

# ARTICLE 19

**(1)** All citizens shall have the right –

**(a)** to the freedom of speech and expression

## Reasonable restrictions in ***Cl. (2)-(6) of Art. 19***

(a) sovereignty and integrity of India (b) security of the State (c) friendly relations with the foreign States (d) public order (e) decency or morality (f) contempt of Court (g) defamation (h) incitement to an offence.

# **THE PRESS & REGISTRATION OF BOOKS ACT, 1867**

**12.** Whoever shall print or publish any book paper otherwise than in conformity with the rule contained in S. 3 of this Act, shall on conviction before a Magistrate, be punishable by fine not exceeding ₹ 2,000 or by simple imprisonment for a term not exceeding six months, or by both.

## **PART 18 (Art. 358-359)**

Art. 358 suspends the operation of Art. 19 during the operation of the Proclamation of Emergency made under Art. 352 on the ground of war or external aggression

Art. 359 authorizes the President to issue an Order declaring the right to move any Court for enforcement of such of the rights in Part-III (except Art. 20-21)

# PUBLIC INTEREST LITIGATION

Guidelines of the Hon'ble Supreme Court of India on entertaining letters/petitions as PIL

Adopted by the Hon'ble High Court of Sikkim in ***All India Private Vehicle Owners Association v. Union of India & Ors, AIR 2010 SIKKIM 3***

- **THE YOUNG PERSONS (HARMFUL PUBLICATIONS) ACT, 1956**
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- **S.3** Punishable with imprisonment which may extend to six months or fine, or with both
- ***(penalty for sale etc.of harmful publications to young persons -below 20 yrs)***

# JUVENILE JUSTICE ACT 2015

Such child will not suffer disqualification, if any, attached to conviction of an offence under such law

Provided if the child is above 16 yrs and is found to be CICL by the Children's Court  
***(See S. 24)***



# JUVENILE JUSTICE ACT 2015

***S. 24 (2)*** Relevant records of conviction shall be destroyed after the expiry of period of appeal

In case of heinous offence where the child is found to be CICL, the Children's Court will retain the relevant record of the case

# **JUVENILE JUSTICE ACT 2015**

**S. 74** prohibits any newspaper, magazine or other forms of communication from disclosing identity of CICL/CNCP/child victim/child witness unless JJB or CWC permits such disclosure in the best interest of the child

***(imprisonment upto 6 months or fine upto ₹ 2 lakhs or both)***

# JUVENILE JUSTICE ACT 2015

Reporting of such cases within 24 hours to Childline 1098/ nearest PS/ CWC or DCPU is mandatory under **S. 32**

Non-reporting entails penalty (imprisonment upto 6 months or fine of ₹10,000 or both **u/s 34**)

# **POCSO ACT, 2012**

Any personnel of the media shall on coming across any material or object which is exploitative of the child through the use of any medium, shall provide such information to SJPU or local Police.

***(S. 20)***

# POCSO ACT, 2012

Failure to report such matter shall be punished with imprisonment up to 6 months or fine, or with both

***(S. 21)***

# PROCEDURE FOR MEDIA

No report in any media shall disclose identity of the child including his/her name, address, photograph, family details, school, neighbourhood or any particulars which may lead to disclosure of identity of the child

***(See S. 23)***

Publisher or owner of the media shall be jointly and severally liable for the acts and omissions of his employee

Punishable with imprisonment not less than 6 months but which may extend to 1 year or fine, or with both

**(S. 23)**

Criminal Appeal No. 18 of 2016  
***Rabin Burman v. State of Sikkim***  
***(28.08.2017)***

Directions issued by the Hon'ble High Court  
***Copy to the Press Club of Sikkim***



# THE CONTEMPT OF COURTS ACT, 1971

Since it tends to scandalise and lower the authority of the Court, “**A**” and “**C**” (reporter and publisher) has committed criminal contempt punishable with imprisonment which may extend to 6 months or with fine which may extend to ₹ 2,000/- or with both.

***(See S. 12)***

***Dr. D.C. Saxena v. Hon'ble the C.J.I., 1996***  
***(5) SCC 216***  
***(ref. on criminal contempt)***

# THE CONTEMPT OF COURTS ACT, 1971

Fair and accurate report of judicial proceeding or any stage not contempt  
***(See S. 4)***

# POCSO ACT, 2012

Trials under this Act is conducted *in camera* **(S. 37)**

Reporting of such cases not permissible **(S. 7 of the Contempt of Courts Act, 1971)** and punishable under POCSO Act **(S. 23)**

# INDIAN PENAL CODE

Promoting enmity between different groups on the ground of religion, race, place of birth, residence, language etc. prejudicial to maintenance of harmony

Imprisonment upto 5 yrs. and fine  
**(See. S. 153-A)**

# INDIAN PENAL CODE

Deliberate and malicious acts intended to outrage religious feelings of any class by insulting its religion or religious beliefs is punishable with imprisonment up to 3 years or fine, or with both.

***(See S. 295-A)***

# INDIAN PENAL CODE

Whoever by words, signs or visible representation makes or publishes any imputation concerning any person with intention to harm his reputation is said to have defamed that person

Punishment of imprisonment up to 2 years or fine or with both (***See S. 499/500***)

# **Prize Chits & Money Circulation Schemes (Banning) Act, 1978**

Such dubious scheme is called “prize chit” and whoever with a view to promote such scheme prints or publishes any such advertisement shall be punishable with imprisonment up to 2 years or fine, or with both (***See S. 5***)



# ADR

Form of ADR:

- (i) Mediation
- (ii) Arbitration
- (iii) Conciliation
- (iv) Lok Adalat

***(See S. 89, CPC, 1908)***

# **LEGAL SERVICES AUTHORITIES ACT, 1987**

Entitlement to free legal services (***S. 12***)

***THANK YOU!***