



**Democratic Institutions and values
Theme- Media and the Freedom of Speech
for
DJS Officers**

16th & 17th October, 2020

***Delhi Judicial Academy,
Sector - 14, Dwarka
New Delhi – 110078
India***

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2.	Constituent Assembly of India Part I Vol. VII, 1-2 December 1948 http://parliamentofindia.nic.in/ls/debates/vol7p16b.htm accessed on 3 February 2011.

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Law Commission Reports		
1.	Consultation Paper on "SEDITION" 30 August 2018	http://www.lawcommissionofindia.nic.in/reports/CP-on-Sedition.pdf
2.	Report No. 267, Hate Speech (2017)	http://lawcommissionofindia.nic.in/reports/Report267.pdf

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3.	Report No. 200, Trial By Media Free Speech And Fair Trial Under Criminal Procedure Code, 1973 (2006)	http://lawcommissionofindia.nic.in/reports/rep200.pdf
4.	Report No.101, Freedom of Speech & Expression under Article 19 of the Constitution: Recommendation to Extend it to Indian Corporations (1984)	http://lawcommissionofindia.nic.in/101-169/Report101.pdf
Other Government Reports		
1.	Report of the Group of Experts on Privacy (2012) by Planning Commission of India	http://planningcommission.nic.in/reports/genrep/rep_privacy.pdf
2.	Report No.42, National Identification Authority of India Bill, (2010) by Standing Committee on Finance, Lok Sabha Secretariat	http://www.prsindia.org/uploads/media/UID/uid%20report.pdf
Reports by development organizations and expert committees		
1.	E-governance and Digital India : Empowering Indian citizens through technology by Deloitte and ASSOCHAM by World Health Organization	https://www2.deloitte.com/content/dam/Deloitte/in/Documents/technology-media-telecommunications/in-tmt-empowering-indian-citizens-through-technology-noexp.pdf
5.	Aadhaar : Digital Inclusion and Public Services in India by World Bank Group	http://pubdocs.worldbank.org/en/655801461250682317/WDR16-BP-Aadhaar-Paper-Banerjee.pdf
6.	Getting to equal : How digital is helping close the gender gap at work	https://www.accenture.com/t00010101t000000_w/ar-es/acnmedia/pdf-9/accenture-getting-to-equal.pdf
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8.	Encouraging Counter-speech by mapping the contours of Hate Speech on Facebook in	https://www.orfonline.org/wp-content/uploads/2018/03/ORF_Report_Counter_Speech.pdf

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	IndiabycObserver Research Foundation	
9.	Analysis of MPs and MLAs with Declared Cases related to Hate Speech by Association for Democratic Reforms	http://www.im4change.org/siteadmin/tinyMCE/uploaded/Analysis_of_MPs_MLAs_with_Declared_Cases_Related_to_HateSpeech.pdf

VI. International Instruments

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1.	Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine: Convention on Human Rights and Biomedicine, 1997 (Oviedo Convention)	https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=090000168007cf98
2.	Agreement on Trade related aspects of intellectual property rights, 1995	https://www.wto.org/english/docs_e/legal_e/27-trips.pdf

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1.	<i>Justice K. S. Puttaswamy v. Union of India</i> (¶¶ 126, 188, 190, 193, 203, 254-257, 261, 262, 264, 266-270, 272, 283)	(2018)4SCC651
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1.	<i>Amit Kumar Jadaun v. State of U.P. and Ors.</i> (¶¶12-18)	Criminal Misc. Writ Petition No. 24575 of 2018
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1.	<i>Amazon Seller Services Pvt. Ltd. v. Amway India Enterprises Pvt. Ltd.</i> (¶¶117-129)	2020(81)PTC399(Del)
2.	<i>Amway India Enterprises Pvt.Ltd. v. IMG Technologies Pvt.Ltd.</i>	260 (2019) DLT690
3.	<i>Skullcandy Inc. vs. Shri Shyam Telecom and Ors.</i> (¶19)	2019 (77) PTC 155 (Del)
4.	<i>L'oreal v. Brandworld & ANR.</i> (¶¶64,66)	254 (2018) DLT 433
5.	<i>Christian Louboutin Sasv.Nakul Bajaj &Ors</i> (¶¶27-28)	253 (2018) DLT 728
6.	<i>Luxottica Group S.P.A. v. Mify Solutions Pvt. Ltd.</i> (¶17)	254 (2018) DLT 472
7.	<i>Kent RO Systems Ltd. and Ors. v. Amit Kotak and Ors.</i> (¶34)	2017 (69) PTC 551 (Del)
8.	<i>My Space Inc. v. Super Cassettes Industries Ltd.</i> (¶¶77-78)	236 (2017) DLT 478
9.	<i>Swami Ramdev and Ors. vs. Facebook, Inc. and Ors.</i> (¶¶76-81,84)	263 (2019) DLT 689

VIII. Position of Free Speech And Expression In USA

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S. No.	Title	Citation
1.	<i>Board of Trustees of the State University of New York v. Todd Fox</i>	(1989) 106 L Ed 2d 388
2.	<i>Posadas de Pureto Rico Associates v. Tourism Company of Puerto Rico</i>	(1986) 92 L Ed 2nd 266
3.	<i>Central Hudson Gas & Electric Corporation v. Public Service Commission</i>	(1980) 447 US 557
4.	<i>John R. Bates and Van O' Steen v. State Bar of Arizona</i>	(1977) 33 L Ed 2nd 810
5.	<i>Virginia State Board of Pharmacy v. Virginia Citizens Consumer Council, Inc.</i>	(1976) 425 US 748
6.	<i>Bigelow v. Virginia</i>	(1975) 421 US 804
7.	<i>Pittsburgh Press Co. v. Human Relations Common</i>	(1973) 413 US 376
8.	<i>New York Times v. Sullivan</i>	(1964) 376 US 254
9.	<i>Breard v. Alexandria</i>	35 ALR 2d 335 (1951)
10.	<i>Samuel Roth v. United States</i>	334 US 476
11.	<i>Lewis J. Valentine v. F. J. Chrestensen</i>	1941 (86) Law Ed 1262
12.	<i>William B. Cammarano v. United States of America</i>	(1959) 338 US 498
13.	<i>Jeffrey Cole Bigelow v. Commonwealth of Virginia</i>	(1975) 421 US 809
14.	<i>Baumgartner v. O.S</i>	22 U.S. 665 (1944)
15.	<i>Hartzel v. U.S.</i>	(1944) 322 US 680 (690)
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1.	<i>Union of India (UOI) and Ors. v. Association for Democratic Reforms and Ors.</i>	(2002) 5 SCC 294
2.	<i>Bennett Coleman and Co. v. Union of India</i> (¶87)	AIR 1973 SC 106
3.	<i>Secretary, Ministry of Information and Broadcasting, Govt. of India and others v. Cricket Association of Bengal and others</i> (¶82)	(1995) 2 SCC 161
4.	<i>Odyssey Communications Pvt. Ltd. v. LokvidayanSanghatana</i> (¶5,6,7)	(1988) 3 SCC 410
5.	<i>Indian Express Newspapers (Bombay) Pvt. Ltd. v. UOI</i> (¶198)	(1985) 1 SCC 641
6.	<i>Sakal Papers (P) Ltd. and Ors. v. The Union of India</i> (¶¶33,34,36)	AIR 1962 SC 305
7.	<i>Brij Bhushan v. State of Delhi</i> (¶24,25)	AIR 1950 SC 129
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2.	<i>Gopal Dass v. D.M.</i> (¶198)	AIR 1974 SC 213
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2.	<i>Naresh Shridhar Mirajkar v State of Maharashtra</i> (¶39)	AIR 1967 SC 1
	Other High Court	
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2.	<i>Indian Express Newspapers (Bombay) Pvt. Ltd. v. UOI</i> (¶24)	AIR 1986 SC 515
3.	<i>Sakal Papers (P) Ltd. and Ors. v. The Union of India</i> (¶¶33,34,36)	AIR 1962 SC 305



f)	Social Media/Internet	
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1.	<i>Anuradha Bhasin and Ors. vs. Union of India</i> (¶152)	AIR 2020 SC 1308
2.	<i>Shreya Singhal v. Union of India</i> (¶¶ 43, 44, 75, 76, 82, 83, 90, 92, 96, 98, 101)	AIR 2015 SC 1523
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3.	<i>Jafar Imam Naqvi v Election Commission of India</i> (¶¶1-11)	AIR 2014 SC 2537
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1.	<i>Campaign Against Hate Speech an Unregistered Organisation and Ors. v. State of Karnataka and Ors.</i> (¶¶14-16)	Writ Petition No. 6749 of 2020 (GM-RES/PIL) Dated: 13.05.2020 (KARHC)
2.	<i>G Thirumurugan Gandhi v State and Ors</i> (¶¶6-13)	Cr OP No. 30235/2018 Dated 9/7/2019 (Madras HC)
3.	<i>Shamit Sanyal and Ors v State of West Bengal</i> (¶¶21-53)	2014(4) CHN (CAL) 648
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1.	<i>Avnish Bajaj vs. State</i> (¶¶1,21-22)	150 (2008) DLT 769
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2.	<i>KalandiCharanLenka v State of Odisha</i> (¶¶1-16)	2017(I)OLR543



3.	<i>The Registrar (Judicial), Madurai Bench of Madras HC v. The Secretary to Government</i> (¶¶18, 19, 21, 22, 24, 26)	W.P.(MD).No.1666 8/2017 Dated 12/9/2017 (Madras HC)
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1.	<i>International Hindu Sena v Union of India</i> (¶¶6-12)	AIR 2019 Guj 23
2.	<i>Kodungallur Film Society and Ors v Union of India</i> (¶¶1-14)	2018(4)BomCR(Cri) 606
3.	<i>BibhutiBhusan Jena v Union of India and Ors</i> (¶¶1-19)	AIR 2011 Ori 31
4.	<i>Lakshmi Ganesh Films and Ors v Government of Andhra Pradesh</i> (¶¶1-83)	2006(4)ALT188
5.	<i>Sree Raghavendra Films v Government of Andhra Pradesh and Ors</i> (¶¶1-44)	1995(2)ALT43
k)	Access to Internet Services	
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1.	<i>Foundation for Media Professionals and Ors. v. Union Territory of Jammu and Kashmir and Ors.</i> (¶¶19, 22-24)	Writ Petition (Civil) of 2020 (D. No. 10904 of 2020) Dated: 11.05.2020
2.	<i>Anuradha Bhasin and Ors. v. Union of India (UOI) and Ors.</i> (¶¶27, 102, 134, 151)	

X. Sedition



S. No.	Title	Citation
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1.	<i>King-Emperor v. Sadasiv Narayan Bhalerao</i>	AIR 1947 PC 84
2.	<i>NiharenduDutt Majumdar v. the King Emperor</i>	AIR 1942 FC 22
3.	<i>Kamal Krishna Sircar v. Emperor</i>	AIR 1935 Cal 636
4.	<i>Queen Empress v. Ramchandra Narayan</i>	ILR (1898) 22 Bom
5.	<i>Queen Empress v. Amba Prasad</i>	ILR (1897) 20 All 55
6.	<i>Queen-Empress v. Bal Gangadhar Tilak (¶¶151, 28)</i>	(1897) 22 ILR Bom
7.	<i>Queen Emperor v. Jogendur Chandra Bose</i>	(1892) 19 ILR Cal 35
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2.	<i>Ramji Lal Modi vs State of UP(¶¶9,10)</i>	AIR 1957 SC 620
3.	<i>Brij Bhusan v. State of Delhi (¶¶12-14)</i>	AIR 1950 SC 129
4.	<i>Romesh Thapar v. State of Madras (¶¶10)</i>	AIR 1950 SC 124
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1.	<i>Gurjatinder Pal Singh vs. State of Punjab(¶¶4)</i>	2009 (3) RCR (Criminal) 224
2.	<i>A.E. Rama Kurup, Editor "Malayali" vs. The United State of Travancore-Cochin (¶¶13)</i>	AIR 1950 Ker 83
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2.	<i>Sabir Raza v. The State (popularly known as "Sabir Raza Decision")</i>	Cri App No 1434 of 1955 Decided on 11.02.1958 (All HC)
3.	<i>Tara Singh Gopi Chand v The State (popularly known as "Tara Singh Decision")</i>	AIR 1951 P&H 27



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2.	<i>Arup Bhuyan v. State of Assam</i> (१११16)	AIR 2011 SC 957
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2.	<i>The Superintendent, Central Prison, Fatehgarh v. Ram Manohar Lohia</i> (१११3)	AIR 1960 SC 633
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2.	<i>Vinod Dua v. Union of India</i>	W.p. (Criminal) No.154/2020, Order dated 14.06.2020
3.	<i>Bilal Ahmed Kaloo v. State of Andhra Pradesh</i> (१११6,8)	AIR 1997 SC 3483
	High Court of Delhi	
1.	<i>Kanhaiya Kumar v. State of NCT of Delhi</i>	2016 SCC OnLine Del 1362
2.	<i>Pankaj Butalia v. Central Board of Film Certification and Ors.</i> (१११27)	221 (2015) DLT 29
3.	<i>Nazir Khan v. State of Delhi</i> (१११37,44)	(2003) 8 SCC 4611
4.	<i>Javed Habib vs The State</i> (१११04)	Crl.Appeal No.235/1999 decided on 03.07.3003
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1.	<i>Dr Imrana Khan v. State of U.P.</i>	Criminal Misc. WP No. 8632 of 2020, decided on 03-09-2020 (ALL HC)
2.	<i>Arun Jaitley v. State of U.P.</i> (¶¶15,16,17,18)	(2015) ILR 3 All 1521
3.	<i>Sanskar Marathe v. State of Maharashtra and Ors.</i> (¶¶14,15,16,17)	2015 (2) RCR (Criminal) 351 (Bom HC)
4.	<i>Gurjatinder Pal Singh v. State of Punjab</i> (¶¶6)	2009 (3) RCR (Criminal) 224 (P & HC)
5.	<i>Sukhdev Singh v. Union Territory</i> (¶¶13)	AIR 1987 P and H 5
6.	<i>P Alavi v. State of Kerala</i> (¶¶9,10)	1982 KLJ 93
7.	<i>P Hemalatha vs The Govt. of Andhra Pradesh</i> (¶¶89-94)	AIR 1976 AP 375
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XI. Suggested Readings

S. No.	Title	Citation
(a)	Freedom of Speech and Expression	
1.	Media's Right to Free Speech: India's judiciary has continually expanded the definition of this right since Independence	<i>Arun Jaitley, Media's Right to Free Speech: India's judiciary has continually expanded the definition of this right since Independence</i> , The Times of India, August 26, 2019, available at https://timesofindia.indiatimes.com/blogs/toi-edit-page/medias-right-to-free-speech-indias-judiciary-has-

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2.	NLUD Report on Hate Speech Laws in India (2018)	https://www.latestlaws.com/wp-content/uploads/2018/05/NLUD-Report-on-Hate-Speech-Laws-in-India.pdf
(b)	Social media and the Judiciary	
1.	Non-Binding Guidelines on the use of Social Media by Judges- UNODC 5-7 (November 2018, Vienna)	UNODC-The Doha Declaration: Promoting a culture of lawfulness, Global Judicial Integrity Network https://www.unodc.org/res/ji/import/international_standards/social_media_guidelines/social_media_guidelines_final.pdf
2.	The Impact of Online Social Networking on the Legal Profession and Practice: February 2012 by International Bar Association	file:///C:/Users/DJA/Downloads/Online%20Social%20Networking%20report%20(Feb%202012)%20(1).pdf
3.	IBA International Principles on Social Media Conduct for the Legal Profession- Adopted on 24 May 2014 by the International Bar Association	file:///C:/Users/DJA/Downloads/IBA-Int-Principles-on-Social-Media-Conduct.pdf
4.	Judiciary and Social Media: Upholding Judicial Integrity	by Anurag Bana and Merle Balki, India Legal, February 19, 2020, indialegalive.com/top-news-of-the-day/news/judiciary-social-media-upholding-judicial-integrity/#:~:text=There%20is%20no%20denying%20the,to%20use%20these%20applications%20actively.
5.	Social Media and the Judiciary	By Anurag Bana & Colette Allen , Bar and Bench, May 19, 2020, https://www.barandbench.com/columns/social-media-and-the-judiciary
6.	Social Media and Judicial Ethics Up-date Compiled by Cynthia Gray, Director NCSC Center for Judicial Ethics	https://www.ncsc.org/___data/assets/pdf_file/0023/17285/socialmediaandjudicialethics-update.pdf
7.	Judges' Use of Social Media: Tensions Ahead? (2019) New York Law Journal	Michael Hoenig, New York Law Journal, April 05, 2019, available at https://www.law.com/newyorklawjournal/2019/04/05/judges-use-of-social-media-tensions-ahead/?slreturn=20200908070158
8.	Judicial Ethics and the Internet (Revisited) (2018) Judge Herbert B. Dixon Jr.	Judge Herbert B. Dixon Jr., ABA Journal, November 01, 2018, available at https://www.americanbar.org/groups/judicial/publications



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	ABA (American bar Association) Journal	/judges_journal/2018/fall/judicial-ethics-and-internet-revisited/
9.	Electronic Social Media: Friend or Foe for Judges	M. Sue Kurita, St. Mary's Journal on Legal Malpractice & Ethics, Volume 7 Number 2, 10-2017, available at https://commons.stmarytx.edu/cgi/viewcontent.cgi?article=1026&context=lmej
	Media Trial	
1.	Trial by Media- HMJ Madan B. Lokur, Former Judge, Delhi High Court	HMJ Madan B. Lokur, Former Judge, Delhi High Court, DJA Journal [Volume 2 Issie 2 2003]
	(c) Sedition	
1.	An Analysis Of The Modern Offence Of Sedition	Nivedita Saksena& Siddhartha Srivastava, An Analysis Of The Modern Offence Of Sedition, 7 NUJS L.Rev. 121 (2014), available at http://docs.manupatra.in/newslines/articles/Upload/37E592F0-BE2A-475F-AF99-2F6909F3CF11.pdf
2.	Sedition Laws & The Death Of Free Speech In India	Centre for the Study of Social Exclusion and Inclusive Policy, National Law School of India University, Bangalore & Alternative Law Forum, Bangalore February (2011), available at file:///C:/Users/DJA/Downloads/192469912-Sedition-Laws-the-Death-of-Free-Speech-in-India.pdf
3.	“Arundhati Roy’s Statement on Possible Sedition Case”,	available at http:// www.ndtv.com/article/india/sedition-or-free-speech-arundhati-roy-reacts-62566 accessed on 1 February 2011.
4.	"Case registered against Arundhati, Geelani".	The Hindu, November 29, 2010, updated on October 26, 2016, available at https://www.thehindu.com/news/national/Case-registered-against-Arundhati-Geelani/article15720947.ece
5.	State using sedition as iron hand to curb free speech: Justice Lokur	The Indian Express, September 14, 2020, available at https://indianexpress.com/article/india/justice-lokur-free-speech-umar-khalid-kafeel-khan-uapa-democracy-dissent-6595445/
	(d) Use of Technology in Governance: E- governance	



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