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**Constitution of India Art 19 - Protection of certain  
rights regarding freedom of speech, etc**

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

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

**(b) to assemble peaceably and without arms;**

**(c) to form associations or unions or co-operative societies;**

**(d) to move freely throughout the territory of India;**

**(e) to reside and settle in any part of the territory of India;  
and**

**(g) to practise any profession, or to carry on any occupation,  
trade or business.**

**(2) Nothing in sub-clause (a) of clause (1) shall affect the  
operation of any existing law, or prevent the State from  
making any law, in so far as such law imposes reasonable  
restrictions on the exercise of the right conferred by the said  
sub-clause in the interests of the sovereignty and integrity of  
India, the security of the State, friendly relations with foreign  
States, public order, decency or morality, or in relation to  
contempt of court, defamation or incitement to an offence.**

**(3) Nothing in sub-clause (b) of the said clause shall affect the  
operation of any existing law in so far as it imposes, or  
prevent the State from making any law imposing, in the  
interests of the sovereignty and integrity of India or public  
order, reasonable restrictions on the exercise of the right  
conferred by the said sub-clause.**

**(4) Nothing in sub-clause (c) of the said clause shall affect the  
operation of any existing law in so far as it imposes, or**

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prevent the State from making any law imposing, in the interests of the sovereignty and integrity of India or public order or morality, reasonable restrictions on the exercise of the right conferred by the said sub-clause.

(5) Nothing in sub-clauses (d) and (e) of the said clause shall affect the operation of any existing law in so far as it imposes, or prevent the State from making any law imposing, reasonable restrictions on the exercise of any of the rights conferred by the said sub-clauses either in the interests of the general public or for the protection of the interests of any Scheduled Tribe.

(6) Nothing in sub-clause (g) of the said clause shall affect the operation of any existing law in so far as it imposes, or prevent the State from making any law imposing, in the interests of the general public, reasonable restrictions on the exercise of the right conferred by the said sub-clause, and, in particular, nothing in the said sub-clause shall affect the operation of any existing law in so far as it relates to, or prevent the State from making any law relating to,—

(i) the professional or technical qualifications necessary for practising any profession or carrying on any occupation, trade or business, or

(ii) the carrying on by the State, or by a corporation owned or controlled by the State, of any trade, business, industry or service, whether to the exclusion, complete or partial, of citizens or otherwise.

SYNOPSIS

**Cited in Sankaranarayanan 2017**

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Nature & Scope—Article 19(1)(a) covers right to hold telephone conversation in privacy, *PUCL v. Union of India*, (1997) 1 SCC 301.

Article 19(1)(g) covers Right of hawkers to ply trade on pavements included subject to regulation, *Sadan Singh v. NDMC*, (1989) 4 SCC 155 and (1992) 2 SCC 458; (1993) 3 SCC 178.

Constitutional Validity—Section 66-A of the Information Technology Act, 2000 declared unconstitutional for being violative of Article 19(1)(a) and not saved under Article 19(2) of the Constitution, *Shreya Singhal v. Union of India*, (2015) 5 SCC 1.

Freedom of Speech and Expression—Freedom of expression has four broad social purposes to serve: (i) it helps an individual to attain self-fulfilment, (ii) it assists in the discovery of truth, (iii) it strengthens the capacity of an individual in participating in decision-making and (iv) it provides a mechanism by which it would be possible to establish a reasonable balance between stability and social change, *Indian Express Newspapers v. Union of India*, (1985) 1 SCC 641.

Liability of a free expression cannot be equated or confused with a licence to make unfounded and irresponsible allegations against the judiciary. *Radha Mohan Lal v. Rajasthan High Court*, (2003) 3 SCC 427.

Freedom of Press—Means freedom from interference from authority which would have the effect of interference with the content and circulation of newspapers. There cannot be any interference with that freedom in the name of public interest, *Indian Express Newspapers v. Union of India*, (1985) 1 SCC 641.

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Right to Know—Basis of the right to know of a citizen about government decisions and actions. It is derived from freedom of speech, it is a fundamental right which is subject to overriding interest of public security and secrecy, *Dinesh Trivedi v. Union of India*, (1997) 4 SCC 306.

Education—Right to impart education is a fundamental right under Article 19(1)(g), subject to control by Article 19(6), *P.A. Inamdar v. State of Maharashtra*, (2005) 6 SCC 537.

Trade in Liquor—Trade in liquor is not a fundamental right, *State of Punjab v. Devans Modern Breweries Ltd.*, (2004) 11 SCC 26.

Voting Right—Right to vote is a statutory right and not a fundamental right, *k. Krishna Murthy v. Union of India*, (2010) 7 SCC 202: (2010) 2 SCC (L&S) 385.

Power of State Government—Film certified by Censor Board for public exhibition cannot be subject to further censorship by State Government because such power is not available to State Government, *Prakash Jha Productions v. Union of India*, (2011) 8 SCC 372.

Public Exhibition Film—Suspension cannot be ordered before a film is publicly exhibited. This is because suspension can be ordered in respect of a thing which is operational and not which is yet to be put into operation, *Prakash jha Productions v. Union of India*, (2011) 8 SCC 372.

Right to privacy—It is the duty of media to respect individuals' fundamental right to privacy and to maintain dignity of courts so that people's faith in administration of justice is not diminished, *Hindustan Times v. High Court of Allahabad*, (2011) 12 SCC 155.

National Flag—The right to fly the national flag is a fundamental right, *V.K. Naswa v. Union of India*, (2012) 2 SCC 542.

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Audi Alteram Partem—The failure to give an opportunity of hearing to a party is violative of Article 19(1)(c) unless covered by Article 19(4). *Mohd. Jafar v. Union of India*, 1994 Supp (2) SCC 1.

Establishment of Education Institutions—To establish and run educational institutions is a fundamental right however this right is subject to reasonable restrictions. *Modern Dental College & Research Centre v. State of M.P.*, (2009) 7 SCC 2432.

Criminal defamation—Criminal defamation which is in existence in the form of Sections 499 and 500IPC, is not a restriction on right to freedom of speech and expression that can be characterized as disproportionate. Right to free speech cannot mean that a citizen can defame the other as protection of reputation is a fundamental right as well as a human right, *Subramanian Swamy v. Union of India*, (2016) 7 SCC 221.

Reasonable Restrictions—The expression “reasonable restriction” signifies that the limitation imposed on a person in enjoyment of the right should not be arbitrary or of an excessive nature, beyond what is required in the interests of the public, *Bishambhar Dayal Chandra Mohan v. State of U.P.*, (1982) 1 SCC 39, 62. See also (1986) 3 SCC 20.

In determining the reasonableness of a piece of economic legislation, more latitude should be given to the State than that given in respect of a legislation relating to fundamental rights. *SIEL Ltd. v. Union of India*, (1998) 7 SCC 26.