

# Article 19 Freedoms

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# Introduction

- **Personal Liberty** is the most important of all fundamental rights. Articles 19 to 22 deal with different aspects of this basic right. The 6 freedoms are:-
  - a. Freedom of Speech and Expression.
  - b. Freedom of Assembly.
  - c. Freedom to form Associations or Unions or Co-operative Societies.
  - d. Freedom of movement.
  - e. Freedom to reside and to settle.
  - f. [\*\*\*]
  - g. Freedom of profession, occupation, trade or business.

# Restrictions on Freedoms

- These 'six freedoms' are however, not absolute. Absolute individual right cannot be guaranteed by any modern State. The restriction which may be imposed under any of the clauses must be reasonable restriction. **The restrictions cannot be arbitrary.** Hence a restriction to be constitutionally valid must satisfy the following two tests:-

1. The restriction must be for the purposes mentioned in clause 2 to 6 of Article 19;
2. The restriction must be a reasonable restriction.

**The restriction on the rights under Article 19(1) can only be imposed by a 'Law' and not executive or departmental instructions.**

# Guidelines for determining the reasonableness

1. It is *the courts and not the Legislature which has to judge finally whether a restriction is reasonable or not.*
2. The term “reasonable restriction” in Article 19(6) connotes that the limitation imposed on a person in the enjoyment of his right *should not be arbitrary or of an excessive nature, beyond what is actually required in the interests of the public.*
3. There is no *exact standard or general pattern of reasonableness that can be laid down for all cases. EACH CASE IS TO BE JUDGED ON ITS OWN MERIT.*
4. *The restriction must be reasonable from the substantive as well as procedural stand point.* The court should consider not only the duration and extent of the restriction but also the circumstances under which, and the manner in which that imposition has been authorised.

## Guidelines for determining the reasonableness

5. A restriction which is imposed for securing the objects and laid down in the Directive Principles of State Policy may be regarded as reasonable restriction.
6. The court must determine the reasonableness of a restriction by objective standard and not by subjective one. In other words, the question is not if the court feels the restriction to be reasonable but where a normal reasonable man would regard the restriction to be reasonable.
7. A restriction to be reasonable must have a rational relation with the object which the Legislature seeks to achieve and must not be in excess of that object. The grounds for which the Legislature can impose restriction are mentioned in clauses (2) to (6) of Article 19.

## Guidelines for determining the reasonableness

8. It is the reasonableness of the restriction which is to be determined by the court and not the reasonableness of the law.
9. Restrictions may also amount to prohibition under certain circumstances. Thus, a law depriving a citizen of his fundamental right may be regarded as reasonable restriction, if it prohibits him to carry out dangerous trades such as that of trade in liquor or cultivation of narcotic plants or trafficking in women. But where a restriction reaches the stage of prohibition, special care has to be taken by the Court to see that the test of reasonableness is satisfied.

# Right available to 'Citizens' only

- *The rights granted by Article 19 are available only to citizens and not to an alien or a foreigner.*
- A corporation or a company cannot claim a right under Article 19 because they are not natural persons. 'Citizens' under Article 19 mean only natural persons and not legal persons, such as corporations or companies. But now there appears to a change in the judicial attitude on this point. In Bank Nationalisation case and the Newspapers case, the court has held that though a company cannot claim a right under Article 19, yet its shareholder can claim the rights guaranteed by Article 19, if by the State action the rights of the company as well as of the shareholders is impaired. *The fundamental rights of shareholders as citizens are not lost when they associate to form a company.*

# Freedom of Speech and expression

- Freedom of Speech and expression means the right to express one's own convictions and opinions freely by words of mouth, writing, printing, pictures or any other mode. It thus includes the expression of one's ideas through any communicable medium or visible representation, such as, gesture, signs and the like.
- The freedom of speech and expression includes liberty to propagate not one's views only. It also includes the right to propagate or publish the views of other people, otherwise this freedom would not include the freedom of the press



# Right to Know

- In sum, the fundamental principle involved here is the people's right to know.
- In *Prabhu Dutt v. Union of India*(1982), the Supreme Court has held that **the right to know news and information regarding administration of the government is included in the freedom of press**, But this **right is not absolute and restrictions can be imposed on it in the interest of society** and the individual from which the press obtains the information.

# Vote

- Even though the right to vote itself may not be a fundamental right, ***the expression of opinion through the final act of casting a vote is part of the fundamental right of freedom of speech and expression*** under Article 19(1)(a).
- The Supreme Court of India recognized that the right to ***know about electoral candidates falls within the right to information available under the right to freedom of speech and expression*** described in Article 19(1)(a) of the Indian Constitution. It further indicated that ***information about the criminal background of candidates, assets and liabilities of candidates and their family members, and educational qualifications of candidates should be available to the voters as part of their right***

## Telephone Tapping – Invasion on right to privacy

- In People's Union for Civil Liberties v. Union of India(1995): Telephone tapping violates Art. 19(1)(a) unless it comes within grounds of restrictions under Art. 19(2). The freedom means the right to express one's convictions and opinions freely by words of mouth, writing, printing, picture, or in any other manner. When a person is talking on telephone he is exercising his right to freedom of speech and expression. Telephone tapping unless comes within the grounds of restrictions under Art. 19(2) would violate Art. 19(1)(a) of the Constitution.

# Demonstration or “Picketing”

- Demonstration or picketing are visible manifestation of one’s ideas and in effect a form of speech and expression. **Demonstrations or picketings are protected under Article 19(1)(a) provided they are not violent and disorderly.** It has been held that there is no fundamental right to resort to strike. **Right to strike is not included within the ambit of freedom of speech.**
- **Picketing** is a form of protest in which people (called **pickets** or **picketers**) congregate outside a place of work or location where an event is taking place. Often, this is done in an attempt to dissuade others from going in ("crossing the **picket** line"), but it can also be done to draw public attention to a cause.

# Shaheen Bagh Protests

- Following the initial hearings, on 17 February, the Supreme Court appointed three mediators to initiate conversations with the protesters regarding shifting to a location which wouldn't block a public place. In response to the batch of petitions filed against the protestors, the Supreme Court of India stated on 7 October 2020 that the "indefinite" occupation of public space for protest or expressing dissent was not acceptable

# Freedom of the press

- The fundamental right of the *freedom of the press implicit in the right to freedom of speech and expression*, is essential for *political liberty and proper functioning of democracy*.
- However, the Court clarified that this does not mean *that press is immune either from taxation or from general law relating to industrial relations or from the State regulation of condition of service of its employees*.

# Prior-restraint on publication of defamatory material against its officials

- Auto Shankar case.- In R. Rajagopal v. State of T.N(1994)., the Supreme Court has held- ***The Government has no authority in law to impose a prior-restraint upon publication of defamatory material against its officials.*** Public authorities who apprehend that they or their colleagues may be defamed, ***cannot prevent the Press from publication of such material, but they can take action for damages after the publication of such material on the proof of publication based on false facts.*** No action can be initiated against the press if the publication was based on public records including court of records.

# Freedom of speech includes freedom of silence

- National Anthem Case (1986): In this case, the three children belonging to Jehovah's witnesses were expelled from the school for refusing to sing the national anthem. The circular issued by the Director of Public Instructions Kerala had made it obligatory for students in the schools to sing the national anthem. The children in this case stood up respectfully when the national anthem was being sung at their school but they did not join in singing it. They refused to sing the national anthem as according to them it was against their religious faith which does not permit them to join in any rituals except in their prayer to Jehovah, their God. They challenged the validity of their expulsion before the Kerala High Court which upheld their expulsion as valid on the ground that it was their fundamental duty to sing the national anthem. On appeal, the Supreme Court held that there was no law under which their fundamental right under Article 19(1)(a) could be curtailed.



## **Grounds of Restrictions. – Clause (2) of Article 19**

- a. Security of the State.
- b. Friendly Relations with Foreign States.
- c. Public Order.
- d. Decency or Morality.
- e. Contempt of Court.
- f. Defamation.
- g. Incitement of an offence.
- h. Sovereignty and integrity of India

# Security of the State

- In Romesh Thapper v. State of Madras(1950): **Every public disorder cannot amount to be regarded as threatening the security of the State.** The term 'security of the State' refers only to **serious and aggravated forms of public disorder, eg., rebellion, waging war against the State, insurrection (insurgency)** and **not ordinary breaches of public order and public safety, e. g., unlawful assembly, riot, affray,** Thus speeches or expression on the part of an Individual which **incite to or encourage the commission of violent crimes, such as, murder** **are matters which would undermine the security of the State.**

# Friendly relation with Foreign States

- **No similar provision is present in any other Constitution of the world.**
- In India, **the Foreign Relations Act, 1932** **provides punishment for libel** (defamatory statement addressed to the eye) by Indian citizen against foreign dignitaries.

# Public Order

- This *ground was added by the Constitution (First Amendment) act, 1951, in order to meet the situation arising from the Supreme Court's decision in Romesh Thapper's case.* In that case, it was held that *ordinary or local breaches of public order were no grounds for imposing restriction on the freedom of speech, expression guaranteed* by the Constitution.

## Law and order, public order, security of State

- Public order is something more than ordinary maintenance of law and order. 'Public order' is synonymous with public peace, safety and tranquility. The test for determining whether an act affects law and order or public order is to see whether the act leads to the disturbances of the current of life of the community so as to amount to a disturbance of the public order or whether it affects merely an individual being the tranquility of the society undisturbed
- Anything that disturbs public tranquility or public peace disturbs public order. Thus, communal disturbances and strikes promoted with the sole object of causing unrest among workmen are offences against public order

## Law and order, public order, security of State

- The largest representing law and order, the next public order, and the smallest, the security of the State. *Every infraction of law must necessarily affect law and order but not necessarily public order* and an act may affect public order but not necessarily security of the State and an act may fall under two concepts at the same time affecting public order and security of the State. One act may affect individual in which case it would affect law and order while another act though of a similar kind may have such an impact that it would *disturb even the tempo of the life of the community in which case it would be said to affect public order*, the test being the potentiality of the act in question.

# Decency or morality

- The words “morality or decency” are words of wide meaning. *The word ‘obscenity’ of English law is identical with the word ‘indecenty’ under the Indian Constitution.* The test of obscenity is ‘whether the tendency of matter charged as obscene is to *deprave and corrupt those whose minds are open to such immoral influences’ and into whose hands a publication of this sort is likely to fall (Pornography/ literature which encourages revolt against the Government)*

# Contempt of Court

- Restriction on the freedom of speech and expression can be imposed if it exceeds the reasonable and fair limit and amounts to contempt of court.



# Defamation

- A statement which injures a man's reputation amounts to defamation. **Defamation consists in exposing a man to hatred, ridicule or contempt.** In India. Section 499 of the I.P.C., contains the criminal law relating to defamation. It **recognizes no distinction between the defamatory statement addressed to the ear or eyes, i.e. slander and libel**
- In English Law, the distinction is material for 2 reasons:-
  1. Slander is only a civil wrong whereas a libel is both a crime and a tort
  2. Slander is actionable, save in exceptional cases, only on proof of special damage. Libel is actionable per se.
- **No such difference in India**

# Integrity and sovereignty of India

- Seditious. – As understood in English law, seditious embraces all those *practices whether by word, or writing which are calculated to disturb the tranquility of the State and lead ignorant persons to subvert the Government.* Thus the *gist to the offence of seditious is incitement to violence.* Mere criticism of the Government is no offence

# Shreya Singhal v. Union of India(2015)

- **Issues involved:**
- 1) Whether Sections 66-A and 69-A of the IT Act are constitutionally valid?
- 2) Whether Section 66A of IT Act is violative of fundamental right of freedom of speech and expression?

# 66A. Punishment for sending offensive messages through communication service, etc.

Any person who sends, by means of a computer resource or a communication device,—

(a) any information that is grossly offensive or has menacing character; or

(b) any information which he knows to be false, but for the purpose of causing **annoyance, inconvenience, danger, obstruction, insult, injury, criminal intimidation, enmity, hatred or ill will**, persistently by making use of such computer resource or a communication device,

(c) any electronic mail or electronic mail message for the purpose of **causing annoyance or inconvenience** or to deceive or to mislead the addressee or recipient about the origin of such messages,

shall be punishable with imprisonment for a term which may extend to three years and with fine.

# Petitioner's Argument:

1. Article -66A of IT Act 2000 infringes the right of Freedom of Speech and Expression as enshrined under Article 19(1)(a) of the Indian Constitution.
2. The petitioners argued that the causing of disturbance, hassle and so forth are not covered under the reasonable restrictions as expressed under Article 19(2) of the Indian Constitution.
3. Section- 66A is vague in nature and infirmity has been created by this section as it does not properly define the terminology used under the section and it left the gates open for interpretations of this section according to the desire of the law enforcement agencies. Thus, the limitation is absent and not provided by the section.
4. The section violates the Article 14 of the Indian Constitution as there is no "Intelligible differentia"
5. The petitioners also argued that the section construed arbitrary powers to the authorities for its interpretation.

# Respondent Argument:

1. It is the legislature who is responsible to meet the requirements of people and the court is allowed to interfere only in case of violation of Part-III of the Constitution. The respondent argued that there is presumption in favour of constitutionality of law in question.
2. It was contended that the probability of abuse of section could not be a possible ground for declaring the section as invalid.
3. **The vagueness is not the ground to declare the statute as unconditional when the statute itself is not arbitrary in nature.**
4. **The contention of the Government was that Section 66A could be supported under the heads of public order, defamation, incitement to an offence, decency or morality.**

# Judgment

- The court said: “Every expression used is nebulous(vague/unclear) in meaning. **What may be offensive to one may not be offensive to another**”. Therefore, **the interpretation was held to be subjective in nature. Hence the court ordered 66A as violative of right to freedom of speech and expression and is not covered under the grounds of reasonable restrictions given under Article 19(2).** **The court also held that blocking of information for public access given under Section 69A of IT Act is constitutionally valid in nature.**

## Section 69-A was held to be constitutionally valid

- Because- first and foremost, blocking can only be resorted to where the Central Government is satisfied that is necessary so to do. Secondly, such necessity is relatable only to some of the subjects set out in Article 19(2). Thirdly, Reasons have to be recorded in writing in such blocking order so that they may be assailed in a writ petition under Article 226. The rules further provide for hearing before a committee which looks into whether or not it is necessary to block the information.



# Conclusion

- The ***court observed that the expressions used in 66A are completely open-ended and undefined and it is not covered under Article 19(2) of Indian Constitution.*** The approach adopted by the court was to protect the fundamental right of freedom of speech and expression and in no way the legislation can take away this right by claiming the shield under Article-19(2) of the Constitution.
- Also, the ***court by applying the rule of severability has struck down only those sections which were vague and arbitrary in nature.*** The whole legislation need not be held as invalid.

## Conclusion- Shreya Singhal

- The Supreme Court pointed that *a penal law would be void on the grounds of vagueness if it failed to define the criminal offence with sufficient definiteness.* Ordinary people should be able to understand *what conduct is prohibited and what is permitted.* Also, *those who administer the law must know what offence has been committed so that arbitrary and discriminatory enforcement of the law does not take place.*

## Freedom of Assembly [Articles 19(1)(b) and 19(3)]

- The right of assembly thus includes *right to hold meetings and to take out processions*. This right, like other individual rights is not absolute but restrictive. *The assembly must be non-violent and must not cause any breach of public peace*. If the assembly is *disorderly or riotous then it is not protected under Article 19(1)(b)* and reasonable restrictions may be imposed under clause (3) of Article 19 *in the interests of 'sovereignty and integrity of India' or 'public order'*.

# Freedom to form Association [Articles

19(1) (c) and 19(4)

- Article 19(1)(c) of the Constitution of India guarantees to all its citizens the right “to **form associations or unions or Co-operative Societies**”. Under clause (4) of Article 19, however, the State may by law impose **reasonable restrictions on this right in the interest of public order or morality or the sovereignty and integrity of India.**
- It thus includes the right to form **companies, societies, partnership, trade union, and political parties.** **The freedom to form association implies also the freedom to form or not to form, to join or not to join, an association or union.**

# Right of Association and Armed Forces

- In O.K.A. Nair v. Union of India(1976), an important question arose whether “civilian” employees, designated as ‘non-combatants’ such as cooks, chowkidars, laskers, barbers, mechanics, boot-markers, tailors, etc, **attached to the Defence Establishments have a right to form associations or unions.**
- The Supreme Court rejected the contentions of the appellants and held that the civilian employees of the **Defence Establishments answer the description of the members of the Armed Forces within the meaning or Article 33 and, therefore, were not entitled to form trade unions.**

# Freedom of movement [Articles 19(1)(d) and 19(5)]

- Article 19(1)(d) of the Constitution guarantees to its citizens a *right to go wherever they like in Indian territory without any kind of restriction whatsoever. They can move not merely from one State to another but also from one place to another within the same State.* This freedom cannot be curtailed by any law except within the limits prescribed under Article 19(5). Reasonable restrictions on the freedom of movement on two grounds:-
  1. In the interests of general public.
  2. For the protection of the interest of Scheduled Tribes

# Freedom of Residence [Articles

19(1)(e) and 19(5)]

- According to Article 19(1)(e) every citizen of India has the right **“to reside and settle in any part of the territory of India”** However, under clause (5) of Article 19 reasonable restriction may be imposed on this right by **law in the interest of the general public** or for the **protection of the interest of any Scheduled Tribe.**
- The object of the clause is to remove internal barriers within India or any of its parts. The words “the territory of India” as used in this Article indicate **freedom to reside anywhere and in any part of the State of India.**

# Freedom of Residence

- It is to be noted that the *right to reside and right to move freely throughout the country are complementary and often go together.* Therefore, most of the *cases considered under Article 19(1)(d) are relevant to Article 19(1)(e) also.* This right is subject to *reasonable restrictions imposed by law in the interest of general public or for the protection of the interests of any Scheduled Tribes.*



# Freedom of Profession, occupation, Trade or Business [Articles 19(1)(g) & 19(6)]

- Articles 19(1)(g) guarantees that all citizens shall have the right “to *practice any profession, or to carry on any occupation, trade or business*”. However, the right to carry on a profession, trade or business is not unqualified. It can be restricted and regulated by authority of law. Thus the State can under clause (6) of Article 19 make any law-*(a) imposing reasonable restriction on this right ‘in the interest of the general public’, (b) prescribing professional or technical qualifications necessary for practicing any profession or carrying on any occupation, trade or business, (c) enabling the State to carry on any trade or business to the exclusion of citizens wholly or partially.*

# Anuradha Bhasin v. Union of India (2020)

- In this case the Supreme Court held that the “freedom to access the Internet” is a fundamental right and is protected under Article 19(1)(a) freedom of speech and expression of the Constitution of India. The Supreme Court observed that freedom of expression and carrying on trade through the internet is protected under Article 19(1) of the Constitution of India. Justifying its observation the Supreme Court said that the internet is also a very important tool for trade and commerce. Therefore, the freedom of trade and commerce through the medium of the internet is also constitutionally protected under Article 19(1)(g), subject to the restrictions provided under Article 19(6).

# Government Doctors-No right of private practice

- In Sukumar Mukherjee v. State of W.B(1993)., the appellants challenged the validity of West Bengal State Health service Act, 1990 on the ground that it imposes unreasonable restriction on their right to carry on any occupation, trade or business under Article 19(1)(g) of the Constitution. **Those who join the government service are bound by the terms and conditions of service and will have no right to private practice**

# Hawkers Right to trade on pavement of roads

- In *Sodan Singh v. New Delhi Municipal Committee* (1995), a five judge Bench of the Supreme Court has held that **hawkers have a fundamental right to carry on trade on pavement to roads, but subject to reasonable restrictions under Article 19(6) of the Constitution.** The petitioners who were poor hawkers were carrying on business on the pavements of roads of Delhi and New Delhi. They alleged that they were permitted by the respondent Municipal authorities to carry on their business by occupying a particular area on the pavements on payment of certain charges described as Tehbazari, but they refused them to continue with their trade and thereby they were violating their fundamental right guaranteed under Articles 19(1)(g) and 21 of the Constitution. The Supreme Court held- **The right to carry on trade or business mentioned in Article 19(1)(g) on pavement of roads, if properly regulated, cannot be denied on the ground that the streets are meant exclusively for passing or re-passing and for no other use.** Proper regulation is, however, a necessary condition as otherwise the very purpose of laying down roads to facilitate traffic may be defeated.

# State Lotteries- Not trade or business but gambling

- In *B.R. Enterprises v. State of U.P.* (1999), the petitioners had challenged the validity of Lotteries (Regulation) Act, 1988, and the order passed by the State of U.P. in exercise of power vested under Section 5 of the Act banning sale of lottery tickets of other States in the State of Uttar Pradesh as violative of Art. 19(1)(g) and Arts. 301, 302 and 303 of the Constitution. The Supreme Court held – The lottery contains an element of chance and therefore cannot be trade or commerce but is gambling.

# Illegal or immoral profession

- The *right to practice any “profession” does not include right to carry on any illegal or immoral profession. The State has right to prohibit trades, which are illegal or immoral or injurious to the health and welfare of the public.*

# Ban on pan Masala and Gutkha

- In *Godawat pan Masala Products P.Ltd. v. Union of India*(2004), the petitioners challenged the constitutional validity of notifications issued by the Food (Health) Authority under Section 7 (iv) of the Prevention of Food Adulteration Act by which the **manufacture, sale, storage and distribution of Pan Masala and Gutkha containing tobacco were banned for five years as violative of Art 19(1) of the Constitution.** They contended that the power to ban these products was vested with the Central Government under the Cigarettes and other Tobacco Products (Prohibition) of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, enacted by Parliament.
- **Restriction could have been on sale to under-aged persons and not by way of total ban.** It was therefore, unconstitutional and invalid.
- However, Maharashtra banned and there is pending litigation

# Grounds of restrictions

- The right to carry on business, being a fundamental right, its exercise is subject only to the restrictions imposed by law in the interest of the general public under Article 19(6)
- **No right to carry on business at a particular place:** – There is no right to carry on business at a particular place. The State may impose reasonable restrictions in the interest of general public. **Thus a competent authority may reasonably fix a place for a bus stand, a cinema house, or a liquor shop.**



# The closure of shops and establishments for a day in a week

- The Punjab Trade employees Act, 1949, provided that shops and establishments shall remain closed for a day in a week. In *Monohar Lal v. State of Punjab* (1961), the Supreme Court held the restriction to be reasonable because the purpose of the Act was to improve the health and efficiency of the workers who form an essential part of the community and in whose welfare the community was vitally interested. *The contention of the petitioner that the act did not apply to him because he did not employ any other person and was conducting the business himself was also rejected by the Court.*

# Unreasonable Restrictions

- In *Chintaman Rao v. State of M.P.* (1955) law authorised the Government to **prohibit all persons residing in certain areas from engaging themselves in the manufacture of biri during the agricultural season**. The object of the law was to provide adequate labour for agricultural purposes in biri-making areas. The Supreme Court held- the law is invalid as it imposes unreasonable restriction on the biri-making business of the area. The Act is much in excess of the object which the law seeks to achieve. It not only compels those who are engaged in agricultural work from taking other vocation but also **prohibits persons such as infirm, disabled, old women and children incapable of working as agricultural labourers from engaging themselves in the business of biri-making and thus earning their livelihood, hence it was arbitrary and wholly unreasonable**

# State Trading and Nationalisation

- Clause (6)(ii) *enables the State to nationalise any trade or business and carry it on itself to the exclusion of all citizens wholly or partially.*
- Thus the *right of the citizen is constitutionally subjected to the overriding right of the State to create a monopoly in any trade or business.*

Toolkit

# Introduction

- Tool Kit= Campaign plan
- The word- 'Remand' means to 'hand-over' or 'order-back'
- Greta Thunberg(18)is a Swedish environmental activist who is internationally known for challenging world leaders to take immediate action against climate change

# Transit Remand Order

- In practical terms, 'transit remand order' means an order passed by a Judicial Magistrate remanding an arrested person to police custody for the purpose of his transit to another state. By issuing such a 'transit remand order', ***the local Magistrate certifies that the police personnel from the outside state had the authority to arrest the person, and that such arrest was done legally. Further, the local Magistrate authorizes the other-state police to take the arrestee out of his home state.***

# Concept of 'transit remand'

- The concept of 'transit remand', though not expressly mentioned in the CrPC, flows from Section 167 of the CrPC and Article 22 of the Constitution of India, as per which a person cannot be detained by the police for over 24 hours without the authorization of a judicial magistrate. ***With the aim of ensuring protection of the personal liberty of an individual, the Courts have evolved the concept of 'transit remand' in cases where the person is to be taken out of state by police from a different states. In such cases, the person ought to be produced before the nearest Magistrate soon after the arrest, and ought to be taken out of the arrestee's home state only on the strength of a 'transit remand order' issued by such Magistrate***

# Anticipatory transit bail

- When a person *is apprehending arrest by the police of a state other than where they are at present, they approach the nearest competent court for a transit anticipatory or pre-arrest bail. The court does not have jurisdiction over the place where the case is registered or where crime has been alleged to have been committed but since the question of personal liberty is involved, the High Courts across India generally allow such prayer depending upon the merits of the case.*



# Anticipatory transit bail

- *The relief is sought to seek temporary protection from arrest and simultaneously get time to approach the appropriate court of that place, wherefrom the police has come or where the case is registered, for a similar pre-arrest bail*
- **Nikita Jacob Granted 3-week Transit Bail in Toolkit Case**
- The Delhi Police has accused climate activist Disha Ravi, lawyer Nikita Jacob and her Shantanu Muluk of conducting a “digital strike” by propagating the Toolkit Doc to malign the image of India.

# Tool Kit= Campaign plan

- In simple terms, a **toolkit is a collection of resources for front-line workers engaged in a task or campaign.**
- A toolkit has become a handy tool in sustaining a movement or campaign in times of social media influences. It is a document created as an explainer on an issue as a guide to everybody who is associated with the campaign or can be roped in to give a fillip to the campaign. **It also provides a roadmap of how to take forward the campaign or agitation explaining what needs to be done, when and how.**

# Disha Ravi case: What is a toolkit that has brought activists under the lens?

- Bengaluru-based climate activist Disha Ravi, 21, is in custody of the Delhi Police for editing and sharing a toolkit with globally known teen anti-climate change campaigner Greta Thunberg. Some others including activists Nikita Jacob and Shantanu have also been booked **for coordinating with pro-Khalistan outfit Poetic Justice Foundation (PFJ) in connection with protest by farmers' unions over the new farm laws**

# Greta Thunberg-toolkit

- In the present case, the toolkit became an accidental disclosure when Greta Thunberg on February 5 shared a Google document, a “toolkit, inadvertently. She deleted the tweet later, but it became a headline
- The toolkit tried to “explain the farmers’ protests” against the Narendra Modi government on the Delhi borders over the farm laws passed by Parliament in 2020.
- “This is a document meant to enable anyone unfamiliar with the ongoing farmers’ protests in India to better understand the situation and make decisions on how to support the farmers based on their own analysis,” the toolkit reportedly said.

# Disha Ravi-Toolkit

- The investigation, the Delhi police said, found that some pro-Khalistani elements were involved in creating disaffection against the country. Disha Ravi's role figured in the probe, the Delhi police said, as an "Editor of the Toolkit Google Doc".
- Police have said those involved in creating the *toolkit document used a WhatsApp group to discuss and prepare the draft in collaboration with pro-Khalistan Poetic Justice Foundation.*
- Disha Ravi, according to the Delhi police, shared the toolkit with Greta Thunberg.
- **'Scanty and Sketchy Evidence': Delhi Court Grants Disha Ravi Bail in 'Toolkit' Case(detained=Tihar jail)**

# Sedition Law Misused To Terrorise Young Patriotic Indians; Time To Revisit S.124A

- Toolkit Case- Sedition Law Misused To Terrorise Young Patriotic Indians; Time To Revisit S.124A: Delhi HC Women Lawyers Forum Writes To Supreme Court
- The Delhi High Court Women Lawyers Forum has made a representation before the Supreme Court, urging it to revisit the Constitutional validity of Section 124A (Sedition) of IPC, in light of alleged illegal arrest and detention of climate activist Disha Ravi in connection with the Greta Thunberg 'toolkit' case

# Delhi High Court Women Lawyers Forum

- "The recent events where a young environmental activist Disha Ravi has been arrested by Delhi Police in Bengaluru and brought to Delhi on February 14 without following any prescribed legal procedures and without there being any apparent reason for arrest, are appalling," the letter stated while stressing that Disha **has no criminal antecedent** and she was willing to cooperate with the investigation and there is **no evidence to suggest that she was working with any banned organisations.**