

Freedom in authority: On the right to free speech

The Supreme Court is right in not adding to **curbs** on free speech, but leaders must **value restraint**

In a recent **verdict**, the Supreme Court has shown sound restraint while **examining** the issue of misuse of free speech, especially by political **functionaries holding public office**. It is **to the credit of the Constitution Bench** that it did not make any **adventurous** attempt to **expand** the **scope** of the restrictions already **spelt out** in the Constitution. The **context** being some **rash** and **intemperate remarks** by two ministers, one while **servicing** in the Uttar Pradesh Cabinet and another in Kerala, there was some expectation that the court should **carve out** an additional restriction on public servants either by making the state **vicariously** liable for their remarks or by evolving a **code of conduct enforceable** by law. **The four judges** who **signed off** on the main opinion, as well as the fifth judge who wrote a separate one, correctly **concluded** that the specified **grounds** for reasonable restrictions in Article 19(2) are “**exhaustive**” and nothing further can be added by judicial **fiat**. The majority also declined to expand the **notion** of ‘collective responsibility’ to fix **liability** on the state for such remarks. **Justice B.V. Nagarathna**, writing a separate opinion, **differed** on this point, saying it is possible to **attribute vicarious** responsibility to the government if a minister’s view represents that of the government and is related to the affairs of the state. While the issue is largely academic, there have **indeed** been **instances** of courts **taking note of** individual ministers’ public remarks to transfer sensitive investigations to other agencies based on an **apprehension** of injustice if a police **probe** remained with the State **concerned**. Political leaders do need an **occasional** reminder that they should show **utmost** restraint, as their public **utterances tend** to get circulated and also influence their followers.

In the course of the discussion, the court has **restated** and clarified several **principles**, including that of **constitutional tort**, or a **civil wrong** that is actionable. The main opinion **concludes** that a **mere statement** by a minister that **goes against** an individual’s fundamental rights **may** not be actionable, but becomes actionable if it results in actual harm or loss. **Justice Nagarathna, on the other hand, holds the view** that there should be a proper legal **framework** to define **acts and omissions** that **amount to** ‘constitutional tort’. The court’s overall **view** that fundamental rights are enforceable even against private **actors is** indeed a welcome one. This largely **settles the question** of whether these rights are only ‘**vertical**’, that is, enforceable only against the state, or ‘**horizontal**’ too, that is enforceable by one person against another. **[Practice Exercise]**

- Red/blue coloring of words in the sentence indicates subject verb relationship; where ‘red’ denotes ‘subject’ and ‘blue’ denotes ‘verb’.

Vocabulary

1. **Curb** (verb) – Restrain, control, limit, hold back, rein in रोकना/ अंकुश लगाना
2. **Value** (verb) – appreciate, respect, regard, esteem कदर /आदर करना
3. **Restraint** (noun) – Self-control, control, self-possession, self-discipline संयम
4. **Verdict** (noun) – Decision, adjudication, decree, judgement फैसला
5. **Examine** (verb) – study, investigate, review, scrutinize, inspect जांच करना
6. **Functionary** (noun) – a person who has to perform official functions or duties; an official. अधिकारी
7. **Hold office** (phrase) – to occupy a powerful position or role, esp. in government.
8. **To the credit of someone** (phrase) – deserving praise and respect प्रशंसा और सम्मान के पात्र होना
9. **Constitution bench** (noun) – Constitution bench is the name given to the benches of the Supreme Court of India which consist of at least five judges of the court which sit to decide any case “involving a substantial question of law as to the interpretation” of the Constitution of India
10. **Adventurous** (adjective) – brave, courageous, audacious exciting साहसी
11. **Expand** (verb) – extend, increase, enlarge, grow, broaden बढ़ाना /विस्तार करना
12. **Scope** (noun) – the range of the subject matter that something deals with; extent, limit, area दायरा
13. **Spell out** (phrasal verb) – Explain something in detail स्पष्ट करना, समझाना
14. **Context** (noun) – perspective, circumstance, condition, setting, milieu संदर्भ
15. **Rash** (adjective) – acting or done without thought; incautious, careless, hasty, sudden, thoughtless लापरवाह/कठोर
16. **Intemperate** (adjective) – Self-indulgent, uncontrolled, unrestrained असंयमी
17. **Remark** (noun) – Comment, Statement, observation टिप्पणी
18. **Serve** (verb) – work for, be in the service of, perform duties for सेवा करना
19. **Carve out** (phrasal verb) – to make or create बनाना

20. **Vicariously** (adverb) – in a way that is experienced in the imagination through the actions of another person. परोक्ष तौर पर
21. **Code of conduct** (noun) – a set of rules that members of an organization or people with a particular job or position must follow आचार संहिता
22. **Enforceable** (adjective) – (of a law, rule, or obligation) able to be imposed so that it must be complied with. प्रवर्तनीय, लागू करने योग्य
23. **Sign off** (phrasal verb) – To express approval formally or conclusively
24. **Conclude** (verb) – arrive at a judgement or opinion by reasoning निष्कर्ष निकालाना
25. **Ground** (noun) – reason, cause, basis, base, foundation, justification, आधार
26. **Exhaustive** (adjective) – comprehensive, all-inclusive, complete, full, full-scale संपूर्ण, विस्तृत
27. **Fiat** (noun) – order, command, decree (especially an arbitrary one) मनमाना आदेश
28. **Notion** (noun) – idea, impression, thought, concept, opinion धारणा
29. **Liability** (noun) – Responsibility, obligation, legal responsibility दायित्व
30. **Differ** (verb) – disagree, dissent मतभेद होना
31. **Attribute** (verb) – to believe that something was caused or done by somebody/something के लिए जिम्मेदार ठहराना
32. **Vicarious** (adjective) – Suffered or done by one person as a substitute for another
33. **Indeed** (adverb) – as expected, to be sure, in fact, in point of fact वास्तव में
34. **Instance** (noun) – example, occasion, occurrence, case, representative case उदाहरण, घटना
35. **Take note of** (phrase) – pay attention. ध्यान देना
36. **Apprehension** (noun) – anxiety, angst, alarm, worry, uneasiness, unease शंका, डर
37. **Probe** (noun) – investigation, inquiry, examination, scrutiny छानबीन, जांच
38. **Concerned** (adjective) – connected, related, involved सम्बंधित
39. **Occasional** (adjective) – Infrequent, rare, irregular कभी-कभार
40. **Utmost** (adjective) – maximum, extreme, greatest, highest अत्यंत

41. **Utterance** (noun) – Remark, comment, word, expression, statement, observation कथन
42. **Tend** (verb) – be inclined, be apt, be disposed, be prone प्रवृत्त होना
43. **In the course of** (phrase) – during the specified period or activity. के दौरान
44. **Restate** (verb) – To say again; Repeat, reaffirm, reiterate फिर से कहना
45. **Principle** (noun) – a basic general law, rule or idea सिद्धान्त
46. **Constitutional tort** (noun) – If a government official violates the constitutional rights of an individual, then a civil action can lie against him.
47. **Civil wrong** (noun) – an infringement of a person's rights, especially a tort.
48. **Conclude** (verb) – Decide by reasoning; draw or come to a conclusion परिणाम निकालना
49. **Mere** (adjective) – no more than, just, only केवल
50. **Go against** (phrasal verb) – be contrary to a feeling or principle. खिलाफ जाना, विरुद्ध होना
51. **On the other hand** (phrase) – Used to introduce a contrasting point of view, fact, or situation. वहीं दूसरी ओर
52. **Hold the view** (phrase) – to believe something मानना
53. **Framework** (noun) – system, organization, construction ढांचा, तंत्र
54. **Act and omission** (noun) – An act is doing something; an omission is a failure to do something
55. **Amount to** (phrasal verb) – be equivalent to के बराबर होना
56. **Actor** (noun) – Participant
57. **Settle** (verb) – resolve, establish, arrange, determine, decide निबटाना
58. **Vertical right** (noun) – the vertical rights are right can be applied only against public authorities.
59. **Horizontal right** (noun) – Horizontal rights are applied against private actors

Practice Exercise

Direction: (Q1 – Q5): In the following passage some words have been deleted. Fill in the blanks with the help of the alternatives given. Select the most appropriate option for each number. [Editorial]

Despite the strong signalling from all sides, however, there are many aspects to the IPEF that _____ **1** _____ further scrutiny. Monday’s launch only signals the willingness of the 13 countries to begin discussions on the _____ **2** _____. Much will depend, as Prime Minister Narendra Modi stressed, on how inclusive the process _____ **3** _____. Second, U.S. officials have made it clear that it is not a free trade agreement; nor will it discuss tariff reductions or increasing market access, raising questions about its utility. Shorn _____ **4** _____ the rhetoric of Indo-Pacific cooperation, there must be more clarity on its framework. The four pillars also lend themselves to some confusion, drawing into question whether there is enough common ground among the 13 countries that are part of very different economic arrangements, as well as outliers (the U.S. and India), to set standards together, or be open to issues that vary for each country. The U.S.’s statement that the IPEF is essentially focused on “American workers” also raises questions on whether increasingly protectionist global trends will _____ **5** _____.

- | | | | |
|--------------|------------|--------------|--------------|
| 1. A. Bear | B. Assert | C. Claim | D. Seek |
| 2. A. Extent | B. Contour | C. Ties | D. Patronage |
| 3. A. Will | B. Is | C. Should | D. Would |
| 4. A. On | B. In | C. Of | D. To |
| 5. A. Serve | B. Strain | C. Highlight | D. Chafe |

Directions (Q6): In the following questions, four words are given in each question, out of which only one word is rightly spelt. Find the correctly spelt word. [Answer]

6. A. **Vicareously**
 B. **Vicariously**
 C. **Vicariousli**
 D. **Vicariousley**

Directions (Q7): In the following questions, the passage/sentence is split into four parts and named P, Q, R and S. These four parts are not given in their proper order. Read the sentence/passage and find out which of the four combinations is correct. Then find the correct answer.

7. P. The gardener set his eldest son to watch; but about twelve o’clock he fell asleep, and in the morning another of the apples was missing
 Q. The king became very angry at this, and ordered the gardener to keep watch all night under the tree.
 R. These apples were always counted, and about the time when they began to grow ripe it was found that every night one of them was gone.
 S. A certain king had a beautiful garden, and in the garden stood a tree which bore golden apples
- A. SRQP B. QPRS C. RQPS D. SRPQ

Directions (Q8-Q9): In the following questions, a sentence has been given in Active/Passive Voice. Out of the four alternatives suggested, select the one which best expresses the same sentence in Passive/Active Voice.

8. We must endure what we cannot cure.
- A. What cannot cured must endured.
 - B. What could be cure must be endured.
 - C. What we cure must be endured.
 - D. What cannot be cured must be endured.
9. Did everybody miss the first bus?
- A. The first bus was missed by everybody?
 - B. Was the first bus missed by everybody?
 - C. Everybody missed the first bus?
 - D. Had the first bus been missed by everybody?

Directions (Q10-Q11): In the following questions, a sentence has been given in Direct/Indirect Speech. Out of the four alternatives suggested, select the one which best expresses the same sentence in Indirect/Direct Speech.

[Answer]

10. **John said, "I shall be 21 tomorrow".**
- A. John said that he would be 21 tomorrow.
 - B. John said that he would be 21 the following day.
 - C. John said that he should be 21 the following day.
 - D. John said that I shall be 21 tomorrow.
11. **She asked, "Is the secretary coming to the meeting?"**
- A. She asked that the secretary was coming to the meeting.
 - B. She asked that if the secretary was coming to the meeting.
 - C. She asked if the secretary is coming to the meeting.
 - D. She asked if the secretary was coming to the meeting.

Directions (12-13): In the following questions, out of the four alternatives, choose the one which can be substituted for the given words/sentence.

12. **An imaginary ideal state**
- A. Utopia
 - B. Amazon
 - C. Peculation
 - D. Clique
13. **Showing or motivated by susceptibility to bribery**
- A. Responsive
 - B. Venal
 - C. Trespasser
 - D. Antiquated

Directions (14-15): Choose the alternative which best expresses the meaning of the Idiom/Phrase.

14. **Tip of the iceberg**
- A. To act, behave, or do things in a particular way or manner
 - B. To decide guilt or innocence and deliver a verdict in a court of law
 - C. To deny something so often and/or so forcefully that people think one is not telling the truth
 - D. The small noticeable part of a much larger situation or problem that remains hidden
15. **Fuel to the fire**

- A. To be very successful and earn admiration
- B. To make a bad situation worse
- C. To lose strength, force, or energy
- D. To derive or originate from someone, something, or some place.

Directions (Q16-Q17): choose the word opposite in meaning to the given word.

16. Adventurous

- A. Putative
- B. Distinguish
- C. **cowardly**
- D. Deference

17. Intemperate

- A. Fabrication
- B. Partisan
- C. Ostentatious
- D. Moderate

Direction: (Q18-Q19): In the following question, out of the four alternatives, choose the word which best expresses the meaning of the given word.

[Answer]

18. Remark

- A. Observation
- B. Debacle
- C. Broach
- D. Apotheosis

19. Notion

- A. Impartial
- B. Impression
- C. Relegate
- D. Propensity

Directions (20): In the following questions, some part of the sentence is underlined. Which of the options given below the sentence should replace the part underlined to make the sentence grammatically correct. If the sentence is correct as it is given then choose option D 'No Correction required' as the answer.

20. When Gaytri said that she is coming to see me the next day I wondered what problem she would bring.
- A. She was coming
 - B. She is came
 - C. She has been coming
 - D. No correction required

Directions (Q21-Q25): Find out the error, if any –

21. He asked her that (A)/ whether she knew (B)/ what had happened the previous week (C) / when she was on leave. (D)/
22. Until you do not go (A)/to the station (B)/ to receive him (C)/ I can hardly feel at ease. (D)/

23. I did not know (A)/where they were going (B)/nor could I understand (C)/ why had they left so soon. (D)/
24. The distinguished visitor said that he had great pleasure to be with us for some time (A)/ and that the pleasure was all the greater (B)/ because his visit afforded him an opportunity to study the working (C)/ of an institution of such eminence as ours. (D)
25. Please convey (A)/ my best wishes (B)/ back to (C)/ your parents. (D)

Answers

1. A 2. B 3. B 4. C 5. D 6. B 7. A 8. D 9. B 10. B 11. D 12. A 13. B
14. D 15. B 16. C 17. D 18. A 19. B 20. A 21. A 22. A 23. D 24. C 25. C

[\[Practice Exercise\]](#)

Explanation

1. **Bear** (verb) – withstand, stand up to, stand, put up with, take, cope with सामना करना
 - **Assert** (verb) – declare, maintain, contend, argue, state दृढ़ता से कहना
 - **Claim** (verb) – assert, declare, profess, maintain, state, hold दावा करना
 - **Seek** (verb) – try, attempt, endeavour, strive प्रयास करना
2. **Contour** (noun) – outline, shape, form रूपरेखा
 - **Extent** (noun) – degree, scale, level, magnitude हद
 - **Ties** (noun) – bond, connection, link, liaison, attachment, association संबंध
 - **Patronage** (noun) – backing, support, patronage, funding प्रायोजन
4. (be) **Shorn of** (verb) – to have something taken away from; sever, remove से दूर, विभक्त करना
5. **Chafe** (verb) – Become or make annoyed or impatient because of a restriction or inconvenience. भड़कना
 - **Serve** (verb) – Be of use in achieving or satisfying. पूरा करना
 - **Strain** (verb) – injure, hurt, damage, impair
 - **Highlight** (verb) – underline, underscore, stress, emphasize, place emphasis on रोशनी डालना
6. **Vicariously** (adverb) – in a way that is experienced in the imagination through the actions of another person. परोक्ष तौर पर
7. **SRQP**
A certain king had a beautiful garden, and in the garden stood a tree which bore golden apples. These apples were always counted, and about the time when they began to grow ripe it was found that every night one of them was gone. The king became very angry at this, and ordered the gardener to keep watch all night under the tree. The gardener set his eldest son to watch; but about twelve o'clock he fell asleep, and in the morning another of the apples was missing.
12. **Utopia** – An imaginary ideal state आदर्शलोक
 - **Amazon** – A warlike or masculine woman (female warrior) रणचंडी
 - **Peculation** – Use of public money for one's own benefit
 - **Clique** – A small, exclusive group of people; coterie गुट
13. **Venial** – Showing or motivated by susceptibility to bribery भ्रष्टणीय

- **Responsive** – Reacting quickly and positively प्रतिक्रियाशील
 - **Trespasser** – One who enters someone's land without permission अतिक्रामक
 - **Antiquated** – A person behind time अप्रचलित
14. **Tip of the iceberg** (phrase) – the small noticeable part of a much larger situation or problem that remains hidden.
15. **Fuel to the fire** (phrase) – to make a bad situation worse आग में घी डालने का काम करना
16. **Adventurous** (adjective) – brave, courageous, audacious exciting साहसी
- **Putative** (adjective) – Commonly accepted; supposed; reputed ख्यात, प्रतिष्ठित
 - **Distinguish** (verb) – To tell apart; to cause to stand out अंतर करना, भेद करना
 - **Deference** (noun) – Submission to another's will; respect; courtesy सम्मान, आदर
17. **Intemperate** (adjective) – Self-indulgent, uncontrolled, unrestrained असंयमी
- **Fabrication** (noun) – A lie; something made up छलरचना
 - **Partisan** (noun) – One who support a particular person, cause, idea पक्षपातपूर्ण
 - **Ostentatious** (adjective) – Excessively conspicuous; showing off दिखावटी
18. **Remark** (noun) – Comment, Statement, observation टिप्पणी
- **Debacle** (noun) – Violent Breakdown; sudden overthrow पराजय, शिकस्त
 - **Broach** (verb) – To open up a subject for discussion, often a delicate subject विषय छेड़ना, चर्चा चलाना
 - **Apotheosis** (noun) – Elevation to divine status, the perfect example of something गुणगान, आदर्श
19. **Notion** (noun) – idea, impression, thought, concept, opinion धारणा
- **Impartial** (adjective) – Fair; not favoring one side or the other; unbiased निष्पक्ष
 - **Relegate** (verb) – To banish; to send away बाहर निकाल देना
 - **Propensity** (noun) – Natural inclination or tendency; a predilection झुकाव
20. (A) 'is' के बदले "was" का प्रयोग होगा क्योंकि वाक्य Indirect Narration में है जिसका Reporting Speech when Gayatri said' Past Tense में है। अतः Reported Speech में भी Past Tense का प्रयोग होगा।
21. (A) Part (A) में 'that' का प्रयोग नहीं होगा क्योंकि Indirect Question के Reported Speech में 'if/whether' का प्रयोग होता है यदि Reported Speech में Yes/NO-Question हो अर्थात् Reported Speech में कोई Interrogative word नहीं हो बल्कि केवल Auxiliary Verb हो ।

- 'that' will not be used in Part (A) because 'if/whether' is used in Reported Speech of Indirect Question if there is Yes/NO-Question in Reported Speech i.e. no Interrogative word in Reported Speech, but only Auxiliary Verb.

22. (A) 'until you do not go' के बदले 'until you go' का प्रयोग होगा क्योंकि 'until, unless' में 'not' का भाव मौजूद होता है। अतः इनसे शुरू वाले Clause में 'not' जोड़कर इन्हें Double Negative नहीं बनाया जाता है; जैसे-

- i. Unless you work hard, you will not succeed.
- ii. If you do not work hard, you will not succeed.

- 'until you do not go' will be replaced with 'until you go' because 'until, unless' has the meaning of 'not'. Therefore, by adding 'not' to the clauses starting with them, they are not made Double Negative; As-

- i. Unless you work hard, you will not succeed.
- ii. If you do not work hard, you will not succeed.

23. (D) 'why had they' के बदले 'why they had' का प्रयोग होगा क्योंकि Part (D) में Question नहीं है बल्कि Part (C) में प्रयुक्त 'understand' क्रिया का Object है, और 'why' से शुरू होने वाला Clause एक Noun Clause होगा जो Object का काम करेगा। Question में 'Interrogative Word + Auxiliary + Subject...' का प्रयोग होता है, जबकि Clause में 'Interrogative Word + Subject + Verb' का; जैसे-

- i. Why is he crying ? [Question]
- ii. I do not understand/know why he is crying.

- 'why had they' will be replaced with 'why they had' because the part (D) does not contain the question but the object of the verb 'understand' used in the part (C), and clause starting with 'why' will be a Noun Clause which will act as Object. 'Interrogative Word + Auxiliary + Subject...' is used in the Question, while in the Clause 'Interrogative Word + Subject + Verb'; As-

- i. Why is he crying? [Question]
- ii. I do not understand/know why he is crying

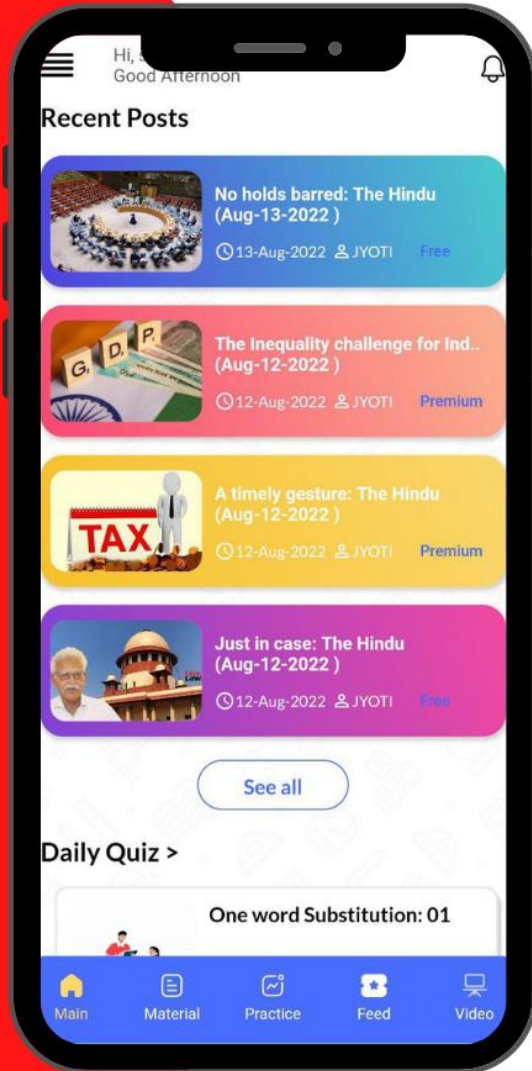
'यहाँ (ii) वाक्य में 'why he is crying' एक Noun Clause है।

24. (C) 'afford' के बदले 'offer' का प्रयोग होगा क्योंकि 'afford' का अर्थ है 'have money or time to be able to buy or to do something' अर्थात् 'कोई चीज खरीदने या करने में सक्षम होना' जबकि 'offer' का अर्थ है 'provide the opportunity for something' अर्थात् 'किसी चीज के लिए अवसर प्रदान करना'; जैसे-

- i. He cannot afford a new car.
- ii. I offered him a job.
- iii. This job does not offer any prospects for promotion.

- 'offer' shall be used instead of 'afford' because 'afford' means 'have money or time to be able to buy or to do something' whereas 'offer' means 'provide the opportunity for something'; As-

- i. He cannot afford a new car.
 - ii. I offered him a job.
 - iii. This job does not offer any prospects for promotion.
25. (C) 'back' का प्रयोग अनावश्यक है क्योंकि 'convey something (to somebody)' का प्रयोग होता है। देखें-
- i. Please convey my apologies to your wife.
- Use of 'back' is unnecessary because 'convey something (to somebody)' is used. see-
- i. Please convey my apologies to your wife.



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