

**NAME OF CANDIDATE: SAADIYA**

**NAME OF SUPERVISOR: PROF(Dr.) NUZHAT PARVEEN KHAN**

**DEPARTMENT: FACULTY OF LAW**

**TITLE: FREEDOM OF EXPRESSION AND MAINTENANCE OF PUBLIC ORDER:  
CONTEMPORARY ISSUES AND STATE RESPONSE**

We are living in troubled times, in a complex world- a world where it is difficult to demarcate between the real and the virtual. If internet changed the world of communication, social media comprising of the social networking sites and the mobile messaging apps revolutionized not only the way we communicate but also the way we behave, virtually as well as in reality. With the media of expression expanding exponentially, the consequent impact on right to freedom of expression is well expected. In the recent past, India has witnessed an increase in the culture thriving on mob mentality. Any expression offending the sensibilities of a group could trigger a frenzied mob vandalizing art galleries/theatres/universities/news channel offices or private property of the alleged offender.

The vital issue here is the growing intolerance of public towards individuals exercising their legitimate right to express themselves and incapacity of state to protect them. The government has the tendency of succumbing to pressure from the mob and restraining individual liberty in the interest of “public order.” Such state action has ignited the debate on legitimacy of use of the ground of public order for restricting artists and individuals. In the thesis the author broadly assessed the legitimacy of state action while claiming to balance individual freedom of expression and maintaining public order in the light of empirical data collected in the month of March-April 2014 by taking a sample of 331 subjects and analyzed by pie charts and bar diagrams and verified by using SPSS 17.

One aspect which is common in all the incidents leading to suppression of individual liberties is the intolerance of groups/communities on basis of religion which makes one to prima facie assume that religious identities are inherently mired up with violent behavior of the mob. The objective of this thesis is to test the truth behind the assumption that when it comes to violent behavior certain religious communities/denominations (Muslims in particular) are more violent than others or to put it in other words, that religious beliefs of people affect their behavior when it comes to tolerating offensive/blasphemous expressions. The second assumption with which the research is undertaken is that these intolerant groups, which are referred to as the “mob” in the

thesis, belong to the less educated classes so as to say, that violent behavior of the mob is directly linked to their educational level.

When the question of people resorting to violence on coming across blasphemous expressions was checked by means of empirical survey, the results came out to be pretty clear. Education as such does not have a direct nexus with violent behavior when it comes to blasphemous expressions but the attitude towards blasphemers is directly affected by the education level of the respondents. The more educated a person is, the more open he becomes to the idea of accepting a blasphemer for his/her beliefs without making a case for penalizing him/her. Education is a moderating factor which inculcates a scientific temperament of tolerance in the individuals which is completely in tandem with the democratic ideals in a state based on Rule of law. The survey results also dispelled the misconceived notion of religion having direct correlation with getting offended. Religious identity of the respondents does not have any direct correlation either with getting hurt or expressing their hurt by violent behavior. All religious denominations behave similarly when it comes to offensive expressions. The hypothesis that Muslims are more likely to resort to violence is thus negated by the data analysis.

It is the state's responsibility to maintain public order and for that the state has to ensure high education levels for the entire citizenry so as to curb the growing public intolerance and mob mentality as statutory regulations would not be of much help in curbing intolerance. Tolerance cannot be forced or statutorily imposed. It cannot be legislated. Therein the role of civil society becomes important in the current situation where freedom of expression is finding itself hostage to the whims and fancies of intolerant groups. Members of the civil society have to jealously guard freedom on the internet without getting bullied by incivility of a handful, taking stand when seeing someone else being bullied without losing their temperament. The attitude of netizens of avoiding debate for the fear of spoiling one's image or interpersonal relationships should not be a guiding factor. The primary responsibility of educating the public, dispelling the shadows of rumors and inculcating a spirit of tolerance lies with the state for which a sound education system which stresses on ethics is required. Till that goal of education for all is achieved, an equal duty lies on the part of ordinary citizens to deal with uncivil behavior with utmost civility and good behavior, un-bullied, un-coerced to guard the cherished freedom of expression.