Right of Freedom of Speech and Expression

What is the issue?

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- Intolerance towards freedom of expression is rising alarmingly in India.
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- Supreme Court at various instances proved that restrictions imposed on fundamental right should not be excessive or arbitrary.
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What are recent instances of intolerance of expression?

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- Protests have broken out across the country for alleged erroneous depiction of Rajput queen Rani Padmavati in the upcoming movie 'Padmavati'.
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- Some right wing extremist organisations have offered rewards for violence against the director and actress of the movie.
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- The protestors justify their moves by claiming that Padmavati who is a Devi to the Rajput community has been depicted in a false and objectionable light.
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- Aggrieved sections of society had not approached the appropriate authorities (CBFC) or the courts to restrain exhibition of the movie.
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- Instead they descend to vandalise cinema halls and assaulting the team who worked in the movie.
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- Chief Ministers of Madhya Pradesh, Uttar Pradesh, Punjab and Rajasthan are also supporting claims of the protestors.
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What is SC earlier decision on imposing restriction on FR?

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- Recently SC heard a case seeking stay on the nation-wide release of a film, An Insignificant Man.
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- It was on the ground that it contained a video clip pertaining to the petitioner and the film should not have been granted certificate by the Central Board of Film Certification (CBFC).
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- The petitioner’s argument was that the Constitution guarantees him the right of not being portrayed in a derogatory manner as was allegedly sought to be done by the film.
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- But SC rejected the petitioner’s plea in ringing words: “The thrust of the matter is whether this Court should entertain the writ petition and pass an order of injunction directing the CBFC (Central Board of Film Certification) to delete the clip and further not to get the movie released in theatres.
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What does SC’s judgement signifies?

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- It is heartening that the Supreme Court hasrefused to restrain exhibition of the movie when a petition was filed before it seeking this relief.
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- It is worthy to mention that freedom of speech and expression is sacrosanct and the said right should not be ordinarily interfered with.
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- The Bench further made the following significant observations: “A film or a drama or a novel or a book is a creation of art”.
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- An artist has his own freedom to express himself in a manner which is not prohibited in law and such prohibitions are not to be read by implication to crucify the rights of an expressive mind.
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- A thought-provoking film should never mean that it has to be didactic or in any way puritanical.
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- It can be expressive and provoking the conscious or the sub-conscious thoughts of the viewer.
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- If there has to be any limitation, that has to be as per the prescription in law.
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Source: Indian Express

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