

THE INDIA FREEDOM REPORT

Media Freedom and Freedom of Expression in 2017



TheHoot.org

JOURNALISTS UNDER ATTACK

CENSORSHIP, NEWS CENSORSHIP, SELF CENSORSHIP

THE CLIMATE FOR FREE SPEECH--A STATE-WISE OVERVIEW

SEDITION

DEFAMATION

INTERNET-RELATED OFFENCES AND DIGITAL CENSORSHIP

HATE SPEECH

FORCED SPEECH

INTERNET SHUTDOWNS

RIGHT TO INFORMATION

FREE SPEECH IN THE COURTS

CENSORSHIP OF THE ARTS

MEDIA FREEDOM IN 2017

Journalists under attack

The climate for journalism in India grew steadily adverse in 2017. A host of perpetrators made reporters and photographers, even editors, fair game as there were murders, attacks, threats, and cases filed against them for defamation, sedition, and internet-related offences.

It was a year in which two journalists were shot at point blank range and killed, and one was hacked to death as police stood by and did not stop the mob.

The following statistics have been compiled from The Hoot's Free Speech Hub monitoring:

- 3 killings of journalists which can be clearly linked to their journalism
- 46 attacks
- 27 cases of police action including detentions, arrests and cases filed.
- 12 cases of threats

These are conservative estimates based on reporting in the English press.

The major perpetrators as the data in this report shows tend to be the police and politicians and political workers, followed by right wing activists and other non-state actors. Law makers became law breakers as members of parliament and legislatures figured among the perpetrators of attacks or threats. These cases included a minister from UP who threatened to set a journalist on fire, and an MLA from Chirala in Andhra Pradesh and his brother accused of being behind a brutal attack on a magazine journalist. If Rashtriya Janata Dal leader Lalu Prasad Yadav threatened to punch a Republic TV reporter in the face, his son Tejaswini's guards assaulted reporters and photographers when they arrived at his house to get his reaction to an FIR being lodged against him on corruption charges.

Murders

Eleven journalists were murdered in the course of the year in India in 2017. In only three of these cases is there a clear linkage with their journalistic work. One murder, that of Karnataka journalist Gauri Lankesh, took place in Karnataka and two others in Tripura.

Gauri Lankesh was the Editor of the Kannada publication *Gauri Lankesh Patrike* and she was [gunned down](#) by masked motorcycle-riding assassins on September 5, 2016 outside her home when she was returning from work. Till date, there has been no arrest made, but Karnataka police told The Hoot that the investigation into the high profile murder was nearly complete and the investigating agencies were just waiting for forensic confirmation from a foreign country where the evidence was also being examined.



Pix credit: NDTV India

Santanu Bhowmick, a journalist from Din Raat news channel, was killed on September 20, 2017 and several people were wounded in ongoing clashes between supporters of two rival tribal associations

in Mandwai, about 28km from the Tripura capital of Agartala. He was covering an agitation and road blockade by the Indigenous People's Front of Tripura (IPFT) in Mandai, near the capital Agartala when he was spotted by IPFT supporters, caught and hacked to death with a *dao*.

[‘Why did the police not stop the mob?’](#)

Another journalist was shot dead on November 21, 2017 by the personal security officer of a commandant of the Tripura State Rifles. Sudip Datta Bhaumik was a senior journalist with the *Syandan Patrika*, a leading Bengali newspaper in Agartala, who had gone to meet the local commandant with an appointment. He had an altercation with the PSO. Four personnel of the TSR including the battalion commandant were arrested.

[Deaths and attacks mount, protests also mount. Impunity prevails, but what is the solution?](#)

Developments in 2017 regarding earlier cases

State	Date	Case
Bihar	Aug 23	CBI files charge sheet against RJD leader Shahabuddin in the murder case of journalist RajdeoRanjan in May last year. Bihar CBI court issues production warrant against Shahabuddin in scribe murder case
Madhya Pradesh	Jan 13	CBI rules out foul play in the death of a Delhi-based journalist who was killed in Bhopal in 2015 while investigating the Vyapam scam.
Maharashtra	Jan 5 May 25 December 7	J Dey murder case 2011: Prosecution declares MLA witness Sunil Raut hostile J Dey murder trial in Mumbai: Witness identifies Chhota Rajan's voice J-Dey murder case: Absconding accused nabbed in Dubai, CBI seeks to extradite him Journalist J Dey murder case: Court examines expert from United States

Murders in 2017

State	No of cases
Bihar	1
Haryana	2
Jharkhand	1
Karnataka	1
Madhya Pradesh	1
Punjab	1
Tripura	2
Uttar Pradesh	2
Total	11

Attacks

But the larger evidence of how increasingly vulnerable journalists became emerged from the growing attacks on reporters, photographers and stringers going about their job. In the year under review, 46 attacks were recorded.

As reporters, camerapersons and stringers went about reporting or filming, the attacks they faced were primarily from the police, as well as politicians and their henchmen, as shown in the table below.

Perpetrators of attacks on journalists

Perpetrator	No. of attacks
Police	13
Politicians, political party workers	10
Unidentified assailants	6
Hindu right-wing organisations, members	3
Student organisations	1
Private security staff of bank and film industry	2
Sand mining mafia	2
Doctors, medical officers	2
Dera Sacha Sauda members/officers	2
Liquor mafia	1
Drug traffickers	1
Trade unions	1
University officers	1
Government officers	1

Total	46

In the violence which followed the Dera Sacha Sauda chief Gurmeet Singh's arrest in August 2017, the physical vulnerability of the media was on display: TV vans up in flames, a cameraman missing after the violence, and a Punjabi language news channel reporter injured in the attacks, as well as an NDTV engineer.

As television channels bore the brunt of the violence that broke out in Haryana and parts of Delhi after Singh was convicted of rape, I&B Minister Smriti Irani [tweeted](#) a veiled warning to television channels; she drew attention to Clause B of the News Broadcasting Standards Authority code on spreading panic, distress and undue fear! She was swiftly pilloried on Twitter for that.

In the immediate aftermath of an attack, journalists are vulnerable because of the political protection enjoyed by the perpetrators of violence. It's tough getting cases registered.



Rama Reddy recovering in the hospital in Tanuku

Andhra Pradesh has seen no less than [three attacks](#) by the politician-criminal nexus on those reporting on illegal mining and corruption, in the months of February, March and April. Nagarjuna Reddy, the freelance journalist from Prakasam district who contributed an article to local Telugu magazine *Mattichetula*

Basa against the corrupt practices of the local MLA in Chirala constituency, was attacked on the street in full public view in February 2017.

In his case so far no arrests have been made against the attackers, the MLA or his brother. The Press Council of India (PCI) has continued to seek the appearance of the Superintendent of Police, Chirala district, who skillfully dodged the summons. Meanwhile the PCI finished its term and will now be reconstituted. Cases like Reddy's will be taken up only after February - a good year after the attack.

Rama Reddy, a stringer with *iNews* in West Godavari district who covered the Achanta constituency, was attacked in March for exposing sand excavated illegally from Siddhantam village in Achanta.

A. D. Babu, a stringer with *Sakshi Media* from Vishakhapatnam district who covered the Narsipatnam constituency was attacked in April for reporting on illegal laterite mining in Nathavaram. All three had to be hospitalised for serious injuries.

There was also an assault by police on an Eenadu photographer. In Rajamundry in Telangana, a TV channel reporter was beaten up by a doctor whose business practices were being reported on. And the writer Kancha Ilaiah was [attacked](#) with slippers and stones in Telangana where Arya Vyasa organisations have been campaigning for a ban on his book and burning his effigies.

When reporters and stringers work for media houses which are affiliated to a political party, their investigations are often used to vilify the party's opponents. When that happens, reporters who diligently uncover stories of corrupt practices by politicians in their constituencies become targets for brutal attacks by the politicians who are being exposed.

Stringers are easy targets

“It is always stringers who are vulnerable to attacks”, says Ch. Krishnanjeneyulu, President of the Andhra Pradesh Journalists’ Forum who took the matter of attacks to the chief minister and home minister. The Forum gets on an average about 20 complaints of threats, attacks and abuse annually from media personnel.

Most of these complaints, adds Krishnanjeneyulu, are from the costal districts of Prakasam, Guntur, East Godavari, West Godavari, Vishakhapatnam and Srikakulam and most stem from stories on illegal mining, usually where those in power are involved.

With state elections approaching in 2019, political propaganda will increase and the heat will be felt by none other than the stringers who will find it difficult to do independent reporting.

Andhra Pradesh and Haryana apart, there were attacks across states.

THREATS

Threats both ugly and murderous targeted the media and the creative community:

- A WhatsApp audio clip in November which the police said was an old one, threatening to kill those who reported on Naxalites;
- Posters appearing in Bijapur in Chhattisgarh in June threatening the Forest Minister, local officials and those who reported on encounters ‘incorrectly’;
- Journalists from NDTV India, Firstpost, The Quint, The News Minute, and the Covai Post in Coimbatore faced threats, including those of rape, on social media;
- Rashtriya Janata Dal leader Lalu Prasad Yadav threatened to punch a Republic TV reporter in the face;
- In February, UP Minister Radhey Shyam Singh allegedly threatened to set a local journalist on fire for not supporting him during the ongoing assembly elections in the state. The journalist filed a complaint with the police and has handed over the mobile audio of the alleged threat to the Superintendent of Police, Kushinagar.

- Kerala saw threats to two writers and a documentary film maker, two of death and one of assault;
- Rewards were offered for beheading actress Deepika Padukone in Meerut in UP and in Haryana for acting in the film renamed *Padmavat*. Director Sanjay Leela Bhansali also received a threat of beheading in UP.

Threats to Journalists

State	No of cases
Chhattisgarh	2
Delhi	3
Haryana	1
Jammu and Kashmir	1
Maharashtra	1
Rajasthan	1
Tamil Nadu	1
Uttar Pradesh	2
Total	12

Threats to the creative community

State	No of cases
Telangana	1
Haryana	1
Kerala	3
Maharashtra	1
Tamil Nadu	1
Uttar Pradesh	1
Total	8

Perpetrators of threats

Andhra Pradesh TDP MP TG Venkatesh
Maoists
A Twitter handle followed by PM Modi
Lalu Yadav
Jat Aarakshan Sangharsh Samiti protesters
WhatsApp groups

Chief media coordinator for the BJP in Haryana
Anonymous person on Skype
A section of teachers and writers
Protestors from the Congress Party
Rap singer Omprakash Mehra
Police in Rajasthan, allegedly at the instance of the Bajrang Dal
Fans of actor Vijay in Tamil Nadu
Uttar Pradesh Minister Radhey Shyam Singh
Temple priests
Facebook user from Amethi
Thakur leader from Meerut

ARRESTS AND POLICE CASES AGAINST JOURNALISTS

There were 13 cases of journalists being interrogated and let off, or arrested, or having cases registered against them. Chhattisgarh alone recorded 13 police actions against journalists which are documented [here](#).

The 13 cases from across the country include:

- *Frontline* magazine correspondent Kunal Shankar held in January for trespassing into the University of Hyderabad and violating the High Court order (barring outsider entry) on the first death anniversary of Rohith Vemula. He was questioned and subsequently released.
- In January, a local journalist in Mathura, Uttar Pradesh was interrogated for posting an ‘objectionable video’ on the social media group of the district PRO cell in Mathura. He was released after interrogation.
- Magazine journalist N. Nagarjuna Reddy, who also figures in the attacks section of this report for a February [assault](#) on him by an MLA, also had a police case filed against him by a former TDP councilor at the Chirala Police Station in March. He was remanded in judicial custody till April 7 and sent to a sub-jail.
- In August the Chandigarh police banned media personnel from entering Sector 26 police station which is investigating the Varnika Kundu stalking case.

- Also in August, the Chief of the Central Board of Film Certification (CBFC) Pahlaj Nihalani filed a police complaint against Himanshi Chaudhary, a reporter with the TV channel Mirror Now, alleging harassment, intimidation and breach of privacy.
- Former BBC journalist Vinod Verma was arrested from his residence in Indirapuram, Uttar Pradesh in October and initially denied bail on November 6. Bail was finally granted in December. (See section on Chattisgarh below for details.)
- Kshitij Kumar, a 23-year-old sub-editor with The Quint was picked up from Kathputli Colony in October while covering a Delhi Development Authority demolition drive. Detained for over six hours and then released.
- ABC Four Corners, an Australian news team, was threatened by the Crime Branch of Gujarat Police in October while it was at Gujarat's Mundra port to investigate the Adani group. It was forced to leave Gujarat and India.
- Fawad Shah, journalist, was picked up by the Jammu and Kashmir police in June purportedly to verify certain things regarding his last visit to Pakistan. He was released after eight hours of questioning.
- In September, Kamran Yousuf, a stringer and photojournalist, was [picked up](#) by the National Investigation Agency (NIA) for stone pelting. As of January 2018 he is still in jail. On January 18, 2018 the National Investigation Agency brought charges of sedition against him.
- Sajeev Gopalan, a journalist who works for Malayalam newspaper *Kalakaumudi* was working on a story about an attack on two girls in Thiruvananthapuram, and alleges police interference and assault by them in September. He was later hospitalised.
- Paul Comiti, a French freelance journalist, was arrested in December for filming a documentary without permission and

violating visa regulations, Jammu and Kashmir police said. He was released on bail the following day.

- The Tamil Nadu police filed an FIR against three journalists in September for reporting a 'mysterious explosion' in the ISRO campus in Tirunelveli.

In addition, Scroll [reports](#) that on December 21, the Chhattisgarh government disclosed in the Assembly that it had arrested **14 journalists** in 2017, till November. This was in response to a question raised by Leader of the Opposition, T.S. Singhdeo, in the wake of the arrest of journalist Vinod Verma from his home in Ghaziabad, near Delhi, late on October 26. (Verma is in the earlier list in this section.)

Verma happened to have been part of the Editors Guild of India team that visited Jagdalpur, Bastar and Raipur districts in March 2017 to verify and assess the threats faced by journalists in Chhattisgarh. Journalists in this state who were subjected to police actions say that the common charges against them were of criminal intimidation and extortion.

Legislative actions

Two state legislatures [acted against](#) journalists in 2017. In June in Karnataka the Speaker of the Legislative Assembly and head of the House of Privileges' Committee, K.B. Koliwad, sentenced editors of two local weeklies to one year in jail and imposed a fine of Rs. 10,000 each for having published allegedly defamatory articles about legislators thus breaching their privilege.

In July the Kashmir assembly was [adjourned](#) after the Opposition raised the issue of unprecedented regulation of the media in covering the special session on GST. The National Conference, Congress and other opposition parties said they would not be part of any

proceeding in which media will be deliberately kept away. On Speaker Kavinder Gupta's directions, the police prevented the entry of media carrying cell phones, camera, and computers.

CENSORSHIP

- Censorship was alive and well, took many forms and spanned many mediums in the year under review. The year saw the [banning and burning](#) of newspapers in Arunachal Pradesh by members of the Adi Baane Kebang Youth Wing, a decision by the AAP government in Delhi to pre-censor political advertising on the backs of auto-rickshaws, and the return of [textbook censorship](#) with Hindutva-oriented organizations, as well as the Central Board of Secondary Education, pressurizing the National Council for Educational Research and Training to [replace a reference](#) to the ‘Anti-Muslim riots in Gujarat’ in the political science textbook for Class XII with the phrase the ‘Gujarat Riots’. This was published in 2007 during the Congress-led UPA government’s tenure.
- In August, a Delhi court restrained Juggernaut Books from publishing *From Godman to Tycoon: The Untold Story of Baba Ramdev* after the yoga guru and businessman himself filed a petition against it. In an instance of internet censorship in the same month, the San Francisco-based Internet Archive, which hosts the popular Wayback Machine service, told users trying to access it from India that the Department of Telecommunications had blocked its url. The service allows users to view archived or deleted web pages.
- The National Commission for Scheduled Tribes, a constitutional body, asked YouTube to remove all videos related to Jarawas, a protected tribal group in the Andamans, because they “outrage the modesty of Jarawas without their knowledge”.
- The National Tiger Conservation Authority asked the Ministry of the Environment to ban the BBC from filming in all protected forest areas of the country for five years. They also asked the Ministry of External Affairs not to renew BBC South Asia correspondent Justin Rowlatt’s visa, up for renewal in March 2017.
- Rowlatt’s documentary *Killing for Conservation* on the use of force in conservation efforts in Assam’s Kaziranga

National Park pitched the broadcaster against the government. The BBC documentary alleged a “shoot at sight” policy in place at Kaziranga that allows forest guards to gun down people who appear to be a threat to wildlife.

- And Kamal Mitra Chenoy, a JNU professor on extension, found himself under scrutiny from the Human Resource Development Ministry for [comments made](#) during a TV programme about the BJP and the prime minister. A complaint was made by MP Satya Pal Singh.
- Radio Mirchi received a notice from the I&B Ministry for airing a campaign titled #MatAaoIndia (Don't Come to India), telling foreign tourists to stay away from the country. It aired the campaign after the attack on Swiss tourists in Fatehpur Sikri in October.
- The I&B Ministry also ordered two channels - Assamese channel DY 365 and Gujarati channel VTV - off the air for short periods for [violating](#) the cable television network rules.
- The J& K government asked district magistrates to suspend the licences of local cable operators who violate the ban on carrying 'non permitted' channels from Pakistan on their networks.
- In June, Air India asked its former employees to avoid making negative public comments about the state-owned airline or risk losing their some post-retirement benefits. Retired Air India staff get free tickets based on availability and some medical benefits. The airlines threatened to remove these perks for those employees found guilty of criticising the airline.
- In June, Mamata Banerjee, chief minister of West Bengal pulled up the authorities of Shri Shikshayatan, a private girl's school in Kolkata, for playing Prime Minister Narendra Modi's *Maan Ki Baat* for students. She warned the school that such initiatives do not add to knowledge, are merely political initiatives, and no child must be forced to listen to a speech against their choice.

- In August a memorandum was issued by the chief officer of the Mapusa Municipal Council (MMC) banning staff from interacting with media persons.
- A case was registered against Sameer Kochhar by the Cyber Cell of the Delhi Police Crime Branch for allegedly spreading rumours on the internet about the vulnerability of the Aadhaar system. In an article published on inclusion.skoch.in on February 11, Kochhar had written that he was shocked when he was told that Aadhaar can be hacked as it has very poor security. Kochhar went on to state that such a number should be heavily encrypted, which it is not.

Perpetrators of censorship

Adi Baane Kebang Youth Wing
AAP Government
Hindutva activists
Central Board of Secondary education
A Delhi court
Department of Telecommunications
National Commission for Scheduled Tribes
National Tiger Conservation Authority
Member of parliament Satya Pal Singh
Ministry of Information and Broadcasting
Government of Jammu and Kashmir
Air India
Mamata Banerjee
Delhi Police Crime Branch

NEWS CENSORSHIP

Everybody loves to restrict journalists and gag them if they can. The state governments were no laggards in this regard. Chief ministers ordered censorship of various kinds and one CM found himself at the receiving end of it from the public broadcaster!

On Independence Day, Manik Sarkar, the chief minister of Tripura found Doordarshan and All India Radio refusing to broadcast the customary Independence Day address he had recorded until he reshaped it.

Restricting media access became rather frequent in 2017. The list of governments is long: Goa, Kerala, West Bengal, Odisha, Jammu and Kashmir and Rajasthan. What's more, political parties also got into the act.

In May, the BJP-led government in Goa was accused of restricting media access to the Secretariat and holding selective media briefings on orders from Manohar Parrikar, the chief minister of Goa.

In August, after weeks of political violence in Kerala between the Communist Party of India-Marxist (CPM) and BJP, the media gathered at the hotel where the leaders of the two parties were meeting to broker a truce. Pinarayi Vijayan, the chief minister of Kerala, chose to gag the media on that occasion and had them evicted from the room.

In June, the electronic media in Darjeeling were [directed to stop](#) airing Gorkhaland protests, following a verbal order from the district magistrate. And the Naveen Patnaik-led Biju Janata Dal government in Orissa instructed officials [not to respond](#) to media queries without taking prior permission from the government.

The Rajasthan state government brought in an ordinance - the Criminal Laws (Rajasthan Amendment) Ordinance 2017 - that sought to bar the media from reporting on corruption charges against public servants, magistrates and judges without prior permission. It was withdrawn after an outcry.

In December, reporters in J&K were "barred" from covering the activities of the Government of India's special representative Dineshwar Sharma during his maiden visit to the frontier district of Kupwara.

The year saw the Congress Party block attendance by channels it considered hostile, to its press conferences. This happened in [August](#), and in [December](#). In the new year, in January in Chennai, the Gujarat MLA Jignesh Mevani emulated the Congress in this respect by seeking to exclude Republic TV from having the right to ask questions at a press conference.

SELF-CENSORSHIP

It was [a rich year](#) for self-censorship as well. In January the *Indian Express* published its investigation into the Sahara-Birla papers [showing](#) how the Income Tax Settlement Commission acted with alacrity in granting Sahara India immunity from prosecution on the basis of just three hearings. Perhaps because of the defamatory implications of reporting on this, the rest of the media [did not rush](#) to follow up.

In April, the story on India having slipped three places in the international press freedom rankings this year was carried by several newspapers. It was based on an index of press freedom report by the global media watchdog Reporters Without Borders which said that journalists are less free under the Modi government due to threats from Hindu nationalists. *The Economic Times* had the story with the headline ‘India slips in media freedom ranking: Report’. But the report was taken down. And *TOI* removed the story too.

In July, the *Economic and Political Weekly* editor Paranjoy Guha Thakurta quit his job after the Board of the Sameeksha Trust which publishes the journal asked for the take-down of an already published investigation relating to Adani Power. No other publication tried to see if this investigation had any merit and do a follow up. The Wire, however, reprinted it and refused to take it down. It triumphed by the end of the year when a Bhuj court said it was not defamatory. (See section on Free Speech in the Courts.)

But in August, *The Guardian* published a [report](#) containing elements of the same story and citing excerpts from an Indian customs intelligence notice. Newslandry [noted](#) that India’s pink papers did not even curate the *Guardian* story, let alone pick up from the documents it cited.

September saw the sudden resignation of the editor of the *Hindustan Times*, Bobby Ghosh, who had joined the paper barely 14 months ago. The explanation offered was “personal reasons” but much speculation ensued linked to the Hate Tracker the newspaper had begun in July, to document instances of hate attacks from around the country.

The Wire [wrote a story](#) citing an internal memo to HT staff asking that tweeting of items put on this tracker should be stopped. Then the tracker itself was dropped. Later in the year HT welcomed Prime Minister Modi to its annual summit, leading to more speculation about sacrificing an editor to get the PM to attend.

October saw The Wire’s own [investigation](#) into BJP President Amit Shah’s son Jay Shah’s company lead to self censorship by other media companies. NDTV’s Srinivasan Jain wrote a Facebook post [which said](#) that a report by him and a colleague on loans given to Jay Shah's companies was taken down from NDTV's website for 'legal vetting' and not restored.

Jain’s post led to his former colleagues at NDTV, including [Barkha Dutt](#), taking to social media with their own censorship experiences at NDTV.

The list of other media which chose not to do any follow up on the Jay Shah story is quite long. Republic TV and Times Now did not rave and rant. Financial newspapers had not, before this, deemed this to be a story worth doing, though it was based on documents derived from the Registrar of Companies database which can be downloaded for a fee.



It earned The Wire a criminal defamation suit from Jay Shah but the report was not taken down. (See courts section for more on this.)

In October, comedian Shyam Rangeela alleged that Star Plus refused to air his act mimicking the prime minister. The act had been recorded for the channel's reality show *The Great Indian Laughter Challenge*. Earlier in 2017, Radio Mirchi scrapped its popular 'Mitron' segment, also mimicking the PM, apparently after complaints from senior BJP leaders.

At the end of the year, when a *Caravan* story on the 2014 death of Justice B H Loya, the judge handling the Sohrabuddin case, made waves, there was a deafening silence from other media houses, notably channels such as Times Now and Republic TV.

THE CLIMATE FOR FREE SPEECH--A STATE-WISE OVERVIEW

Sikkim on India's northeastern border is the most trouble-free state in the country, measured by the yardstick of free speech and media freedom. By the same yardstick, Kashmir on the north-western border is the most un-free. In 2017, there was nothing untoward to report in Sikkim while Kashmir notched up the worst record in India for a population chronically affected by internet shutdowns and for journalists working in difficult, conflict-ridden conditions which included attacks, police actions and threats.

Based on its own monitoring derived from reported instances in the English press and other updated databases online, The Hoot presents a state-wise snapshot which should be taken as a conservative estimate of recorded incidents which affected free speech and media freedom. Government data for 2017 on cases recorded at police stations across the country will become available from the National Crime Research Bureau only towards the end of 2018.

States with the worst free speech and media freedom record in 2017

State	Defamation	Sedition	Internet Shut-Down	Social Media related	Arts Censorship Censors Govt Action	Threats/Attacks	Deaths	Police Action	Legislative Action	Hate Speech	Total
J & K	1	1	40	0	4	6	0	3	1	1	57
Karnataka	6	4	0	16	0	0	1	1	1	2	31
Maha-Rashtra	19	0	1	1	1	5	0	1	0	0	28
Delhi	11	3	0	1	3	8	0	1	0	0	27
Haryana	0	6	8	0	0	5	2	1	0	0	22
West Bengal	4	0	2	7	4	3	0	0	0	2	22
Chhatt	0	0	0	4	0	2	0	14	0	1	21

isgarh											
Rajasthan	0	1	11	1	5	1	0	0	0	1	20
UP	2	5	2	2	1	5	2	1	0	0	20
Tamil Nadu	7	3	0	1	0	5	0	1	0	1	18
Andhra/Telangana	1	0	1	4	0	8	0	2	0	2	18
Kerala	1	1	0	1	1	5	0	1	0	2	12
Bihar	0	1	3	1	0	5	1	0	0	0	11
Gujarat	2	2	1	0	1	1	0	1	0	1	9
Madhya Pradesh	2	2	1	2	1	1	1	0	0	0	10
Assam	1	2	0	1	0	2	0	0	0	2	8
Odisha	1	0	2	0	1	1	0	0	0	0	5
Punjab	1	3	1	0	0	1	1	0	0	0	7
Tripura	1	0	2	0	1	1	2	0	0	0	7
Goa	1	0	0	1	3	0	0	0	0	0	5
Jharkhand	0	0	0	0	1	1	1	0	0	0	3
Arunachal Pradesh	0	0	0	0	1	1	0	0	0	0	2
Himachal Pradesh	1	1	0	0	0	0	0	0	0	0	2
Nagaland	0	0	2	0	0	0	0	0	0	0	2
Uttarakhand	0	0	0	1	0	0	0	1	0	0	2
Manipur	0	0	0	0	0	1	0	0	0	0	1
Meghalaya	0	0	0	0	0	0	0	0	0	1	1
Mizoram	1	0	0	0	0	0	0	0	0	0	1
Sikkim	0	0	0	0	0	0	0	0	0	0	0
Total	63	35	77	43	28	72	11	28	2	16	375

**Actions of Central Agencies and media houses have been excluded from state data. These appear under subject heads.*

*** For raw data on which these numbers are based see links at the end of the report.*

Kashmir had 40 internet shutdowns against 77 recorded for the entire country.

Delhi recorded a number of cases of defamation and instances of censorship and self-censorship. Maharashtra had the highest incidence of defamation and Andhra Pradesh the largest number of attacks on and threats to journalists.

Karnataka had the highest number of state actions for internet and social media-related incidents. In Tamil Nadu the number of defamation cases have come down sharply following Jayalalitha's demise in December 2016.

For details please see sections below on each of these categories.

Censorship was imposed by a variety of actors including the courts which ordered gags on reporting. And the profession witnessed growing self-censorship.

Censorship by the Ministry of Information and Broadcasting and arts censorship by government-appointed bodies such as the Central Board of Film Certification are not accounted for in the statistics for the states but separately in the Arts Censorship section.

FREEDOM OF EXPRESSION IN 2017

SEDITION

Sedition continues to be applied to a range of political dissenters, from Jat agitators in Haryana, members of the Maharashtra Ekikaran Samiti seeking the inclusion of Belgaum into Maharashtra and pro-Khalistani members. But they weren't the only ones. Those who came into the sedition net included students, cricket fans, followers of Gurmeet Singh of the Dera Sacha Sauda and even a youth who allegedly circulated a WhatsApp message that purportedly insulted the national flag.

Sedition in India is seen by the powers that be as a weapon of mass dissent, if the number of people charged with the offence in 2017 is anything to go by – a staggering 335 persons, according to The Hoot's tracker for 2017 in the 20 cases it recorded.

The largest number came from 152 persons in Haryana, all of them followers of the Dera Sacha Sauda, barring two Jat agitators. Uttar Pradesh followed closely, thanks to the 111 persons charged with sedition in November, for allegedly raising anti-national slogans when they celebrated the win of a Congress candidate in the recently concluded civic polls. Kerala, Karnataka and Madhya Pradesh were in double figures with 23, 18 and 15 persons charged with sedition. Punjab and Rajasthan had five persons each while Assam, Maharashtra and Tamil Nadu had one person each.

Prominent persons charged with sedition included anti-corruption campaigner and Krishak Mukti Sangram Samiti leader Akhil Gogoi, who was arrested on September 13 in Assam and released on December 27; T. Jayaraman, chief coordinator of the Anti-Methane Project Federation who was out on bail in another case but charged with sedition for his book opposing river interlinking; and Maharashtra-based Tushar Kanti Bhattacharya who was accused of extremist activities and arrested on August 14 from Surat in Gujarat. He is an accused in a [2010](#) case of sedition.

Cases were lodged against 59 persons in eight separate cases in Karnataka, Kerala, Rajasthan, Uttar Pradesh and Madhya Pradesh

for alleged raising the Pakistan flag and supporting Pakistan's win in a cricket match.

Curiously, the 14 youths who were charged with sedition in Mohad village of Burhanput district of Madhya Pradesh, secured bail when the complainant Subhash Koli told the court that police had tricked him into filing a complaint.

In February, a Jat leader was charged with sedition for allegedly calling for the beheading of Prime Minister Narendra Modi. Another leader who supported him was also charged with sedition and arrested. In August, at least 12 Dera Sacha Sauda followers were charged with sedition, in addition to their spokesperson, Dr Aditya Insan and local coordinator Dhiman Insan (Surender Dhiman) for inciting violence in Panchkula, Haryana, during Singh's arrest.

As in 2016, when charges of sedition were leveled against JNU students, sedition charges were also applied to students of Ramjas College of Delhi University, Kurukshetra University, and Punjab University. However, unlike in JNU, in all these three instances, the sedition charges were dropped after investigation or following a court hearing.

In Ramjas College, protests broke out over the ABVP's disruption of a seminar for which JNU student leader Umar Khalid was an invited speaker. The ABVP filed a complaint of sedition, citing anti-national slogans raised by the students but the Delhi magistrate's court [said](#) that sedition charges could not be pressed on the basis of an unauthenticated and unreliable video.

In Kurukshetra University, police filed a case of sedition against 15 students including dalit activists, for allegedly shouting provocative slogans during a demonstration. Police later dropped the charges.

In the third instance, 66 students of Punjab University were charged with sedition for demonstrating against a fee hike, but this was later dropped.

While the process of investigating and dropping the charges took at least six months in the Ramjas College case, it took three months in the Kurukshetra University case but spanned only a few days in the Punjab University case.

In 2016 there [were](#) 35 sedition cases registered across the country, according to a response to a question in the Lok Sabha by Minister of State for Home Hansraj Gangaram Ahir. Of these, 12 were registered in Haryana, six in Uttar Pradesh, three each in Karnataka and Kerala and two each in Maharashtra, Telangana and Delhi.

The minister also informed the house that the National Crime Records Bureau does not maintain a record of the sedition cases registered against individuals who supported one or the other cricket teams. But this might have to change, given the number of cases of sedition lodged in 2017 against individuals supporting or cheering for Pakistan or even celebrating the win of the Pakistani cricket team in the Champions Trophy!

DEFAMATION

Maharashtra emerged as the defamation capital of the country, recording 19 cases according to our documentation. Five of these were brought by film and TV personalities, one by the former CBFC chairman Pahlaj Nihalani.

The Adani Group brought a defamation case against the Sameeksha Trust which publishes the *Economic and Political Weekly* and its editor and other journalists.

The Mumbai police filed two cases, one against a journalist who alleged showed them in poor light, and another [against](#) an ethical hacker who had claimed in 2016 that senior BJP leader Eknath Khadse was in contact with global fugitive Dawood Ibrahim.

Tamil Nadu recorded a low of seven cases, after many years, with the AIADMK filing just one, and none against a journalist! Between 2011 and 2016, according to one [estimate](#) the AIADMK regime under its supremo Jayalalitha filed over 200 defamation cases against the media, opposition leaders and social activists.

Politicians were the largest category of complainants, followed by corporate houses.

Defamation cases recorded

State	No of cases
Andhra Pradesh/ Telangana	1
Assam	1
Delhi	11
Goa	1
Gujarat	2
Himachal Pradesh	1
Jammu & Kashmir	1
Karnataka	6
Kerala	1
Madhya Pradesh	2
Maharashtra	19
Mizoram	1
Orissa	1
Punjab	1
Tamil Nadu	7
Tripura	1
Uttar Pradesh	2
West Bengal	4
Total	63

Complainants:

Politicians	25
Corporate houses	11
Journalists	1
Religious leaders	1
Right-wing orgns	2
Activists (anti corruption, environmental)	3
Police	5
Film & TV personalities	9
Pilot (German)	1
BMC	1
Writer	1
Cook	1
Lawyers	1
Caste-based organization	1
Total	63

Break up of Politicians:

BJP	13
Cong-I	4
YSR Congress :	1
AAP	1
Left Front:	2 (including Tripura CM Manik Sarkar)
TMC	1
AIADMK	1
Puttiya Tamizhagam	1
Others	1
Total	25

HATE SPEECH

Ten out of 16 hate speech cases registered were against BJP politicians and party members or against right wing groups such as the All India Hindu Sangathi Manch and the Hindu Jagarana Vedike. These included the following:

1. Bollywood actor Paresh Rawal who tweeted in May, “Instead of tying stone pelted on the army jeep tie Arundhati Roy!”;
2. The Hindu Aikya Vedi Kerala activist popularly known as ‘Sasikala Teacher’ who made a speech in North Kerala where she asked all secular writers in Kerala to conduct a ‘Mrityunjaya Homam’ - a ritual to avoid untimely death;
3. Telangana BJP MLA T. Raja Singh for reportedly brandishing a sword and exhorting Hindu youth to strive to become Hindu fighters till the goal of 'Akhand Bharat' was achieved. A case was booked against him in December by the Yadgir Police in Karnataka.

Police in Hyderabad also arrested a member of a Christian evangelical organisation in December 2017 for allegedly giving a derogatory speech against 'Bharat Mata' in August 2016. Police had registered a case under Sections 153-A (Promoting enmity between different groups on ground of religion, race, place) and 295-A (Deliberate and malicious acts, intended to outrage religious feelings of any class by insulting its religion or religious beliefs) of the IPC.

Perpetrators of hate speech

Politicians	8 (6 from BJP; one from AIUDF Assam, one from Meghalaya)
Hindu right wing organisations	3
Muslim welfare organisation	1
Evangelical Christian organisation	1
Film personalities	2
A hate crime by a revenge seeker	1

INTERNET-RELATED OFFENCES, DIGITAL CENSORSHIP

In 2017 there were at least 32 cases of action taken on account of internet-related offences. These would normally have been booked under section 66A of the IT Act which the Supreme Court struck down in 2015. So what laws are police across the country using now in these cases?

The Hoot's documentation shows that 13 arrests were made in the course of the year, in Andhra Pradesh (3), Assam (1), Karnataka (1), Madhya Pradesh 1), Rajasthan (1), Maharashtra (1) Uttar Pradesh and West Bengal (5). In other cases FIRs were lodged against multiple persons and complaints booked. **In at least six cases across the country section 66A was still invoked along with other provisions of the law.**

A local court in Hyderabad [invoked](#) the annulled Sec 66A to convict a man, and the BJP IT Cell Karnataka also [filed](#) a complaint request under Section 293 of the IPC and 66A of the IT Act when the BJP complained about a vulgar cartoon on the prime minister. In Madhya Pradesh too the police [registered](#) a case

under Section 66A of the IT Act. In Lakhimpur in Kheri in Uttar Pradesh, police used sections 66 A (2), 295A, 153A (b) and section 4 of the IT Act to take people [into custody](#) as protests over a video turned violent.

In Dehradun in Uttarakhand a 15-year-old Muslim boy who had allegedly posted “offensive” pictures of the Kedarnath shrine on Facebook was sent to a juvenile home for 14 days and an FIR was filed against him under Section 295 (a) of the IPC (for a deliberate act to outrage religious feelings) and [Section 66A](#) of the IT Act.

A person with a profile name Sandeep Upadhyay had posted a rape threat on the Facebook wall of the woman journalist working for a popular Hindi news channel in Noida. The Noida police [booked](#) the man under Section 66A of the Information Technology (IT) Act 2000. The case was registered at the Sector 49 police station.

For the rest, sections Section 153A, 292A, 292, 499, 504, and 505 of the IPC, section 67 of the IT Act, as well as other laws are being invoked to lodge cases involving “objectionable” posts on social media.

This is likely to become the norm. In October an expert committee, constituted by the central government after the Supreme Court struck down Section 66A of the IT Act in 2015, [recommended](#) that the IPC, the Code of Criminal Procedure and the IT Act be amended to introduce stringent provisions, specifying punishment, to deal with the use of cyberspace to spread hatred and incitement. The recommendation is that there was no need to re-introduce Section 66A, but the Indian Penal Code will be amended to add sections 25 B and 25 C thereby creating the post of a State Cyber Crime Coordinator and District Cyber Crime Cell, respectively.

The committee has also recommended amending the IT Act, 2000, Section 78, to allow a police officer not below the rank of Sub-Inspector to investigate any offence under this Act and proposed that “young police officers be [directly recruited](#) as SIs, better equipped and trained to investigate cyber offences”.

Offences acted upon during 2017 included:

- Suspension of two deputy jailors in Chhattisgarh for violation of the service code of conduct and the prescribed guidelines on the use of social media for the government staff. One of them had [criticized](#) the torture and atrocities committed on young tribal girls in jail in a Facebook post, the other was suspended for a Facebook [post](#) seen as being in support of the Maoists.
- A social activist in Andhra Pradesh was arrested for posting “[objectionable content](#)” against Chief Minister N. Chandrababu Naidu and his son Nara Lokesh on his Facebook page, “Political Punch.” He was later released on bail.
- Two Chhattisgarh journalists had FIRs filed against them for Facebook posts about the former IG police’s meeting with Maoists.
- In December, Karnataka police [cracked down](#) on ‘inciting’ social media posts. Twelve FIRs were filed under IPC Sections 153 (provocation with intent to cause riot) and 153A (promoting enmity between different groups) including one against a Lok Sabha BJP MP Shobha Karandlaje.
- The Kolkata Police filed a non-bailable case against Nupur Sharma, BJP leader, for trying to [pass off](#) a photo from the 2002 Gujarat riots as one depicting the ongoing unrest in West Bengal (using as genuine a forged document or electronic record). *India Today* described it as “propagating communally sensitive fake news in Bengal.”
- Overall five of the ten arrests made countrywide were in West Bengal. The BJP IT cell secretary [Tarun Sengupta](#) was arrested in Asansol for what a news report called “propagating communally sensitive fake news in Bengal.” Both incidents were in July 2017.

HATE SPEECH

Ten out of 16 hate speech cases registered were against BJP politicians or members or against right wing groups such as the All

India Hindu Sangathi Manch and the Hindu Jagarana Vedike. This included Bollywood actor Paresh Rawal who had tweeted in May, “Instead of tying stone pelted on the army jeep tie Arundhati Roy!”, the Hindu Aikya Vedi Kerala activist known as Sasikala teacher who made a speech in North Kerala where she asked all secular writers in Kerala to conduct a ‘Mrityunjaya Homam’ - a ritual to avoid untimely death, and Telangana BJP MLA T Raja Singh for reportedly brandishing a sword and exhorted Hindu youth to strive to become Hindu fighters till the goal of 'Akhand Bharat' was achieved. A case was booked against him in December by the Yadgir Police in Karnataka.

Police in Hyderabad also arrested a member of a Christian evangelical organisation in December 2017 for allegedly giving a derogatory speech against 'Bharat Mata' in August 2016. Police had registered a case under Sections 153-A (Promoting enmity between different groups on ground of religion, race, place), 295-A (Deliberate and malicious acts, intended to outrage religious feelings of any class by insulting its religion or religious beliefs) of the IPC.

Perpetrators of hate speech

Politicians	8 (6 from BJP; one from AIUDF Assam, one from Meghalaya)
Hindu right wing organisations	3
Muslim welfare organisation	1
Evangelical Christian organisation	1
Film personalities	2
A hate crime by a revenge seeker	1

Facebook’s own censorship

Facebook’s constantly updated community standards resulted in several blocks and takedowns in India by the social media giant which are [documented](#) here.

Instances Of Forced Speech

- July 2 - Munne Bharti, a journalist with NDTV, and his family were travelling in a car in Bihar when they were stopped and [forced to chant](#) “Jai Shree Ram” by a group of men dressed in saffron who threatened to set the car on fire.
- June 9 - Malik Abdul Basit, a journalist at *The Caravan*, who is a Muslim from Kashmir, was accused of being from Pakistan and [made to shout](#), “Pakistan murdabaad, Hindustan zindabad” when he had gone to report on the razing of a mosque in Delhi.
- Aug 11 - The Uttar Pradesh government [directed](#) all madrassas to hold celebrations on Independence Day and videograph the event, according to Minority Welfare Minister Laxmi Narayan Chaudhary. His junior minister Baldev Aulakh even warned of action against madrassas which do not follow the order.

INTERNET SHUTDOWNS

India is becoming increasingly notorious for internet shutdowns. As the table and calendar below show, there was not a single month in 2017 when an internet shutdown was not in force in some part of the country. The year 2016 recorded 31 shutdowns. For 2017 the figure was 77.

State-wise summary

State	Number of cases
Jammu & Kashmir	40
Rajasthan	11
Haryana	8
Bihar	3
Uttar Pradesh	2
Tripura	2

West Bengal	2
Nagaland	2
Odisha	2
Telangana	1
Gujarat	1
Madhya Pradesh	1
Maharashtra	1
Punjab & Chandigarh	1
Total	77

Equally, there were only three months in that year when Jammu and Kashmir did not experience an internet shutdown somewhere in the state. It has become a reflex action there for law and order enforcement, and journalists in particular [were hit hard](#) by this basic withdrawal of communication facilities.

As beleaguered reporters and cameramen pointed out, the shutdowns did not affect the police or army or political parties as they had dedicated leased lines.



Photo credit: Twitter

In May, two UN Special Rapporteurs voiced criticism of the Indian government's decision to shut down specific social media apps in Kashmir, and of Internet Shutdowns in general, [and asked for](#)

[connectivity to be restored](#). Their statement said that: “The scope of these restrictions has a significantly disproportionate impact on the fundamental rights of everyone in Kashmir, undermining the Government’s stated aim of preventing dissemination of information that could lead to violence”.

Month	Place and Date
January	Nagaland - Wokhaand Phek districts, 19 th January- 20 th February
	Nagaland - January 30 th - 20 th February
	Haryana - Jhajjar 29 th
	Haryana - Rohtak, Bhiwani, Hisar, Sonipat, and Panipat, January 30 th
February	Haryana - Jhajjar, Panipat, Sonipat, Hisar, Rohtak, Jind, and Bhiwani, February 17 th - February 19 th
	Haryana - Rohtak, Bhiwani and Sonipat districts, 5PM February 25 th - February 26 th
March	Haryana - Rohtak, Bhiwani, Sonipat and Jhajjar districts, March 18 th – March 19 th
	Rajasthan - Sikar district- March 31 st – April 6 th
April	Jammu & Kashmir - Srinagar, Budgam and Gandarbal districts, Kashmir Valley, April 8 th - April 13 th
	Jammu & Kashmir - Budgam, April 13 th
	Jammu & Kashmir - Pulwama, April 17 th - April 19 th
	Odisha - April 9 th – April 11 th
	Odisha - Kendrapara, April 19 th – April 21 st
	Rajasthan - Udaipur and Fatehnagar - April 18 th – April 19 th
May	Jammu & Kashmir - May 27 th – June 2 nd
	Uttar Pradesh - Saharanpur, May 24 th -June 4 th
June	Madhya Pradesh - Mandsaur, Ratlam and Neemuch districts, June 6 th – June 11 th
	Jammu & Kashmir - June 7 th
	Jammu & Kashmir- Kashmir Valley - June 12 th - June 19 th
	Jammu & Kashmir - Pulwama, June 22 nd
	West Bengal - Darjeeling, June 18 th -till date

	Uttar Pradesh - Saharanpur, June 8 th -June 12 th
	Rajasthan - Nagaur district , June 30 th –July 5 th
	Maharashtra - Nashik, June 5 th for a few hours
July	Rajasthan-Nagaur, Churu, Sikar and Bikaner districts, July 11 th – July 14 th
	Jammu & Kashmir - Anantnag, July 1 st
	Jammu & Kashmir - South Kashmir, July 2 nd
	Jammu & Kashmir - Kashmir Valley, July 6 th - July 9 th
	Jammu & Kashmir - Across Kashmir Valley, July 10 th - July 12 th
	Jammu & Kashmir - Morbi and Surendranagar districts, July 13 th -July 19 th
	Jammu & Kashmir - Pulwama , July 16 th
	Jammu & Kashmir - Anantnag dist, July 18 th
	Jammu & Kashmir - Bijbehara town and adjacent areas, July 20 th
	Jammu & Kashmir - Budgam district, July 21 st - July 25 th
	Jammu & Kashmir - Anantnag district, July 26 th
	Jammu & Kashmir - Pulwama, July 30 th
	West Bengal - Baduria and Bashirhat areas of North 24 Parganas district, July 5 th -July 10 th
	Tripura - 20 th July (14 hours)
	Gujarat - Morbi and Surendranagar districts, July 18 th to July 14 th
	August
Jammu & Kashmir-Anantnag, Kulgam, Pulwama and Shopian districts, August 3 rd	
Jammu & Kashmir-Baramullah, August 5 th	
Jammu & Kashmir-Pulwama, August 9 th	
Jammu & Kashmir-Shopian and Kulgam district, August 13 th	
Jammu & Kashmir-Kashmir Valley, August 15 th	
Jammu & Kashmir-Pulwama district, August 16 th	
Jammu & Kashmir-South Kashmir, August 19 th	
Jammu & Kashmir-Pulwama district, August 26 th	
Punjab & Haryana-Areas around Panchkula, August 24 th – August 29 th	
Rajasthan-Sriganganagar and Hanumangarh, August 25 th - August 27 th	

September	Bihar-Madhepura, Supaul, Saharsa, Purnea, Araria, Kishanganj and Katihar, September 5 th
	Bihar-Nawada district, September 28 th – November 5 th
	Jammu & Kashmir-Shopian and Kulgam districts, September 2 nd
	Jammu & Kashmir-Sopore, September 4 th
	Jammu & Kashmir-Sopore town of Baramula district-September 9 th
	Jammu & Kashmir-Kulgam and Anantnag districts, September 11 th
	Jammu & Kashmir-Kupwara district, September 15 th
	Jammu & Kashmir-Jammu, September 20 th
	Rajasthan-Jaipur, September 9 th
	Rajasthan-Sikar district, September 11 th
	Rajasthan-Jaipur's Ramganj area, September 15 th - September 20 th
	Tripura, Agartala, September 21 st – September 25 th
	Haryana-Sirsa district, September 8 th - September 10 th
October	Jammu & Kashmir-Across Kashmir, October 13 th
	Jammu & Kashmir-North Kashmir's Bandipora district, October 25 th
	Bihar-Arwal, Jamui, Bhojpur, Katihar, Sitamarhi and West Champaran, October 1 st - October 5 th
November	Jammu & Kashmir-Pulwama district, November 2 nd
	Haryana-Jind, Hansi, Bhiwani, Hisar, Fatehabad, Karnal, Panipat, Kaithal, Rohtak, Sonipat, Jhajjar, Bhiwani and Charkhi Dadri, November 24 th – November 27 th
December	Rajasthan-Bhilwara, Chittorgarh and Nimbahera, December 3 rd
	Rajasthan-Udaipur and Rajsamand district, December 13 th – December 14 th
	Rajasthan-Bundi district, 6am on December 31 st to 6am on January 2 nd , 2018
	Jammu & Kashmir-Sopore, Baramulla, Handwara and Kupwara, December 11 th
	Jammu & Kashmir-Kulgam and Anantnag district, December 15 th

	Jammu & Kashmir-Shopian district, December 18 th - December 26 th
	Jammu & Kashmir-Pulwama district, December 26 th
	Jammu & Kashmir-Pulwama district, December 31 st
	Telangana-Adilabad district, December 16 th

Medianama reported that in August 2017 the Ministry of Communications issued (and notified) rules for the shutting of telecom services and, by extension, the shutting down of Internet services in India. The [notification](#) for the rules was issued under the Telegraph Act. So far these shutdowns have been notified using Section 144 of the CrPC which can be invoked by a district magistrate or the collector.

The new rules issued by the central government sought to take the power to impose shutdowns away from the district collector and vest it with a higher authority such as the state home secretary or the union home secretary. The frequency of shutdowns, however, continued unabated, as the calendar (above) shows.

In addition Kashmir saw a ban on specific social media. On April 26, the government [banned](#) 22 social networking sites in the Valley. The ban was mainly meant to restrict Facebook, WhatsApp and Twitter which the government believed were being used by people to share and upload “inflammatory” content that stokes anti-India protests.

Reasons for internet shutdowns

Bihar

Communal Tension

Gujarat

Caste Conflict

Haryana

Jat Protests turned violent

Jammu & Kashmir

- “To prevent any rumours” during bypoll
- To “prevent any rumours” after a sudden spurt in the protests and violence after students were injured in security force and police action
- After militant Sabzar Bhat was killed in an encounter
- To prevent rumours from spreading, after three Lashkar-e-Taiba militants were killed in an encounter
- Heightened tensions after a youth’s death in firing by security forces
- “To prevent the spreading of rumours on the social networking websites” amid a gunfight between militants and government forces
- To “prevent the spread of rumours” in the wake of a general strike called by pro-freedom groups in protest against the death of two civilians
- The first death anniversary of Hizbul Mujahideen commander Burhan Wani
- To counter the “Kashmir Awareness Campaign” called by the Joint Resistance Leadership
- After seven Amarnath yatra pilgrims were killed in a terror attack
- Strike called by separatists
- The killing of three youths in military operation
- Killing of a meat seller in a stray army shootout.
- Three militants escaped from a cordon and search operation of the army
- Killing of a young tailor Tanveer Ahmad Wani in an army firing
- Killing of two militants in a shootout
- Wake of protests following the killing of two Lashkar-e-Taiba militants
- Encounter in a village where three militants believed to be trapped
- As “precautionary measures”, after killing of three LeT militants
- After six terrorists are gunned down in two separate incidents
- To prevent trouble after a man allegedly disappeared while in Army custody
- After an alleged sacrilegious act

- To prevent rumour-mongering on braid-cutting incidents
- Following a gunfight in Hajin
- To mourn the killing of a militant in a gunfight with forces
- Before the funeral prayers for slain Lashkar-e-Toiba militant
- In the wake of a gunfight between militants and government forces

Madhya Pradesh

Farmers' agitation turned violent

Nagaland

To "thwart rumour mongers" and prevent the spread of violence in the state

Punjab

Ahead of the verdict in the case of Ram Rahim Singh

Rajasthan

- In the aftermath of the encounter of fugitive Anand Pal Singh
- Ahead of the Shraddhanjali Sabha organised by the Rajpur community in honour of gangster Anand Pal Singh
- Protest by Rajput community demanding CBI probe into the encounter of gangster Anand Pal Singh.
- Farmers took to the streets in protest for remunerative crop prices, complete loan waiver and other demands
- Clashes between police and people of a community
- Processions in support of Shambhulal Regar, who is in custody for hacking a Muslim migrant labourer to death, burning the body and filming the barbaric act

Tripura

- After the death of the journalist Shantanu Bhowmick.

Uttar Pradesh

- To prevent the misuse of social media, in fomenting tension following the arrest of Bhim Army founder Chandrashekhar

- To "maintain peace and ensure law and order" following several cases of caste-related violence

West Bengal

- Violent clashes between pro-Gorkhaland supporters and police
- Communal tensions triggered by an "objectionable" Facebook post

Data sourced from the Hoot's [Free Speech Hub](#) and the Software Freedom Law Centre's [Internet Shutdown Tracker](#).

THE RIGHT TO INFORMATION

The Commonwealth Human Rights Initiative (CHRI) which actively tracks the Right to Information in India did not produce a [Rapid Study Report](#) in 2017 about the status of RTI because neither the Central Information Commission (CIC) nor the Maharashtra State Information Commission published their annual reports for 2016-17. These two jurisdictions constitute the bulk of RTIs filed across the country. The absence of regular reporting makes it difficult to track how well the information commissions are functioning.

However the CHRI's [Hall of Shame](#) which tracks attacks on RTI users, recorded the murder of five RTI activists this year. These took place in Madhya Pradesh, Gujarat, Maharashtra (2), and Andhra Pradesh. There were five cases of assault and 12 cases of harassment or threats to RTI users.

FREE SPEECH IN THE COURTS

Significant judgments were delivered in the Supreme Court and in the Delhi High Court, some of which upheld media freedom and freedom of speech in 2017. A lower court ruling on defamation against a news portal also tilted towards expanding free speech rights and journalistic freedom rather than restricting it.

But the year also saw gags on media reporting in a number of cases including two high profile ones.

And in the case of the landmark ruling upholding the fundamental right to privacy, there were worrying implications for the media which the Supreme Court judges did not dwell upon sufficiently.

Decisions that impact freedom of expression

In October the Supreme Court [refused to ban](#) the controversial book *Samajika Smugglurlu Komatollu* written by Kancha Ilaiah on the grounds that the author's fundamental right of freedom of speech and expression should not be unnecessarily curbed.



Clockwise left to right: Orissa, Ahmedabad and Delhi high courts, Bhuj district court, Supreme Court and the Kerala High Court

In September the Supreme Court [quashed](#) a non-bailable warrant issued by a trial court in Srinagar against activist Madhu Kishwar in a criminal defamation case filed by Syed Shujaat Bukhari,

Editor-in-Chief, *Rising Kashmir*. It gave an order that she should be allowed to participate in the proceedings in court by video conferencing.

In July the Supreme Court [stayed](#) criminal contempt proceedings brought by the Nagpur bench of the Bombay High Court against author Arundhati Roy for publishing an article expressing her personal anguish in the prosecution and incarceration of paraplegic former Delhi University professor G N Saibaba. Saibaba was, later in March 2017, sentenced to life imprisonment for Maoist links.

Also in July the Delhi High Court ruled that casteist slurs in social media posts could attract the provisions of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989. *The Times of India* [called it](#) a ruling that plugged the gap between online abusers and their prosecution.

In December Justices N V Ramana and Abdul Nazeer of the Supreme Court set aside a Madras High Court judgment revoking the certificate granted to the Tamil film *New* after it was released and had its run. *The Hindu* [reported](#) that the Bench said it was not for judges to make a “piecemeal analysis” of a movie and apply their subjective views of life to revoke the censor certification issued to a film.

The Kerala High Court, however, [declined](#) to entertain petitions by two documentary makers to screen their films at a film festival. Kathu Lukose, director of *March March March* and Shawn Sebastian, director of *In The Shade of Fallen Chinar* were denied permission by the Ministry of Information & Broadcasting (I&B) to screen films at the 10th International Documentary and Short Film Festival. The Court accepted the submission by the Ministry’s counsel that an appeal in this regard was pending before the Ministry, therefore the petitioners had no right to approach the court at this stage.

Significant rulings in favour of the media

- The year began with the setting aside, after ten years, of the contempt judgement in the *Mid-Day* case. In a [judgment delivered on January 2](#), just a day before his retirement, the

Chief Justice T S Thakur and Justice Khanwilkar, set aside a judgment of the Delhi High Court that had sentenced the editor, a journalist, printer, publisher and cartoonist of *Mid-Day* to four months in jail.

- In its January judgment the Supreme Court overruled the Delhi High Court on a jurisdictional issue. It interpreted Article 215 of the Constitution to conclude that the Delhi High Court could only take cognisance of contempt committed against it or courts subordinate to it, not of contempt against a superior court like the Supreme Court.
- Justice Endlaw of the Delhi High Court [ruled](#) in March 2017 that reporting on FIRs should be immune to defamatory lawsuits while throwing out a lawsuit filed by a skill training agency against a regional Bengali newspaper. Tracing a number of judgments on how FIRs are public documents and how the Supreme Court itself had directed FIRs to be made available on the internet, Justice Endlaw argued that a newspaper cannot be held liable for defamation for reporting on documents made public by the state.
- March saw a PIL filed by a journalist on the role of the media in the Agusta Westland VVIP chopper scam case [being dismissed](#) by the Supreme Court. Journalist Hari Jaisingh had alleged that journalists had been bribed with foreign trips by the manufacturers in return for favourable coverage of the deal. He wanted a SIT probe into the role of the media. The Supreme Court dismissed the PIL saying that it would be an attack on the media's independence.
- In May Justice Endlaw of the Delhi High Court [dismissed](#) a defamation lawsuit against *Outlook* magazine and others. The case had been languishing before the High Court till Justice Endlaw finally dismissed it for not revealing a cause of action against any of the defendants. The [important aspect](#) of this case is Justice Endlaw's ruling that apologies were preferable to damages as a remedy in defamation lawsuits because the latter could cause financial ruin to the media and limit further speech.

- In September the Delhi Court [refused to restrain](#) Arnab Goswami and Sunanda Goswami of Republic TV from airing any news or debate on Sunanda Pushkar's death. The judge observed that Pushkar's husband, Shashi Tharoor, had failed to cite any law forbidding an investigation by the journalist.
- In November the Principal Senior Civil Judge in Bhuj, while rejecting an interim application for defamation against The Wire from the Adani Group, observed that a questionnaire and an email were sent to the Group before publishing the article, and that it was published "upon material available", therefore the article "cannot be said to be defamatory", and "there is no prima facie case." The Wire had republished an article "Modi Government's Rs 500-Crore Bonanza to the Adani Group" by Paranjy Guha Thakurta and three other journalists from the *Economic and Political Weekly*.

Gags on reporting

The year saw the courts impose a string of gag orders on reporting. Two of them were brought against the news website TheWire.in.

- In March businessman and member of parliament Rajeev Chandrasekhar got an ex-parte injunction from the city civil court at Bengaluru ordering The Wire to [take down](#) two articles about him. This case saw endless postponements and the injunction is yet to be vacated.
- Also in March the Orissa High Court sought to [muzzle the media](#) in a case where lawyers were accused of sexual harassment of a woman inspector of police. The lawyers argued that the judge bar the media from reporting because it would bring down the reputation of the court itself as an institution.
- When Justice C S Karnan made a series of shocking orders in two high courts against judges of the Supreme Court of India, he was sentenced to a term in prison for contempt of court. The Chief Justice of India J S Khehar passed an order in

May [forbidding the media](#) from publishing the contents of the orders passed by Justice Karnan.

- On November 7, the Allahabad High Court barred the media from reporting proceedings of a hate speech case in which Uttar Pradesh chief minister Yogi Adityanath was the prime accused, saying “wrong reporting of the day-to-day proceedings of this case... is causing a lot of embarrassment as the observations are reported out of context and very often misquoted... We are constrained to pass the order directing that no one shall publish or cause to be published any proceedings of this case till the delivery of judgment”. The courts have ample power to deter deliberate, slanted, reportage, but such a ban is not supported by law.
- In October an Ahmedabad court [barred](#) The Wire from writing about Amit Shah’s son, Jay Shah’s businesses after the latter had filed a defamation case against the news website. In December it [partially lifted](#) the gag order allowing it to publish articles on Jay Shah’s businesses but said it should not link the subject matter to Prime Minister Narendra Modi.
- In November the Allahabad High Court [gagged the media](#) from reporting on the proceedings of a case concerning permission to prosecute the Chief Minister of Uttar Pradesh Ajay Singh Bhisht (Yogi Adityanath) over serious allegations of instigating communal violence. A Division Bench of the court said there had been misreporting, and that the gag should be in place till the [judgement was delivered](#). There have been 30 hearings in this case since March 2015.
- Also in November, the Chief Justice of India Deepak Mishra [rejected](#) senior lawyer Prashant Bhushan’s suggestion to bar the media from reporting a courtroom drama in which a large number of lawyers reacted angrily to Bhushan’s allegations against the Chief Justice and sought contempt of court proceedings against Bhushan.
- On November 29, CBI judge S J Sharma, hearing the Sohrabuddin Sheikh encounter trial, passed an order on a plea by the defence counsel that the media could be present

during the hearing before the special CBI court but could not cover it as it was sensational and could lead to some “untoward incident”. In December journalists from Mumbai [filed](#) a petition before the Bombay High Court to challenge the ban on the media coverage of this case.

How the privacy ruling affects the media

The year’s landmark privacy ruling had implications for the media which the judges did not dwell on sufficiently.

Does a strong fundamental right to privacy against the state also confer a fundamental right to privacy against fellow citizens? The Supreme Court [missed an opportunity](#) to clarify this issue in the *Justice Puttiswamy* case. Not all the nine judges concurred on whether this right will apply horizontally.

It appeared that five judges endorse the view that privacy is a horizontal right that can be applied against private citizens and corporations. However, Justice Bobde in his concurring opinion makes it clear that the fundamental right to privacy will apply only against the state while citizens can enforce only a common law privacy right against each other.

Justice S K Kaul, on the other hand, was clear that the right applied against even private persons. He says, “The right of privacy is a fundamental right. It is a right which protects the inner sphere of the individual from interference from both State, and non-State actors and allows the individuals to make autonomous life choices.”

The reference to non-State actors ensures that citizens can enforce their fundamental right to privacy against other citizens and not just the state. The press is a non-State actor. This does not bode well for the press since it has only a common law right to free speech against other citizens and when such a right clashes with the fundamental right to privacy, it is likely that the latter will triumph over the former. Only one out of the nine judges sought to tackle this issue with the clarity that it deserved.

ARTS CENSORSHIP



Clockwise from top: Padmavati, The Argumentative Indian, Shunyota, Indu Sarkar, Modi Ka Gaon, and Mersal

That film-making is challenge in a multi-religious, multi-ethnic democracy is a given. 2017 was a turbulent year for film certification in the course of which a [sage formulation](#) emerged from the newly appointed CBFC chief, Prasoos Joshi - that cinema may be an art, but it is for larger public consumption and film makers cannot insulate themselves from popular sentiment. “In a commercial world, the desire for having an increased share of the public’s wallet will also have to contend with an increased share of the public voice.”

Two new norms were also set in the course of the year:
One, get a no-objection-certificate from those mentioned in the film before we permit you to show it!

Two, from the outgoing CBFC chief, liquor consumption on screen, especially by leading men, has to end, never mind if the story line demands it. Liquor bottles on display in frames were to be blurred as well. He argued that superstars are followed by millions and must set an example.

Padmavati's travails

The abiding images and longest running headlines last year were about the film *Padmavati*. For a government and a polity intent on 'upholding the honour of Hindu women', creative imagination is an offence. You cannot allow a Muslim invader and Hindu queen separated by more than [two centuries](#), one a historical figure and the other a character in a poem, to be brought together in fiction.

Much of 2017 was a roller coaster ride for the makers of the film. In January, the director was attacked and the sets destroyed. In February, the Shri Rajput Karni Sena (SRKS) demanded pre-censorship of historical films. March saw ministers of the Rajasthan state government pander to the Karni Sena, the Rashtriya Brahman Mahasangh and the Rajasthan Vaishya Mahasabha over their objections to the film.

Momentum against the film built up again in the last quarter of the year with the governments of Rajasthan, Madhya Pradesh, Haryana, Uttar Pradesh, Bihar and Gujarat saying they wanted *Padmavati* to be banned or have 'objectionable content' removed. Cabinet Minister Uma Bharti joined the battle in November on Twitter [asserting](#) that the pride of the Indian woman was at stake.

Mass demonstrations by Rajputs were also witnessed in Gujarat in November 2017. The BJP's media coordinator in Haryana offered a prize of Rs 10 crore to anyone who would behead the film's director Sanjay Leela Bhansali and actress Deepika Padukone and the Karni Sena threatened to cut off Padukone's nose.

In the last week of December, the censor board asked the erstwhile Mewar royal family and two university professors [to join a panel](#) to help certify *Padmavati* and the film was finally [cleared for release](#) with a name change to *Padmavat*, a disclaimer, and "relevant modifications" to a song.

Postscript: In January 2018 the Rajasthan, Madhya Pradesh, Gujarat, Haryana governments announced that Padmavat would not be permitted screening in their state.

Political discourse and censorship

- The CBFC was particularly sensitive to content with references to political figures, words and events. For films like *Modi Ka Gaon*, *Indu Sarkar* and *An Insignificant Man*, the board ordered that the makers get no objection certificates from the politicians who were being referred to in the films.
- *Modi Ka Gaon* is about Narendra Modi's development agenda and is a tribute to his policies. The film makers were ordered to get a no objection certificate from Modi. *Indu Sarkar* is a reference to the emergency years under the Congress rule of Indira Gandhi while *An Insignificant Man* traces the rise of the Aam Aadmi Party and Arvind Kejriwal as a key leader of the party. In January, the CBFC had ordered the censoring of a reference to Rahul Gandhi in the film *Coffee with D*.
- The CBFC was sensitive to references to current politics. *The Argumentative Indian* – a documentary about Nobel laureate Amartya Sen - has actually been denied censor board clearance because the film's director refused to beep words like 'Hindutva', 'cow' and Gujarat'. The words 'Patidar' and 'Patel' were beeped from the film *Hamein Haq Chahiye Haq Se*, which has many scenes reminiscent of the Patidar quota movement in Gujarat. And the makers of *Power of Patidar* (which was denied certification in 2016) wrote to the prime minister in 2017 and made other efforts to get it released, but to no avail. This too is a film on the same movement.
- The trailer of the Tamil film *Neelam* about the Sri Lankan civil war was denied certification in October on the grounds that it could [affect](#) relations between the two countries. The trailer runs for about four minutes and 30 seconds: the filmmaker wondered how it could pose a threat to relations between the two countries.
- Current affairs-related documentaries did not have a much better fate. The Ministry of Information and Broadcasting refused to allow the screening of three films at the International Documentary and Short Film Festival of Kerala. These films, '*In the Shade of Fallen Chinar*', '*March*

March March and the *'Unbearable Being of Lightness'*, covered issues such as the conflict in Kashmir, student agitations, and atrocities against dalit students.

- Films which had references to current events such as demonetisation, GST and communal riots too faced a tough time getting censor approval. *Mersal* had references to GST and *Shunyota* to demonetisation.
- *Sharanam Gachchami* was first denied and then granted certification. The film dealt with caste and reservations, highlighting atrocities committed in the name of caste. The director, Enumala Prem Raj, said the film referred to the suicide of Rohith Vemula, the flogging of dalits at Una, and the lynching of Mohammad Akhlaq at Dadri.
- Violence accompanied censorship: before the film received certification, the Censor Board's regional office in Hyderabad [was ransacked](#) by six students of the Osmania University Joint Action Committee who were later booked by the police.
- The CBFC also refused to clear *Colour of Darkness*, a film about racial and caste bias in India and Australia, for public exhibition. The censor board opposed the differences between the English subtitles and the Gujarati dialogues. The dalit film director, G K Makwana, had to settle for a private screening.

Given the new heights of film censorship scaled by the CBFC in 2017, the Film Certification Appellate Tribunal (FCAT) was kept busy. In the case of *Modi Ka Gaon*, *Indu Sarkar* and *An Insignificant Man*, it overturned the CBFC orders after the respective film makers appealed against the latter's demands. It did not, however, permit the release of *Power of the Patidar*.

What the CBFC was allergic to

While the CBFC is a statutory body primarily responsible for certifying moving images, it censors words and references ceaselessly, as this analysis makes clear. In 2017 it had problems with the following:

- References to caste, government decisions like demonetisation and the implementation of the goods and services tax (GST).
- It wanted the words Patidar and Patel beeped from the film *Hamein Haq Chahiye Haq Se*.
- In *Colour of Darkness* it sought the removal of the word 'most' from the sentence 'India is the most racist country in the world'.
- It demanded the removal of words 'saali', 'kutiya', and 'haraamzaadi' from *Hindi Medium*.
- In *Toilet – Ek Prem Katha*, it reportedly objected to a reference to bulls and a scene involving Janaeue, the white thread worn by Brahmins.
- CBFC was allergic to the words "Gujarat", "cow", "Hindu India" and "Hindutva" in *The Argumentative Indian* and wanted them muted.
- And because it demanded the removal of references to Mahatma Gandhi, 'Bapu' was replaced by babu.
- From *Sameer*, it wanted the words Man ki Baat to be removed.
- It also made headlines with its objection to the use of the word 'intercourse' in *Jab Harry met Sejal*.
- Abusive language was a major issue, with the censor board disallowing such language in a string of films. Intimate scenes also did not pass muster, prominently in movies like *Lipstick under My Burkha* and *Ka Bodyscapes*. *Lipstick under My Burkha* was found to be too 'lady-oriented'. The board also had a problem with its many sexual scenes and abusive language.
- Scenes of smoking and drinking, violence against women, homosexuality and reference to caste were other grounds for censoring. Films like *Sexy Durga* ran into trouble with the censor board, forcing a change in the title to *S. Durga*. Despite the title change and orders of the Kerala High Court to screen the film at the International Film Festival of India, Goa, the film was not screened.
- Ravi Jadhav's Marathi film *Nude* was also denied a screening at the festival on the orders of the Ministry of Information and Broadcasting, despite it being selected by the jury for screening.

Snapshot

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

- Homophobia – *Ka Bodyscapes*
- Blind faith and superstition - *MSG: The Messenger of God*
- Distorting history - *Padmavati, Games of Ayodhya*
- Violence against women – *Maatr*
- Intimate scenes - *Lipstick under my Burkha, Babumoshai Bandoobaaaz, Begum Jaan, Baadhshaho, Bhoomi, Simran, Ribbon, Ka Bodyscapes, Aksar 2, Haraamkhor*
- Obscenity - *Judwa 2, Bhoomi*
- Abusive or objectionable language – *Rambhajjan Zindabad, Bank Chor, Lipstick under my Burkha, Babumoshai Bandoobaaaz, Rangoon, Anaarkali of Aarah, Begum Jaan, Maatr, Jab Harry Met Sejal, Kaalaakaandi, Bhoomi, Simran, Oru Pakka Kathai, Sexy Durga, Hindi Medium*
- Showing a state in bad light - *Jolly LLB, Indu Sarkar, Neelam, Haraamkhor*
- Hurting religious sentiments - *Sexy Durga, Muzaffarnagar - The Burning Love Anaarkali of Aarah, Sameer, Games of Ayodhya, Padmavati, Simran, Rong Beronger Kori*
- Communal violence – *Muzaffarnagar -The Burning Love, Begum Jaan, Games of Ayodhya*
- References to political figures, words and events – *Hamein Haq Chahiye Haq Se, Power of Patidar, Modi Ka Gaon, Shunyota, The Argumentative Indian, OK Jaanu, Coffee with D, An Insignificant Man, The Accidental Prime Minister, Indu Sarkar, Bhoomi, Sameer, March March March, The Unbearable Lightness of Being, In the Shade of Fallen Chinar, Games of Ayodhya, Ka Bodyscapes, Mersal*
- Resemblance to real life events - *Hindi Medium, Dhananjay, Sameer, Sharanam Gachami*
- Reference to caste - *Toilet- Ek Prem Katha, Sharanam Gachami, The Unbearable Lightness of Being*
- Scenes of smoking and drinking - *Rangoon, Munna Michael*
- Taboo subject – *Phullu*
- Language dubbing - *Satyadev IPS*

- Showing upper castes in bad light – *Sharanam Gachami*

Instances of censorship in the states

In March 2017, the release of *Satyadev IPS* was stalled in Karnataka since the film was dubbed from Tamil to Kannada. Exhibitors and Kannada activists were against the entry of dubbed cinema in the state.

In the same month, the censor board's regional office in Kolkata, West Bengal stalled the release of the demonetisation themed Bengali film *Shunyota* stating they could not agree on a certification category for the film, and referred it to the CBFC chairperson for a decision.

In April 2017, the Dharohar Bachao Samiti vandalised the ad film set of *Good Morning Films* in Rajasthan because the makers were recreating a Pakistani city. The makers had apparently put up boards and signages of Pakistani locations in Urdu on temples.

In June, Bajrang Dal activists demanded a ban on sale of Kama Sutra books on the premises of the Khajuraho Temple in Madhya Pradesh. They argued it was against India's tradition and culture.

Also in June, in Tamil Nadu, the Madras High Court was petitioned to pass a blanket order for suspending the screening of Priyanka Chopra starrer *Baywatch*. The petitioner argued that though the film had an 'A' certificate, its promos did not state so. As a result, minors could end up watching the film.

In June, the Ministry of Information & Broadcasting banned the exhibition of three documentaries at the 10th International Documentary and Short Film Festival of Kerala. The documentaries were *In the Shade of Fallen Chinar*, *March March March* and *The Unbearable Being of Lightness*. The films were about the trouble in Kashmir, the JNU's student agitation and the protests following the suicide of dalit scholar Rohith Vemula respectively.

In June, the Directors Guild of Federation of Cine Technicians and Workers of Eastern India stalled shooting on the film *Tui Shudhu Amar* in West Bengal by refusing to allow technicians to work on

the film. They claimed that that the production house was not following rules.

Chief Minister Yogi Adityanath of Uttar Pradesh ordered in July 2017 that film songs and vulgar songs should not be played during the Kanwaryatra. Only bhajans could be played.

Congress workers disrupted the screening of *Indu Sarkar* in Maharashtra in July 2017. Mumbai Regional Congress Committee chief Sanjay Nirupam wrote to CBFC chief Pahlaj Nihalani demanding to see the film before it was censored. A woman claiming to be Sanjay Gandhi's daughter also sent a legal notice to the film-makers. Congress and BJP workers clashed outside a film theatre screening the film in Indore, Madhya Pradesh.

In August 2017 the CBFC Kolkata, West Bengal withheld certification to the film *Dhananjay* and referred the movie to the CBFC chairperson in Mumbai. No reason was given for the move, except that CBFC members could not reach a consensus. After the film was released, it was dragged to the Calcutta High Court through a writ petition. The petition alleged that the film was in contempt of court and involved character assassination of a victim who isn't alive to defend herself. The petitioner asked the CBFC to revoke certification.

In August 2017, Maharashtra Navnirman Sena (MNS) threatened singer Mika for performing on Pakistan's independence day in Chicago and Houston. MNS argued that the revenue generated from the event might fund terror activities against India. Mika had apparently tweeted that people join him in celebrating the independence day celebrations of India and 'apna Pakistan'. The MNS organized protests and burnt Mika's effigies in Maharashtra.

The Jharkhand government in August banned Hansda Sowvendra Shekhar's book *The Adivasi will not Dance* claiming that the book showed Santhal women in a bad light. The writer, a medical officer at a district health centre, was suspended from his job.

In September, the Supreme Court bench dismissed Mate Mahadevi's appeal against the ban on the sale and circulation of her book, *Basava Vachana Deepthi* which was banned by the Karnataka government in 1998.

In October, the BJP government demanded the muting or deletion of scenes from the Tamil movie *Mersal* made in Tamil Nadu which contained scenes critical of GST.

The movie *Padmavati* has been attacked by the governments of Rajasthan, Madhya Pradesh, Haryana, Uttar Pradesh, Punjab, Bihar and Gujarat. They want it banned or want 'objectionable content' removed. Rajasthan in particular has been the hotbed of protests with the Karni Sena, other local organizations and former royal families demonstrating publicly. Mass demonstrations by Rajputs were also witnessed in Gujarat in November 2017. The BJP's media coordinator in Haryana offered a prize of Rs 10 crore to anyone who would behead the film director Sanjay Leela Bhansali and actress Deepika Padukone. The release of the film on December 1 was stalled since the censor board had not yet given it a certificate. But the board later gave the film a certificate and asked for the name to be changed to *Padmavat* and for five modifications to be made.

RSS-backed Hindu Jagran Manch vandalised the home of *Games of Ayodhya* director Sunil Singh in Aligarh, Uttar Pradesh in December 2017.

The Hindu Jagran Manch also protested outside the regional CBFC office in Kolkata against the film *Rong Beronger Kori* which had characters called Ram and Sita.

Some districts of western Uttar Pradesh did not screen *Muzaffarnagar - The Burning Love*.

PERPETRATORS OF CENSORSHIP

Government bodies

Central Board of Film Certification
Ministry of Information and Broadcasting
Film Certification Appellate Tribunal

Courts

Supreme Court
Bombay High Court

States

Governments of Jharkhand, Rajasthan, Madhya Pradesh, Haryana, Uttar Pradesh, Bihar and Gujarat

Religious and cultural groups

Hindu Makkal Katchi
Hindu Jagran Manch
Bajrang Dal
Rajput Karni Sena
Dharohar Bachao Samiti

Political organisations and politicians

Maharashtra Navnirman Sena
Congress
Uttar Pradesh Chief Minister Yogi Adityanath
Bharatiya Janata Party
Suraj Pal Amu, BJP media coordinator in Haryana
Sanjay Nirupam, Mumbai Regional Congress Committee

Individuals and families

Woman claiming to be Sanjay Gandhi's daughter
Writ petition and public interest litigation filed by individuals
Gangsters like Chota Shakeel

Professional bodies

Directors Guild of Federation of Cine Technicians and Workers of Eastern India

Association of Malayalam Movie Artists and the Film Employees Federation of Kerala
Kannada cine artists and exhibitors

Production Houses

Red Chillies Entertainment and Prakash Jha Productions

Internet companies

Netflix, Amazon, Google, iTunes

Films Denied Certification in 2017

S Durga release certification rescinded by CBFC
CBFC yet to certify *The Argumentative Indian*
CBFC refuses to certify *Colour of Darkness*
CBFC denies certification to Tamil film *Neelam*
CBFC denies certification to *Power of Patidar*

Censorship of events

1. Information and Broadcasting Ministry refuses to allow screening of *Sexy Durga/S.Durga* at Mumbai Jio MAMI film festival. It also prevented the film from being screened at the 48th International Film Festival of India in Goa. Another film, *Nude*, was also not permitted screening.

Issue: The Ministry felt that the film title *Sexy Durga* would hurt religious sentiments. The second film *Nude* is about a poor woman who works as a nude model for art students.

2. Maharashtra Navnirman Sena (MNS) threatens singer Mika for performing on Pakistan's independence day in Chicago and Houston

Issue: MNS argued that the revenue generated may fund terror activities against India. Mika had apparently tweeted that people join him in celebrating the independence day celebration of India and 'apna Pakistan'

3. Right wing group Hindu Makkal Katchi wants arrest of actor Kamal Hasan and banning of reality show *Big Boss* which he was hosting.

Issue: Hurting Tamil culture and promoting leftist and Dravidian ideologies; participants making obscene statements.

4. PIL against Tamil *Big Boss* reality show calling for its halt

Issue: Showed women in a pejorative manner and hurtful towards the downtrodden. Petitioner said his family was uncomfortable while viewing it because of the obscene behaviour and dress code of females on the show.

5. I&B Ministry bans exhibition of three documentaries at the 10th International Documentary and Short Film Festival of Kerala.

Issue: *In the Shade of Fallen Chinar*, *March March March* and *the Unbearable Being of Lightness* were the banned documentaries. The films are about the trouble in Kashmir, JNU's student agitation and Rohith Vemula's suicide. Reason not stated in the order.

6. UP Chief Minister Aditya Yoginath says film songs and vulgar songs not to be played during kanwariya yatra.

Issue: Only bhajans to be played, no film or vulgar songs.

7. RSS-backed Hindu Jagran Manchm vandalised home of *Games of Ayodhya* director Sunil Singh in Aligarh

Issue: The film was about a love story between a Hindu man and a Muslim woman at the time of the Babri Masjid demolition.

8. Ad film set of *Good Morning Films* vandalised by Dharohar Bachao Samiti.

Issue: Its makers were recreating a Pakistani city in Rajasthan.

9. Karni Sena vandalised the set of *Padmavati* in Rajasthan and assaulted director Sanjay Leela Bhansali.

Issue: Alleged that the film tarnishes Rajput honour.

10. I&B Ministry bans the showing of condom ads from 6 am to 10 pm.

Issue: Unhealthy for children and can lead to unhealthy practices.

Upholders of artistic freedom

Film Certification Appellate Tribunal (FCAT) frequently overturned the decisions of the CBFC not to grant certification or censor certain films, eg: *Rambhajan Zindabad*, *Haraamkhor*, *Danish Girl*, *Lipstick under my Burkha*, *An Insignificant Man*, *Kaalakaandi*, *Games of Ayodhya*, etc.

In April 2017, veteran actor Amol Palekar petitioned the Supreme Court arguing that pre-censorship is a violation of freedom of speech and expression and challenged censorship laws.

In November 2017, the Kerala High Court ordered the screening of *Sexy Durga* at the International Film Festival of India, Goa. However, it was not screened because the CBFC cited a technicality over the change in the title.

In June 2017, the Kerala High Court pulled up the CBFC for contempt and asked it to screen *Ka Bodyscapes* at its own expense for CBFC board members and issue certification to the film within a month. The CBFC had refused to comply with an earlier order from a Division Bench to grant certification to the film.

Responding to a petition on the blanket ban of Priyanka Chopra starrer *Baywatch*, the Madras High Court in June 2017 declined to stay the screening, saying it was not inclined to pass a blanket ban when the CBFC had cleared the movie. The petitioner had argued that though the film had received an 'A' certificate, its advertisements failed to reveal this. The Madras High Court ordered that the police should ensure that minors did not enter the theatre to watch the film.

For raw data on which this table is based please see links below.

[DEATHS 2017 UPDATED TABLE \(1\).docx](#)
[Revised List of Attacks .docx](#)
[THREATS 2017 File.docx](#)
[Hate Speech Table 2017-3 \(2\).docx](#)
[Defamation Table 2017 \(1\).docx](#)
[sedition table 2017 AS-2.docx](#)
[ONLINE&MOBILE2017-processed \(1\).docx](#)
[CENSORSHIP TABLE 2017 \(1\).docx](#)
[Legislative Action File 2017.docx](#)
[Government Action File 2017-3.docx](#)
[Police Action Table 2017.docx](#)
[arts and censorship final.docx](#)

Research credits:

Geeta Seshu, Sudipto Mondal, Rahul Bhatnagar, Urvashi Sarkar,
Anuradha Sharma, Simran Agarwal, Anisha Sheth, Shilpi Goyal

Nupur Basu contributed to this report.

Report author: Sevanti Ninan