

Faculti Summary

<https://faculti.net/civil-liberties-in-the-early-constitution-the-crossroads-and-organiser-cases/>

This video presents a discussion on the context of freedom of speech in India, particularly in the political climate following the rise of the BJP government in 2014. The speaker reflects on their experiences and observations from a decade prior, emphasizing the importance of freedom of speech in the ongoing discourse about Indian liberalism. They argue that Indian liberalism, which concerns itself with freedoms, including speech, should be rooted in the anti-colonial movement against the British rather than in contemporary nationalist ideas propagated by the Hindu right.

The speaker contrasts the American tradition of defending despicable speech for the sake of principle with what they perceive as a lack of similar traditions in India, where individuals tend to defend only speech that aligns with their beliefs. They highlight two significant early cases of freedom of speech in post-independence India — the Crossroads case and the case involving the organizer of the RSS - both of which were decided by the Supreme Court in favor of free expression regardless of the ideologies involved.

This video argues for a nonpartisan approach to civil liberties, where individuals across different ideological divides should defend each other's rights to speak, noting a historical tradition of such alliances in India. The speaker offers three key takeaways: 1) Distinguishing political sovereignty from individual freedoms, 2) Not resting Indian liberalism solely on nationalism, and 3) Advocating for the importance of nonpartisan civil liberties activism in contemporary society, stressing the need for vigilance against governmental overreach regardless of the ruling party's ideology.