

THE INDIA FREEDOM REPORT

JANUARY 2016-APRIL 2017



TheHoot.org

JOURNALISTS UNDER ATTACK

NEWS CENSORSHIP

DIGITAL CENSORSHIP

FREE SPEECH AND THE COURTS

DILUTING THE RIGHT TO INFORMATION

INTERNET SHUTDOWNS

CENSORSHIP OF THE ARTS

Over the last 16 months, issues of press freedom, freedom of expression, online freedom and personal freedoms have come together to produce an overall sense of shrinking liberty not experienced in recent years. On the occasion of World Press Freedom Day 2017 it becomes important to view the level of press freedom in India in the wider context of societal freedom. The press cannot be truly free when facilitating freedoms such as the Right to Information and the Right to Internet, and the freedom of expression of the creative community, are shrinking.

JOURNALISTS UNDER ATTACK



The journalist assaulted in Chirala. ETV video grab, YouTube.

In the period being reported on, 54 attacks on journalists in India were reported in the media, according to the Hoot's compilation. The actual number will certainly be bigger, because last week Minister of State for Home Affairs Hansraj Ahir said during [question hour](#) in the Lok Sabha that 142 attacks on journalists took place between 2014-15.

Though seven journalists were killed, reasonable evidence of their journalism being the motive for the murder is available only in one case.

The stories behind each of the attacks reveal a clear and persistent pattern. Investigative reporting is becoming increasingly dangerous. Journalists who venture out into the field to investigate any story, be it sand mining, stone quarrying, illegal construction, police brutality, medical negligence, an eviction drive, election campaigns, or civic administration corruption, are under attack.

Leave alone going out into the field, those who host chat shows in the relative safety of a television studio or voice opinions on social media networks are also subjected to menacing threats, stalking and doxing.

The perpetrators, as the narratives of these cases clearly indicate, are politicians, vigilante groups, police and security forces, lawyers (apart from the Patiala House court incident in Delhi in the wake of the JNU protests, there were a spate of attacks by lawyers in Kerala), jittery Bollywood heroes and, increasingly, mafias or criminal gangs that operate in illegal trades and mining, often under the protection of local politicians and with the knowledge of local law enforcing agencies. Hence, even with clear accusations of the identities of the perpetrators, they get away scot-free.

The data with The Hoot shows that law-makers and law-enforcers are the prime culprits in the attacks and threats on the media.

54 ATTACKS

PERPETRATORS	NO. OF INCIDENTS
Drug peddlers	1
Actors and their bodyguards; film crew	2
ABVP members	3
Illegal construction industry	3
Unconfirmed motives	3
Liquor mafia	2
Gujarat riot convict Suresh Chhara	3
Police	9
Officials accused of corruption	2
Political party leaders/supporters	8

Lawyers	4
Cow vigilantes	1
Army/Paramilitary security forces	2
Illegal sand mining	1
Doctors/interns	1
Mob resisting/protesting media coverage	9
Students	2
Illegal coal mining	1

25 THREATS TO JOURNALISTS

PERPETRATORS	NO. OF INCIDENTS
Politicians/political party members	6
Mining Mafia	2
Militant groups	1
Police	4
Vigilante groups	2
Twitter trolls	5
ABVP	1
Lawyers	3
UIDAI	1

[Details of attacks and threats](#)

[The Silencing of Journalists](#)

NEWS CENSORSHIP

1. Governments at various levels attempt censorship, so do private sector media owners. In the period under review there were a few striking examples of media censorship, of holding back news, and of self censorship.
2. In June 2016 the Andhra Pradesh government got cable operators across the state to block Sakshi News and No 1 news channels, on account of their coverage of the Kapu agitation. The leader of the numerically dominant Kapus, Mudragada Padmanabham, a former minister, started an indefinite fast in support of his demands, triggering a tense situation in coastal AP. Sakshi TV channel, owned by Jagan Reddy of the YSR Congress Party, lapped up these developments whereas other media houses [reacted](#) very cautiously. Then suddenly Sakshi suddenly went off the air. The Sakshi Media Group [said](#) their channel was blocked in the state.
3. After the killing of Burhan Wani, the Kashmir media experienced censorship and harassment. In July the offices of the two largest newspapers were [raided](#), their copies seized, and their printing presses closed down.
4. In August a criminal complaint for inciting hate against different ethnic groups was lodged against independent Indian journalist, Neha Dixit, as well as Indranil Roy and Krishna Prasad, the publisher and editor of *Outlook* magazine for the journalistic exposé [Operation #BabyLift](#), they had published in *Outlook* magazine on July 29, 2016. The complainants were an assistant solicitor general of the government of India at the Gauhati High Court, and a spokesman for the BJP.

5. In October the *Kashmir Reader* which did a lot of reporting from the ground found itself banned for a period which finally extended to [three months](#). Its editor described [here](#) why it incurred the displeasure of the state.
6. In November a ban was imposed on NDTV India by the Ministry of Information and Broadcasting for a 24 hour period for its [Pathankot coverage](#) which is supposed to have revealed strategic information about the operation. The channel [moved](#) the Supreme Court against the ban. (See the section in this report on Free Speech and the Courts.) The Ministry put the ban on hold.
7. When Tamil Nadu chief minister Jayalalitha Jayaram passed away in December confirmation of the news was suppressed for [seven hours](#) by the hospital authorities, though TV channels were reporting her death from fairly early in the evening.
8. In March 2017 Member of Parliament and businessman Rajeiv Chandrasekhar got a Bangalore court to issue an ex parte injunction to *The Wire* to take down two articles about him. This [was curious](#) because the website was not the first to point a finger at him for attempting to align the media he owns with the political ideology he supports. Nor was it the first to describe his military-related business interests, even as his public activism has centered on the armed forces.

Self Censorship



NDTV

On October 6 NDTV's editorial director Sonia Singh sent an email to staff laying out how discussions and coverage of the surgical strike should be done. As *The Wire* **reported** Singh said that it had been decided across the NDTV network that it would not give space "to the political bickering that has broken out on the surgical strikes.....no debates, no airtime of my strikes vs yours, give proof etc...whether it is opposition or the govt....only the army.....to explain this."

Under the title *India Above Politics*, Singh's email also laid out the menu for the 9 PM news of 6 October, saying "national security cannot be compromised by politics". An interview done by its anchor Barkha Dutt with Congress leader P. Chidambaram was **dropped** from the evening news.

DIGITAL CENSORSHIP

Almost all cases of digital censorship recorded in the period under review concerned Facebook posts or likes and shares by citizens. Only case involved journalists in Bastar, Chhattisgarh. Following the announcement of demonetisation a district collector in Madhya Pradesh saw fit to impose restrictions on “misleading” posts on social media relating to demonetisation.

The “censors” were police, trolls, and right wing Hindu groups who lodged complaints with the police.

1. In August 2016 Tauseef Ahmed Bhat was charged with sedition by Chhattisgarh police for “liking and sharing” anti-India posts on Facebook. He was granted bail only three months later on grounds of freedom of expression. (For arguments on his bail application see section on Free Speech in the Courts).
2. In November 2016 the *Hindustan Times* [reported](#) that the cyber cell of the Madhya Pradesh police had arrested Abhishek Mishra, a 19-year-old engineering student, for his tweets criticising demonetisation and allegedly because he had made “offensive” posts against chief minister Shivraj Singh Chouhan. He was arrested on November 12 under Section 469 of Indian Penal Code and Section 66C of the Information Technology Act, 2000. His laptop and mobile phone were seized and the controversial tweets deleted.
3. Also in November 2016, in the wake of demonetization, the Indore District Collector passed an order imposing restrictions on “misleading and objectionable” posts on social media related to demonetisation. P Narhari, in his order, had invoked Section 144 of the Code of Criminal Procedure making such posts or even sharing them on social media platforms a criminal offence in the district. The Internet Freedom Foundation in Delhi [sent](#) a legal notice asking him to withdraw the order.



कार्यालय जिला दण्डाधिकारी, जिला इन्दौर (म.प्र.)

क्रमांक/ 2956 /डी०ए०डी०एम०/२०१६ इन्दौर, दिनांक 14/11/2016

:: आदेश ::

(अंतर्गत धारा 144 दण्ड प्रक्रिया संहिता 1973)

समाचार पत्रों व अन्य माध्यमों से ध्यान में लाया गया कि इन्दौर जिले में सोशल मीडिया जैसे व्हाट्सअप, फेसबुक आदि के माध्यम से असामाजिक तत्वों के कई समूहों द्वारा वर्तमान में भारत सरकार द्वारा रुपये 500 एवं 1000 के नोट बंद कर दिये जाने से पुराने नोटों को बदलने आदि को लेकर काबूल एवं व्यवस्था की स्थिति निर्मित करने हेतु तरह-तरह के आपत्तिजनक

The Indore District Collector's order

4. In December 2016 Malayalam writer and theatre activist Kamal C Chavara taken into custody in Kerala for allegedly 'insulting' the national anthem He was [arrested](#) from Kozhikode after a case was registered against him at the Karunagalapalli Police station. He was charged under Section 124 (A) of IPC (sedition). The police said the case was lodged following a complaint by the Yuva Morcha, the youth wing of BJP, in which the organisation alleged that one of his recent Facebook post s "was in the tone of insulting the national anthem."
5. In January 2017 the young Kashmiri star of the film Dangal, Zaira Wasim, faced a troll campaign and death threats online for meeting the chief minister of Jammu and Kashmir. She posted an apology on her Facebook account without saying what it was for, deleted it, and posted another apology which she [also deleted](#).
6. In February 2017 in the course of the clashes at Ramjas College in Delhi 20-year-old student Gurmehar Kaur's [message](#) on social media against the violence resulted in her being ferociously trolled and receiving rape threats. She was also criticized by ministers in the central government. Finally she deleted the post.

7. In March 2017 police complaints were filed in cities across the country against a man after a vulgar cartoon on Prime Minister Narendra Modi was uploaded on his Twitter handle. IP Singh, a BJP leader from Lucknow and a former Uttar Pradesh minister, said the cartoon was uploaded on Twitter and retweeted by at least 292 people. He said he decided to [filed an FIR](#) after reading the response of several women and girls, who demanded immediate police action against him.
8. Also in March Bengaluru Police lodged a criminal case against a woman for making “objectionable posts” on her Facebook page allegedly depicting Uttar Pradesh Chief Minister Yogi Adityanath in “poor light,” PTI [reported](#). The case was based on an FIR filed against a woman acting on the complaint of BJP Yuva Morcha members, the police said.
9. In April 2017 an FIR was filed against two Chhattisgarh journalists for Facebook post about the former IG's meeting with Maoists. The message was also shared through WhatsApp about interactions between the former Inspector General SRP Kalluri and Maoist fighters. Kamal Shukla and Prabhat Singh [were charged](#) with defamation, insult to provoke breach of peace, public mischief and disturbing religious enmity.

FREE SPEECH IN THE COURTS IN 2016-17

Defamation

Sedition

Bans

Legislature and the media

Community censorship

Digital challenges

As a year in which cases of sedition and defamation, and of censorship of films and other arts reached record numbers, 2016 saw the courts being tested constantly on the issue of freedom of expression. Significant orders and rulings in the Supreme Court and high courts this year spanned the gamut of conflicts between state and journalist, state and artist, state appointed censor board and film makers, legislature and media, state and political opposition, and the conflict between societal censure and free expression - the right to free speech of a citizen versus another's right to take offence.

Perhaps the most significant rulings in the course of the year were on upholding the validity of criminal defamation and on defamation and sedition, and whether strong criticism would amount to either.

Criminal defamation and what qualifies as defamation

In May, [giving its verdict](#) on a batch of petitions including the ones by Congress vice-president [Rahul Gandhi](#), Delhi Chief Minister Arvind Kejriwal and BJP leader Subramanian Swamy, the Supreme Court upheld the validity of the criminal defamation law. The court pronounced its verdict challenging the constitutional validity

of sections 499 and 500 of the Indian Penal Code providing for criminal defamation.

The law has no chilling effect on free speech, the apex court said. "Right to free speech is not absolute. It does not mean freedom to hurt another's reputation which is protected under Article 21 of the Constitution". There was dismay over a ruling which seemed to nullify efforts to decriminalize defamation.

A few months down the line, in August, however, the Supreme Court clarified that criticism did not constitute defamation. The year which saw the demise of Tamil Nadu chief minister J. Jayalalitha, also saw the Supreme Court pull her up earlier in the year for using defamation as a political tool.

It quashed a non-bailable warrant issued against DMDK chief Vijayakanth, and said that criminal defamation proceedings cannot be initiated for merely criticizing the government. (In the year under review the AIDMK government under Jayalalitha also [filed 16 cases](#) of defamation against the media in just the first three months of the year.)

Sedition

Sedition [went viral](#) in 2016. A large number of cases were filed - 18 between January and June. By the end of the year the figure was 40, according to media reports filed year-wise, state-wise, in the Hoot's Free Speech Hub.

In a case hearing on September 6 the Supreme Court [clarified](#) that sedition or defamation cases could not be slapped on anyone criticising the government: "Someone making a statement to criticise the government does not invoke an offence under sedition or defamation law. We have made it clear that invoking of section 124(A) of IPC (sedition) requires certain guidelines to be followed as per the earlier judgement of the apex court," a bench of Justices comprising Dipak Misra and U Lalit said while hearing a petition by Common Cause on the misuse of the sedition law.

In 2017 five cases have been filed so far, going by media reports, in [Assam](#), [Bihar](#), [Punjab](#) (against 66 students which was subsequently dropped), [Haryana](#), and [Delhi](#).

Bans as regulation: I &B Ministry vs TV channels



2016 saw three bans imposed on TV channels in the course of the year by the Ministry of Information and Broadcasting (I&B) for durations varying from one week to one day. NDTV India was ordered to go off air for a day for having revealed "strategically-sensitive" details while covering the Pathankot terrorist attack. The one day ban quickly became a *cause célèbre*.

The channel moved the Supreme Court against the ban but the court deferred hearing the case. Care World TV, a health channel upon which a seven-day ban was imposed, went to court as well and obtained a [heartening order](#). The Bombay High Court said the order was completely illegal and a breach of the elementary principles of natural justice. It also observed that the larger issue of the power of the central government to impose such a ban would have to be examined.

Given that there have been 32 bans imposed by the I&B Ministry over the last twelve years, this year may have seen the beginning of

a significant push back.

Legislature and the media

In August 2015 an enquiry committee set up by the UP Legislative Assembly had held the staff of two TV channels of the TV Today group guilty of breach of privilege of Azam Khan, the Parliamentary Affairs Minister in the Samajwadi Party government in the state, and an MLA from Rampur constituency.

In March this year the Supreme Court [stayed](#) the proceedings initiated by the Assembly. The committee had been set up by the Assembly on 17 September, 2013, to examine allegations aired against Khan in a sting operation telecast on Aaj Tak and Headlines Today channels in relation to the Muzaffarnagar riots. It held 48 meetings, it said in its report, examining the evidence and listening to the channel representatives, before it concluded that there had been a breach of privilege.

Senior advocate Soli Sorabjee had filed a Special Leave Petition in the Supreme Court under Article 32 of the Constitution. Appearing for the TV Today Network's channels, Sorabjee submitted that the UP Assembly had no locus standi to direct journalists to appear before it for having conducted the sting operation since it pertained to a matter outside the Assembly and did not in any way impede the functioning of the House or any of its members.

The case has not been heard by the apex court again, but it constitutes a [significant test case](#) on whether the media exposing a legislator's actions outside the assembly can attract a charge of breach of privilege. The detailed report of the enquiry committee does point out, though, that the legislator had not been given a chance to respond to the expose before it was telecast.

Triumphing over community censorship

In July 2016 came a judgement from the Madras High Court which was hailed for striking a much needed blow against community

censorship of the arts. In 2015 Tamil writer Perumal Murugan had announced his death as a writer after orchestrated protests demanding a ban on his novel *Mathorubhagan* (One Part Woman) in his hometown of Tiruchengode in Tamil Nadu. He had been forced to tender an apology at a local peace committee meeting.

The Hindu said in an [editorial](#) “The 160-page judgment by a Division Bench headed by Chief Justice Sanjay Kishan Kaul builds on a series of progressive rulings. It has applied the contemporary community standards test in concluding that there is nothing obscene in the novel.” However, it demurred later in its editorial that the suggestion of the bench that the state should set up an expert body to resolve conflicts such as these could itself represent a compromise.

After the judgement the writer said in a statement that it had given him much happiness. "It comforts a heart that had shrunk itself and wilted. I am trying to prop myself up holding on to the light of the last lines of the judgment, "Let the author be resurrected to what he is best at. Write."

The following month, in August 2016, there was a victory in a similar case for a Mumbai writer charged with obscenity in 2005 for a novel published in 1994. In this case there was no judgement and the charge was withdrawn 11 years after being filed. *The Hindu* reported that a 19-year-old student at the Urdu Department of Mumbai University had registered a complaint at Jogeshwari police station stating that she found two paragraphs in Mr Abbas’ 1994 novel, *Nakhlistanki Talash* (The Search of an Oasis), “objectionable” and “obscene”.

The allegations cost him his job as a teacher at the Anjuman-e-Islam’s English High School and Allana Junior College. The complainant retracted her statement this year and said she had misunderstood the writing.

Batting for the media

So far, 2017 has seen two significant orders from the Supreme Court.

In February it [directed](#) the Bihar government to transfer Rashtriya Janata Dal (RJD) leader Mohammad Shahabuddin, the influential accused in the murder in 2016 of journalist Rajdeo Ranjan, to Tihar Jail from a district jail in Siwan within a week, to facilitate the trial after the CBI said they wanted to conduct his trial in Delhi. The politician belongs to the ruling coalition.

In March the Supreme Court [dismissed](#) a PIL seeking an SIT probe into the role of the media in the Agusta Westland VVIP chopper scam case, saying it is an "attack" on the media's independence. The apex court said it would not direct any investigation against the media unless there was evidence of a direct involvement. There cannot be an investigation into the role of media as a whole, it said.

The PIL had been filed by senior journalist Hari Jaisingh who alleged that some journalists were bribed and extended unwarranted benefits in exchange for favouring the chopper deal.

Digital challenges

Finally the courts grappled with internet bans and offences arising out of social media.

The year saw the Supreme Court rule on the legality of Internet shutdowns under Section 144. In February the court ruled that mobile internet can be banned under this section, dismissing an appeal challenging a judgment of the Gujarat High Court which had upheld the ban on mobile internet under Section 144.

Rejecting the argument that there was a provision for such bans under the Telegraph Act, the court said that using this section "becomes very necessary sometimes for law and order. There can be concurrent powers", remarked one of the judges before dismissing the petition.

In October 2016 The High Court in Bilaspur granted bail to Tauseef Ahmed Bhat, a J&K youth who was arrested on August 3 and charged with sedition by Chhattisgarh police for "liking and sharing" anti-India posts on [Facebook](#). [The court said](#) the argument that he "had only liked the Facebook wall and has a right of freedom of expression cannot be appreciated" and "it cannot be ignored" that he has been "able to study and live a life of freedom

in this country only”. It added however that bail was granted taking into account “that there was no serious law and order problem”, that Bhat was not the author of the Facebook pages, and that he was not needed for further custodial interrogation.

DILUTING THE RIGHT TO INFORMATION



Has the Government been complicit in watering down the right to information given effect to through duly enacted laws since 2005? Over the last two years there is increasing evidence of this. Diluting the right to information is a direct denial of the access to information the press needs to do its job. Journalists increasingly use the law for their own investigations, and frequently rely on the tenacity of the country’s RTI activists to get information about governance and socio-economic development.

Pointers to dilution of transparency and RTI

1. Rules [currently](#) being drafted for an amendment to the Right to Information Act have proposed that when an RTI seeker dies his request will stand nullified. RTI advocates fear that this will increase the vulnerability of RTI activists the attacks on whom have increased over the 12 years that the Act has been in existence. The year 2016 ended with the [murder](#) of an RTI activist, and on 11 April 2017 there was another murder, by attacking a tenacious Pune area activist with [concrete blocks](#).

Maharashtra is the state which has both received by far the highest number of RTI applications among states over 2005-2015, (46.2 lakh, merely a lakh less than the central government) and has also recorded 25 per cent of the total murders of RTI seekers countrywide, since the Act's inception (16 out of 66). Maharashtra is also the state which has recorded the highest number of attacks on RTI users. The correlation between heightened use of the law, and vulnerability to attack, is clearly discernable. (CHRI data).

2. In 2015 the Central Government submitted [an affidavit](#) in the Supreme Court opposing the decision of the Central Information Commission in June 2013 to bring political parties as public authorities under the RTI Act.

3. The year 2017 began with an Information Commissioner seeing a transfer of the ministries under his charge, queries in relation to which he was handling. This was after he allowed a plea seeking examination records relating to the period when the Prime Minister graduated from Delhi University. Was this request particularly subversive? This IC is a former law professor and the only Information Commissioner out of nine members of the Central Information Commission who is not a former bureaucrat.

4. The people chosen by the government system to deliver the right to information through the Central Information Commission and the State Information Commissions are increasingly former bureaucrats, though the Act says they should be persons of eminence in public life with wide knowledge and experience in law, science and technology, social service, management, journalism, mass media or administration and governance. Administration and governance feature at the bottom of the list.

Currently 91.6 percent of the serving Chief Information Commissioners in the states are retired bureaucrats, as are 89% per cent of Central Information Commissioners.

5. Pointers to weakening of **RTI in the states:**

- In Karnataka personnel sections of 34 ministers of the state have not declared public authorities under them.
- Andhra Pradesh has not created a state information commission as yet.
- The Kerala chief minister has gone in appeal to the state high court against an order by the state information commission requiring the State Government to proactively disclose decisions approved by the Cabinet.
- Information Commissions of, Madhya Pradesh, Manipur, Tripura and Uttar Pradesh have not published any annual report on their website till date.

6. Pendency

The pendency of second appeals and complaints in the Central Information as on April 1, 2017 stood at [26,500](#). RTI activists say these numbers need to be brought down to ensure that the applicants get information without any delays.

7. Rejection

The highest proportion of RTI applications were rejected by the Central Government not under the permissible exemptions under the RTI Act such as Sections 8, 9, 11 or 24 but under the category of “others”. At 43% rejections recorded under this category, more than four out of every ten RTI applications rejected were for reasons other than those permitted by the RTI Act. ([CHRI data](#))

INTERNET SHUTDOWNS

The Internet was shut down 31 times in India in 2016 and 14 times already in 2017. Twelve shutdowns in 2016 were as preventive action, 19 as reactive action. In 2017, nine shutdowns were preventive action, five reactive action.

Most internet blocks in India are taking place under Section 144 of the Criminal Procedure Code 1973, which gives the state government the power to stop unlawful assemblies of people to prevent public disorder, rioting and so on. It can be brought into force by a notification signed by the district magistrate or a commissioner of police in a metropolitan area. However, legal experts have been arguing against the constitutional validity of imposing internet shutdowns, especially under Section 144.

One argument is that Section 144 does not even contain the appropriate legal power to order a suspension of Internet services, since the power to regulate telegraphs (or the internet in this case) is vested with the Union and not with the state. In that context, any internet shutdown should really take place under Section 5(2) of the Telegraph Act and Section 69A of the Information Technology Act. (The former empowers the Union government to intercept or prevent the transmission of messages under certain circumstances and the latter refers to the blocking of specific websites.)

Statewise Shutdowns

State	2016	2017
Jammu and Kashmir	10	3
Haryana	4	5
Gujarat	3	
Rajasthan	6	2
Maharashtra	1	
Odisha		2
Uttar Pradesh	2	
Bihar	2	
Jharkhand	1	
Manipur	1	

Nagaland		2
Arunachal	1	
Total	31	14

(Source: SFLC.in)

Longest shutdown: Jammu & Kashmir in 2016-17

Following the killing of Burhan Wani, the Kashmir Valley and the Jammu region experienced a suspension of mobile internet services to check the spread of rumours on 9th July, 2016. Mobile internet services were restored in the Jammu region on 26th July, 2016, after being suspended for 17 days. Mobile internet services were reported restored in the Kashmir Valley on 19th November for post-paid connections and on 27th January, 2017 for pre-paid connections.

Reasons for shutdowns

Kashmir

- To check rumour mongering
- On operational and security grounds and to prevent law and order situations
- Broadband services suspended in light of re-polling in 38 stations of Budgam district.
- Due to bandhs being declared in the Chenab valley

Gujarat

Patidar agitation

UP

Communal tensions

Odisha

- Communal tension,
- To prevent rumour mongering over a social media post

Rajasthan

- Communal tension,
- Stabbing of a VHP activist

- Social media post

Haryana

Jat agitation

Bihar

Communal clashes

Jharkhand

Communal clashes

Arunachal

Death of a former chief minister

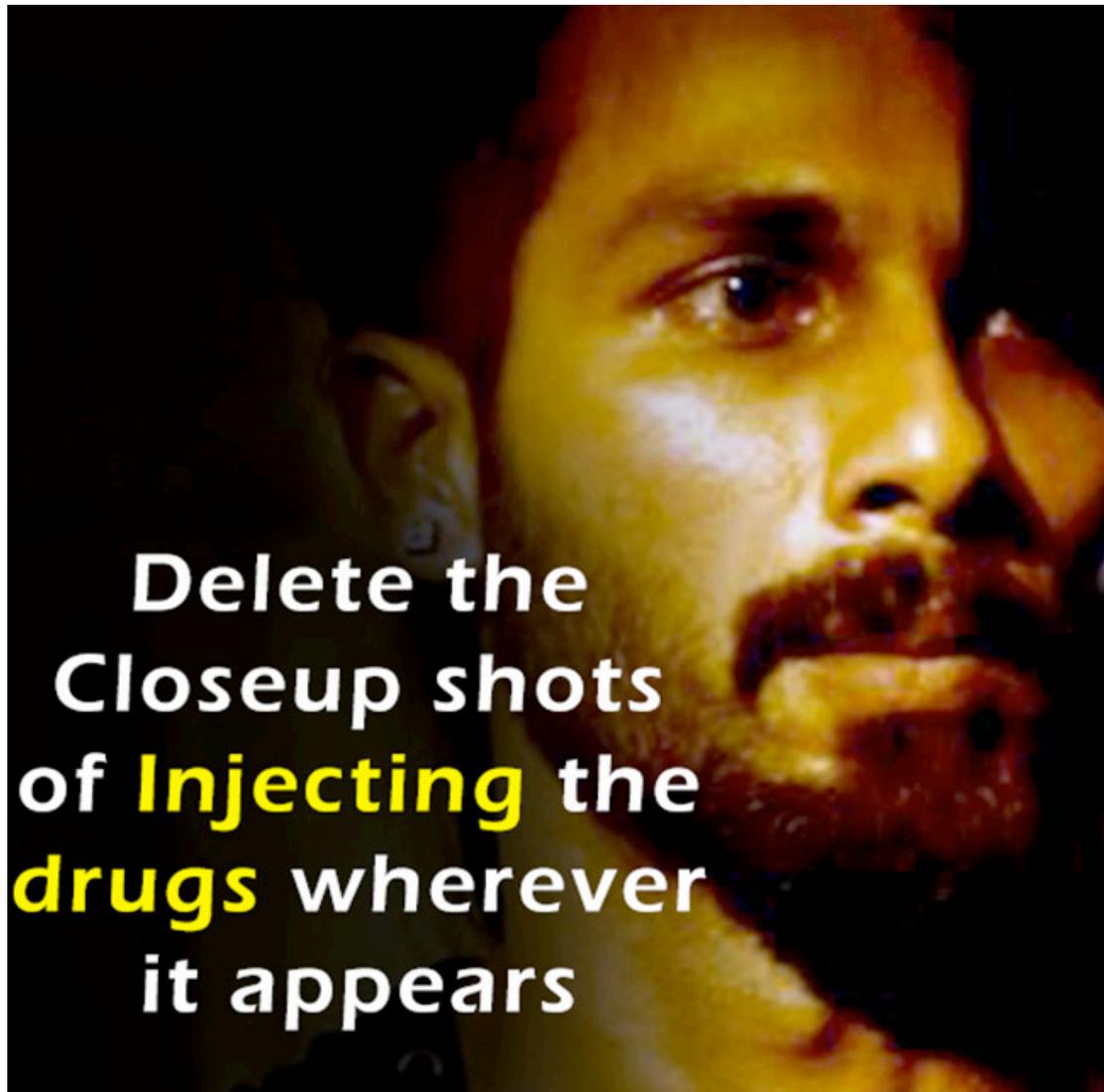
Manipur

Law and order turmoil over economic blockade by the United Naga Council

Nagaland

Unrest over reservation in local body elections

CENSORSHIP OF THE ARTS IN 2016-17



A SNAPSHOT

Issues on which Indian films were censored or blocked by CBFC or citizenry:

- Homophobia (*Ka Bodyscapes, Aligarh, Moonlight, Mama's Boys*)
- Distorting history (*Padmavati*)
- Depicting female fantasies (*Lipstick under my Burkha*)

- Using Pakistani artistes (*Ae Dil Hai Mushkil*)
- “Steamy” scenes (*Ae Dil Hai Mushkil, Wazir, Unindian,*)
- Abusive language (*Houseful 3*)
- Showing a community in a bad light (*Parched, Santa Banta Pvt. Ltd*)
- Showing a state in bad light (*Udta Punjab*)
- Baring body parts (*Parched, Kathakali*)
- Showing female inner wear (*Baar Baar Dekho*)
- Using the F word (*Raaz Reboot*)
- Satirising religious epics (*Mama’s Boys*)
- Resemblance to PM, impending elections (*Modi ka Gaon*)
- Portraying communal riot of 1946 (*Danga - The Great Calcutta Killing of 1946*)
- References to political figures (*Coffee with D*)
- Too close to real life, could disturb peace in (*Power of Patidar, Salag to Sawal*)
- May disturb peace (*Sharanam Gachchami*)
- The director’s accent (*Serendipity Cinema*)

Censorship on television

Pakistani serials (Dropped from Zindagi channel)

Censorship of events

- Udaipur Film Festival venue changed after ABVP complaint.
Issue: “This whole event is not good for society. The event is being organised by people who have communist ideology”
- Shiv Sena seeks cancellation of Rahat Fateh Ali Khan’s concert in Ahmedabad.
Issue: Country and Gujarat facing severe drought
- FIR against comedians for show telecast on TV channel.
Issue: Hurting religious sentiments by mimicking Sirsa-based Dera Sachcha Sauda’s head Gurmeet Ram Rahim Singh.
- Opposing Kerala Litfest
Issue: Festival had an “anti Muslim attitude.”

- Screening of film on Kashmir in IIT Delhi disrupted.
Issue: Anti-national

Censoring theatre

Jai Bhim, Jai Bharat

Issue: Words like 'Khairlanji', 'Hindutva', 'Ramabai Nagar', 'kutra' (dog)

ABVP activists disrupt performance of mahasweta devi play

Draupadi in Central Univeristy of Haryana in September 2016.

Issue: Anti-national because it portray army men committing rape.

Films denied certification

Missing on a Weekend

Mohalla Assi

Arts censorship in the states

- In **Punjab** the ruling coalition raised many objections to *Udta Punjab*, a film portraying the drug culture in the state, and the CBFC ordered 94 cuts. The Bombay High Court stepped in however, to order that the film should be released with a single cut.
- In Kaithal in **Haryana** in January 2016 television actor Kiku Sharda of the show 'Comedy Nights With Kapil', was arrested for mimicking Dera Sacha Sauda chief Gurmeet Ram Rahim Singh on his show, and sent to 14 days judicial custody.
- In January 2016 the **Madhya Pradesh** High Court issued notices to the Government of India, the Information and Broadcasting Ministry, the Censor board and the directors and actors of the film *Bajirao Mastani* over its release without having shown the script to the descendants of the royal family.
- In February in **Uttar Pradesh** the residents of Aligarh found that the film *Aligarh* had been banned from being screened in the city after Shakuntala Bharti, the BJP mayor,

protested against its screening. She felt the film would defame the city by linking it “with homosexuality”.

- In March 2016 the CBFC muted words in the Kannada film Kiragoorina Gayyaligalu which is an adaptation of a novel of the same name. Audiences in **Karnataka** found themselves watching a film interspersed with muted words.
- In July in **Kerala** the Mammooty starrer-Kasaba ran into trouble right after its release with the Kerala Women’s Commission issuing notices to the actor, the movie’s director and producer for allegedly “portraying women in a poor light” through some scenes and dialogues.
- In **Tamil Nadu** in October 2016 The Madras High Court upheld an order of the Film Certification Appellate Tribunal (FCAT), which had refused to grant certification to a feature film in Tamil directed by K. Ganeshan, titled *Porkalathil Oru Poo*, based on incidents in the life of a LTTE journalist named Isai Priya in Sri Lanka.
- FCAT upheld the CBFC order on the grounds that the film criticises India and the Sri Lankan Army and justifies Tamil Eelam. The film also portrayed Sri Lankan war crimes.
- But earlier in March a Sri Lankan film, Muttrupulliya, a docu-drama that portrays the life of the Tamil ethnic population in post-war Sri Lanka, won its appeal with FCAT after the Central Board of Film Certification (CBFC) in Chennai refused to certify it.

PERPETRATORS OF CENSORSHIP

Central Board of Film Certification

Suo moto censorship in more than 30 films which came for certification

Religious groups

Hindu Sena

Dera Sachcha Sauda followers

Political organisations

Maharashtra Navnirman Sena
 ABVP
 Shiv Sena
 SAD-BJP

Cultural groups

Shri Rajput Karni Sena
 The Punjabi Cultural Heritage Board

Courts

Bombay High Court censors Jolly LLB after CBFC clears it.

Delhi High Court asks CBFC to reconsider U/A certification given to Santa Banta Pvt Ltd which upset the Sikh community.

Individuals and families

Shahid Rafi, son of late playback singer Mohd Rafi, taking objection to dialogue that purportedly insulted the singer in *Ae Dil Hai Mushkil*;
 Masrubhai Rabari, a BJP worker from Anjar town
 Peter Mukherjea and his sister Shangon Dasgupta;
 Subhash Chandra, Rajya Sabha MP from Haryana and chairman of Zee.

Professional bodies

Cinema Owners and Exhibitors Association of India (COEAI)
 Single-screens in four states ban films with Pakistani actors

UPHOLDERS OF ARTISTIC FREEDOM

Bombay High Court in *Udta Punjab*
 Bombay High Court in *Dark Chocolate*
 Delhi High Court in *Santa Banta Pvt Ltd*
 Kerala High Court in *Ka Bodyscapes*

However in 2016 the government appointed a committee headed by film maker Shyam Benegal to examine the issue of censorship which had become increasingly contentious. The committee recommended certification of films for viewing by different

audiences instead of censorship by ordering cuts and by the end of the year the *Hindustan Times* was reporting that the hyperactive Central Board of Film Certification had cleared new ratings to allow adult content in films. The first quarter of 2017 has seen a marked drop in the number of films ordered to drop scenes.

[CBFC annual report](#): number of films released with a certificate in 2015-16 were 135.

Urdu writers [asked to declare](#): My book not against the Government, nation

2016-03-19 | *New Delhi*

The National Council for the Promotion of the Urdu Language (NCPUL), which operates under the Ministry of Human Resource Development, has introduced a form which requires authors of the books that NCPUL acquires annually to declare that the content will not be against the government or the country.

The form, received by several Urdu writers and editors over the past few months, also asks authors to provide signatures of two witnesses. Originally circulated in Urdu, the form, accessed by *The Indian Express*, reads: “I son/daughter of... confirm that my book/magazine titled..... which has been approved for bulk purchase by NCPUL’s monetary assistance scheme does not contain anything against the policies of the government of India or the interest of the nation, does not cause disharmony of any sort between different classes of the country, and is not monetarily supported by any government or non-government institution.”

[Censoring the arts—humouring offended mobs](#)

REPORT AUTHOR

Sevanti Ninan

RESEARCH:

Geeta Seshu

Shilpi Goyal