www.constitutionofindia.net/articles/article-19-protection-of-certain-rights-regarding-freedom-of-speech-etc/> (accessed 22 January 2026).
3. *The Times of India*, ‘Formulate Guidelines on Regulating Social Media Content, SC Tells Centre’, 3 March 2025, <https://timesofindia.indiatimes.com/india/formulate-guidelines-on-regulating-social-media-content-sc-tells-centre/articleshow/118682238.cms> (accessed 22 January 2026).
4. *The News Minute*, ‘SC Seeks Autonomous Body to Vet Online Content, Calls Self-regulation Ineffective’, 28 November 2025, <https://www.thenewsminute.com/news/sc-seeks-autonomous-body-to-vet-online-content-calls-self-regulation-ineffective> (accessed 22 January 2026).
5. ‘Freedom House’, based in the United States, was founded in 1941 to rally policymakers and garner public support against the fascist state of then Nazi Germany. Its notable studies include detailed assessments on political rights and civil liberties and on internet freedom, providing insights into the state of freedom and democracy around the world. Source: <https://freedomhouse.org/about-us> (accessed 22 January 2026).
6. See, *Freedom on the Net 2024*, <https://freedomhouse.org/sites/default/files/2024-10/FREEDOM-ON-THE-NET-2024-DIGITAL-BOOKLET.pdf> (accessed 22 January 2026) and ‘The Uphill Battle to Safeguard Rights’, <https://freedomhouse.org/report/freedom-world/2025/uphill-battle-to-safeguard-rights> (accessed 22 January 2026).

7. *Anuradha Bhasin v. Union of India*, AIR 2020 SC 1308.
8. *Foundation for Media Professionals v. Union Territory of Jammu and Kashmir & Anr.* 2020 SCC online SC 453. See, <https://globalfreedomofexpression.columbia.edu/cases/foundation-for-media-professionals-v-union-territory-of-jammu-and-kashmir-anr/> (accessed 22 January 2026).
9. *Aribam Dhananjay Sharma @ Paojel Chaoba & 2 Ors. vs State of Manipur & 4 Ors.*, PIL No. 25 of 2023.
10. *Supreme Court Observer*, <https://www.scobserver.in/wp-content/uploads/2023/06/Complete-Petition-in-Chongtham-Victor-Singh-Anr-Vs-State-of-Manipur.pdf> (accessed 22 January 2026).
11. Orders dt. 06.12.2023 and 10.01.2024, *Aribam Dhananjay Sharma @ Paojel Chaoba & 2 Ors. vs State of Manipur & 4 Ors.*, PIL No. 25 of 2023.
12. 'The Future of Free Speech', which was originally founded as a collaboration between the global judicial think tank Justitia and Vanderbilt University, is now an independent, nonpartisan think tank located at Vanderbilt University, in Nashville, Tennessee, USA. Source: <https://futurefreespeech.org/about/> (accessed 10 February 2026).
13. Constitution of India, Article 19, <https://www.constitutionofindia.net/articles/article-19-protection-of-certain-rights-regarding-freedom-of-speech-etc/> (accessed 10 February 2026).
14. *The Constitution of India*, Ministry of Law and Justice, https://www.indiacode.nic.in/bitstream/123456789/19151/1/constitution_of_india.pdf (accessed 10 February 2026).
15. Constitution of India, Article 19, clause 1, <https://www.constitutionofindia.net/articles/article-19-protection-of-certain-rights-regarding-freedom-of-speech-etc/> (accessed 10 February 2026).
16. Constitution of India, Article 19, clause 2, <https://www.constitutionofindia.net/articles/article-19-protection-of-certain-rights-regarding-freedom-of-speech-etc/> (accessed 10 February 2026).
17. *Ibid.*
18. *BBC*, 'Mohammed Zubair: Indian Police Arrest Journalist over Tweets', 28 June 2022, <https://www.bbc.com/news/world-asia-india-61956108> (accessed 14 February 2026).
19. *The Hindu*, 'Relief at Last: On Bail to Journalist Siddique Kappan', 12 September 2022, <https://www.thehindu.com/opinion/editorial/relief-at-last-the-hindu-editorial-on-bail>

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20. *India Today*, 'Court Bars Kunal Kamra's Arrest but Refuses to Stay Probe in Shinde Joke Case', 25 April 2025, <https://www.indiatoday.in/india/law-news/story/kunal-kamra-eknath-shinde-traitor-joke-row-bombay-high-court-grants-protection-from-arrest-allows-investigation-police-2714899-2025-04-25> (accessed 14 February 2026).
 21. *The Wire*, 'Fifty Years of the Emergency: Delhi CM Says Kunal Kamra Can Perform in Delhi "At His Own Risk"', 27 June 2025, <https://thewire.in/rights/fifty-years-of-the-emergency-delhi-cm-says-kunal-kamra-can-perform-in-delhi-at-his-own-risk> (accessed 14 February 2026).
 22. *The Times of India*, 'Government Takes a U-turn; Removes Mandatory Pre-installation of Sanchar Saathi App', <https://timesofindia.indiatimes.com/technology/tech-news/government-takes-a-u-turn-removes-mandatory-pre-installation-of-sanchar-saathi-app/articleshow/125740115.cms> (accessed 14 February 2026).
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 24. Indian Penal Code, 1860, Section 124A (India), <https://www.indiacode.nic.in/repealedfileopen?rfilename=A1860-45.pdf> (accessed 14 February 2026).
 25. Constitution Of India, Article 19, clause (a), <https://www.constitutionofindia.net/articles/article-19-protection-of-certain-rights-regarding-freedom-of-speech-etc/> (accessed 14 February 2026).
 26. *Romesh Thapar v. State of Madras*, AIR 1950 SC 124 (India).
 27. Article 352 of the Constitution of India allows the 'Proclamation of Emergency', Article 358 allows suspension of Fundamental Rights and Article 359 allows the President to suspend the right to move courts for enforcement of Fundamental Rights.
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