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Freedom of Expression: A Comparative Study of Limitations in France and India

The struggle between the freedom of expression and the obligation to sustain peace in society has never been more complicated and hectic in life, where information travels faster than before. Freedom of expression is a fundamental right set out by the international frameworks of human rights and in the constitutions of democratic countries. Nevertheless, the interpretation of the deployment of this right tends to be culturally, religiously, and politically different. France and India, being two of the most significant democracies, have profound historical roles regarding civil liberties and have had to struggle with the definitions of free speech concerning hate speech, religious and political sensitivities, and national security issues. The vehement stand of France to protect secularism and the multi-religious make-up of India offer different dilemmas that are equally difficult. Although the right to freedom of expression is respected in both France and India, they differ significantly in the ways they restrict it, starting with France, which restricts it through its strict form of secularism in the instance of Charlie Hebdo, and India through its broad laws of sedition and hate speech that indicate that national contexts alter the legal and social boundaries of speech.

France's approach to freedom of expression is deeply rooted in its commitment to *laïcité*, or secularism, which emphasizes the separation of religion from public life. This principle was put to the test in the Charlie Hebdo scandal when the satire magazine printed caricatures of the Prophet Muhammad, which resulted in dire global condemnation and resulted in the deadliest

attack in 2015 (Flood 22). Although Article 11 of the Declaration of the Rights of Man and the Citizen (1789) establishes free speech protection in somewhat of a blanket, it is nevertheless exempted from hostile speech or promotes hatred (Corbin 633). However, in France, satire and blasphemy are sanctioned and regarded as a strong element of democratic discourse. When responding to the attack on Charlie Hebdo, the French state defended the right of the publication to publish such material despite the religious sentiments offended, and this approach illustrates this national security prioritization of the value of secularism and freedom over the sentiments of the community group (Flood 12). Such hard-liner defense, however, has been associated with selectivity of enforcement in comparison to the state ban on pro-Palestine demonstrations or condemnation of Zionism. Such paradoxes indicate that although France has an absolutist perspective of free speech, political considerations usually interfere with its enforcement. This subtlety indicates not only that even in the most liberal democracies, the right to freedom of expression curves under the pressure of national ideology and political expediency but also that it implies a particular relation between the ideology of freedom of expression and the ideology of the state in particular and the ideology of nationhood in general.

In contrast, India's approach to freedom of expression is constrained by its pluralistic society and more conservative legal structure. The Indian Constitution in Article 19(1) (a) has guaranteed the freedom of speech and expression. However, Article 19(2) presents the ability of the state to lay down reasonable restrictions in the interest of public order, decency, morality, and national security (Srivastava 987). Such restrictions have seen the extensive application and frequent abuse of laws, including Section 124A (sedition) and Section 295A, such as blasphemy or religious sentiments. For instance, the arrest of comedian Munawar Faruqui in 2021, based on claims he made to insult Hindu gods, even in the absence of substantive evidence, shows how

speech can be squeezed out in advance to forestall any communal tensions (Faleiro 2). Compared to France, where freedom of speech is considered when moral offenses are committed using the language of secularism, India has more or less interpreted the mantra to offend the use of such words in terms of religious sensitivity and maintenance of public order. Although these provisions attempt to maintain social order in a country with various religious views, they are usually accused of being too vague and presenting the possibility of political abuse. The Indian example reveals that freedom of speech is often compromised to avoid possible disturbances or insults, especially when influential religious or political forces are involved.

France and India also limit free speech when perceived as a threat to national security, though the contexts and thresholds differ significantly. In France, that shows in its policy on outlawing terrorist speech and spreading extremism on the internet. The Loi Avia was a problematic law that was eventually overturned and intended to oblige social media companies to take down posts containing hate speech promptly and attempts to perpetrate terrorism. In equal measure, India uses national security as the basis to arrest individuals, including journalists, activists, or students, under the Unlawful Activities (Prevention) Act (UAPA) on grounds of inciting disaffection to the state (Rawat 341). The example of Disha Ravi, who was detained in 2021 after editing an online information package aimed at protests, can demonstrate the scope of national security arguments to suppress criticism (Levi and Goldberg 6). Whereas France concentrates on avoiding radical Islamic terrorism, India is more interested in containing secessionism or anti-state feelings. Recent events of national security issues in the two countries establish a grey area where the right to freedom of expression may be limited with sometimes little judicial control. Such convergence implies an international trend whereby the state power increases in the name of security, even in democracies.

Overall, the comparative analysis of France and India shows that the constitution guarantees the freedom of expression in the two countries. However, a lot depends on each country and how the French and the Indians see it historically, religiously, and politically. Secular absolutism practiced in France allows satire but holds at stress points under political compulsion. In contrast, India's pluralistic but more controlling disabling-based legal system tends to defer to communal peace and control over individual freedom of speech. Using national security as an excuse to restrict expression instead of a blanket defense has dissimilar forms in both nations and reflects a problematic worldwide pattern towards democratic retrogression. In the end, the case studies demonstrate that the ideal of free speech is still a disputed area even in democracies, less determined by the written provisions of the law than influenced by the socio-political forces that interpret and administer it.

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