

FREE SPEECH IN 2016: FIRST QUARTER REPORT

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The first quarter of this year has been a significant one for issues related to free speech.

Apart from the turbulence in February over the sedition cases filed at Jawaharlal Nehru University, the arrests of students, and the allegations regarding doctored videos, the period saw an overall increase in the number of sedition cases filed, recorded the murder of one journalist, saw increases in attacks on journalists and media property, saw a number of defamation cases filed against the media and the political class, and logged many instances of censorship of different kinds, affecting the media, the arts, as well as ordinary citizens.

This period also saw significant legal developments which affect the climate for free speech, at the level of the supreme court and the high courts.

Highlights

- Law of sedition gets a fresh lease of life - 11 new cases filed
- Fourteen attacks, two arrests and seven threats affect press freedom, one journalist murdered.
- Seventeen cases of censorship including internet blocks.
- Six defamation notices sent to the media by the Tamil Nadu government or its ministers in 2016.
- Fourteen defamation suits filed involving politicians, six legal notices sent.
- Supreme Court says mobile internet can be banned under section 144 of the CrPC
- Supreme Court stays proceedings initiated by UP Assembly on a privilege notice against the editorial management of India Today.
- Government announces scanning of all media to monitor negative news.
- Government appoints panel to re-examine film censorship.

The table below illustrates how much free speech became a challenge in the first quarter of 2016 compared to the same quarter in two previous years.

Comparative table

Cases	2014	2015	2016
Sedition	0	0	11 cases, 19 people
Defamation	4	2	27
Deaths	0	1	1
Attacks	5	5	15
Censorship	16	2	17
Threats	5	1	7

For details of previous years see [here](#)

SEDITION

Nationwide exposure for the sedition cases filed at Jawaharlal Nehru University obscures the fact that cases under this archaic law were also filed elsewhere in the country in the first months of this year, including four cases in Bihar and one each in Haryana and Kerala.

Fresh cases filed

The first quarter of 2016 gave a fresh lease of life to the law on sedition after police stations registered cases under it all over the country. Eleven cases were filed in different parts of the country, one of which [named](#) nine persons. One case was filed in January, seven in February, and three in March. A total of 19 individuals were named in these cases, including 10 politicians, and the [first FIR](#) in the JNU case under the sedition law (Section of 124 A of the Indian Penal Code) was against unknown persons.

JNU Students' Union president [Kanhaiya Kumar](#), Congress leader [Rahul Gandhi](#) and AIMM leader [Asaduddin Owaisi](#) had multiple cases filed against them, in different parts of the country. Others charged included four other JNU students, a [Kerala youth](#) for a post on Facebook about an NSG commando killed in Pathankot, an [alleged Naxalite](#) in Bihar, former Delhi University lecturer [SAR Geelani](#), former Haryana [CM Hooda's aide](#), and politicians across the [spectrum](#) in relation to the events in JNU ranging from Delhi CM Arvind Kejriwal and CPM leader Sitaram Yechury to Congress leaders Rahul Gandhi (as mentioned earlier), Anand Sharma and others.

Sedition - fresh cases

- [Kerala man charged with sedition for insulting Pathankot martyr 2016-01-06](#)

- [Sedition charges on Manshyam 2016-02-09](#)
- [Govt. acts tough, JNU student leader charged with sedition 2016-02-13](#)
- [Delhi Police register sedition case in connection with Afzal Guru event at JNU 2016-02-12](#)
- [SAR Geelani booked for sedition in Press Club of India incident 2016-02-15](#)
- [Sedition complaints filed against Rahul, Congress hits out at BJP 2016-02-18](#)
- [Jat violence: Sedition charge slapped on Hooda's aide by Haryana police 2016-02-25](#)
- [JNU Row: Rahul Gandhi, Arvind Kejriwal Among 9 Booked For Sedition 2016-02-29](#)
- [Sedition case against JNUSU president Kanhaiya Kumar in Patna court 2016-03-14](#)
- [Two Cases Filed Against Owaisi in Bihar 2016-03-18](#)

Sedition chargesheets filed

- Chargesheets in sedition cases were filed in January against Patidar Anamat Andolan Samiti leaders including Hardik Patel in Ahmedabad.
[Charge sheet filed against Hardik Patel in second sedition case 2016-01-19](#)

Sedition case dismissed

- Five men arrested in 2007 on charges of sedition were acquitted by a special court in Lucknow in January.
[Five acquitted of sedition charges, 2016-01-15](#)

MURDER, ARRESTS, ATTACKS AND THREATS

Three months into 2016 and it has already been a rough year for journalists in the country: one journalist murdered, two arrested, 14 attacks on media personnel and their equipment, and one case of a journalist being held hostage in Allahabad.

Reporter Karun Mishra, Bureau Chief of *Jan Sandesh Times* was [shot dead](#) in Sultanpur in mid-February.

Two journalists were arrested in [March](#) in [Chattisgarh](#).

A [freelance journalist](#) in Delhi was picked up and summoned to a police station on subsequent days but not formally arrested.

The incidents at JNU saw nine journalists being [questioned](#) by police.

Deaths 1

- [Another Journalist Killed In Uttar Pradesh Opposition Slams Government 2016-02-14](#)

Arrests 2

- [Another journalist held in Chhattisgarh's Bastar 2016-03-27](#)
- [Chhattisgarh: Journalist arrested for allegedly taking a dig at a cop on WhatsApp 2016-03-23](#)

Attacks 14 and one case of a journalist being held hostage.

- [Attack on journalists in Chennai: DMDK MLA, 18 others arrested 2016-01-01](#)
- [Journalist attacked for publishing news in Odisha's Aul 2016-01-06](#)
- [Man held for brutal attack on scribes 2016-01-12](#)
- [Siddharth Varadarajan held hostage in Allahabad at VC's office by ABVP 2016-01-20](#)
- [Journalist Revati Laul Attacked Allegedly By Gujarat Riots Convict 2016-01-21](#)
- [Journalist's house attacked in Nalanda 2016-01-21](#)
- [Journalist attacked in Odisha capital city 2016-01-23](#)
- [PSOs of JMC Commissioner snatch journalist's camera 2016-01-28](#)
- [Police Refuse to File FIR After Attack on Journalist in Chattisgarh 2016-02-08](#)
- [Journalists attacked by SP goons 2016-02-08](#)
- ['I kept telling them I'm a journalist but they kept beating me': Photographer beaten at Delhi protest 2016-02-10](#)
- [Students, journos assaulted near Delhi court hearing JNU sedition case 2016-02-16](#)
- [JNU row: Lawyers scuffle, attack journalist again at Patiala House court 2016-02-17](#)
- [2 detained for attacking media vans 2016-03-01](#)
- [Badal bus staff 'attack' reporter with English daily 2016-03-26](#)

Threats 7

- [Freelance journalist questioned over writings on tribals 2016-01-13](#)
- [Mumbai Police registers case against Twitter user for threatening to rape woman journalist 2016-02-19](#)
- [Odisha chief of ABVP booked for 'verbal abuse' of media persons 2016-02-22](#)

- [TV news anchor gets 2,000 threat calls after discussion on Mahishasur Jayanti, 5 arrested 2016-03-01](#)
- [Death threats for Dutt 2016-03-05](#)
- [BMS worker arrested for 'threatening' TV anchor Sooryakumar 2016-03-07](#)
- ['Not a single journalist working without fear or pressure': Editors Guild on Bastar 2016-03-30](#)

CENSORSHIP

Censorship takes many forms, and is triggered by a variety of agents.

The Indian Express [reported](#) on March 19 that the National Council for Promotion of Urdu Language (NCPUL), which operates under the Ministry of Human Resources Development, has introduced a form “which requires authors of books NCPUL acquires annually to declare that the content will not be against the government or the country.” The paper said that the form, received by several Urdu writers and editors over the past few months, also asks authors to provide signatures of two witnesses.

Meanwhile in Hyderabad on the same day the influential Islamic seminary Jamia Nizamia [issued a fatwa](#) declaring that "reason" and Islamic "faith" do not allow Muslims to chant the slogan 'Bharat Mata ki jai'. Both developments place restrictions on freedom of speech and expression.

In January in Kamrup in Assam “as part of the strict enforcement of the Government Official Language Act” the district administration decreed that business and commercial establishments would have to use Assamese as the [primary language](#) in signage and hoardings. Shops are no longer free to display their names in a language of their choice. The order said action would be taken against violators.

In the same month, ‘Comedy Nights’ actor Kiku Sharda [was arrested](#), bailed out and then re-arrested for mimicking Dera Chief Gurmeet Ram Rahim in Haryana.

On February 23 the participation of a Pakistani poet Abbas Tabish at a litfest, the Ajmer Literature Festival, [was cancelled](#) after right-wing groups warned of protests. The programme, called ‘*Shayari: Sarhadke Par*’ (Poetry beyond Borders), was organised by the Ajmer Literary Society.

Electronic censorship has also been thriving. There were 8 cases in 3 months. Blocks were imposed both by governments (Haryana and Gujarat) and private sector agencies, including Google, Facebook, Instagram and YouTube.

- [Google blocks J&K govt’s e-mail accounts, info flow affected 2016-01-06](#)

- [Fans shocked as YouTube blocks MS' Vishnu Sahasranamam](#) 2016-01-13
- [Youth held in West Bengal for Facebook post 'against TMC leader'](#) 2016-02-07
- [Jat community agitation: Internet services blocked in Haryana after clash](#) 2016-02-19
- [To beat exam cheats, Gujarat to block mobile internet today](#) 2016-02-28
- [Instagram blocks pix in Kashmir](#) 2016-02-28
- [Internet services blocked in Rohtak as Haryana braces for Jat agitation](#) 2016-03-18
- ['Pakistan Ki Jai' text on WhatsApp sends 2 Mangalore-based students to jail](#) 2016-03-25

Censorship of the arts added to the tally of censorship in this quarter.

- [CBFC refuses to sanction censor certificate to Great Grand Masti](#) 2016-01-28
- [Now censor board wants cuts in Marathi play](#) 2016-02-04
- [Screening of film on Kashmir triggers row in IIT-Delhi](#) 2016-02-9
- [CBFC Mutes Words From Kannada Film, Faces Heat](#) 2016-03-19

There was one case of hacking related to the events at JNU.

[Hackers deface JNU library website, threaten 'traitors'](#) 2016-02-17

Posts and messages on Facebook and WhatsApp caused violence.

- [Kerala MP faces abuse over Facebook post on JNU sedition case](#) 2016-02-17
- [Communal violence in Badaun after Whatsapp message](#) 2016-02-17
- [Facebook post triggers violence in West Bengal](#) 2016-03-03

DEFAMATION

Defamation cases against Media

Seven defamation notices were sent to the media in 2016, six from the Tamil Nadu government or its ministers and one from the Vidarbha Cricket Association.

- [Tamil Nadu govt files defamation cases against Tamil and English newspapers](#) 2016-01-04
- [Minister sues Tamil weekly](#) 2016-01-06
- [Govt. files 4 defamation cases against Tamil weekly](#) 2016-01-12
- [VCA sends legal notice of defamation to Times of India](#) 2016-01-13

- [Ministers move defamation cases against Tamil weekly 2016-01-19](#)
- [Ministers move defamation cases against Tamil weekly 2016-01-19](#)
- [TN Government Files Defamation Complaint Against English Daily 2016-02-13](#)

Defamation cases involving politicians

14 cases/suits filed, 6 legal notices sent.

- [DDCA files defamation cases against Delhi CM Arvind Kejriwal, seek Rs 2.5 crore 2016-01-10](#)
- [Arunachal CM Refutes NSCN-K Link, Files Defamation Suit 2016-01-11](#)
- [Majithia files defamation suit against AAP's Sanjay Singh for 'drug trader' remark 2016-01-13](#)
- [Defamation case against 2 AAP leaders 2016-01-30](#)
- [Defamation notice against Babu 2016-02-01](#)
- [GJM general secy files Rs 5 cr defamation case against Chhetri 2016-02-03](#)
- [Defamation case against Kejriwal, Kirti Azad 2016-02-05](#)
- [Paddy scam: Bhupesh defamation notice against Akbar 2016-02-09](#)
- [Himanta Biswa Sarma files 100 crores Defamation Against Gogoi says he is not leaving BJP 2016-02-19](#)
- [Defamation suit against AIUDF Barpeta MLA 2016-02-22](#)
- [CM files defamation suit against Vijayakant 2016-02-23](#)
- [Tit for tat: 'Traffic' Ramaswamy files defamation case against Jayalalithaa 2016-02-23](#)
- [Nepotism charge: Fadnavis sends defamation notice to Thakre 2016-02-26](#)
- [Defamation suit against Rahul in Kamrup \(M\) CJM court 2016-03-04](#)
- [Defamation cases against TNCC chief, MLA 2016-03-03](#)
- [RSS files defamation case against Rahul 2016-03-03](#)
- [CM Devendra Fadnavis sends defamation notice to Digvijaya Singh 2016-03-21](#)
- [Withdraw allegation, Karuna sends legal notice to Vaiko 2016-03-26](#)
- [DMK leader MK Stalin sends legal notice to Vaiko for defamation 2016-03-26](#)

OTHER SIGNIFICANT DEVELOPMENTS RELATED TO FREE SPEECH

The courts battled both for and against free speech in the first three months of this year. While the Supreme Court's staying of the UP assembly's proceedings in a privilege notice against two TV channels, their journalists and their management was a heartening development, the same court upheld the banning of mobile internet under the CrPC though the petitioners had argued that mobile internet was only government by a special law like the Telegraph Act.

- [Shyam Benegal to head panel to revamp Censor Board 2016-01-02](#)
- [Trailer no basis to stop film's release: Court 2016-02-18](#)
- [Govt. Plans Massive Surveillance of Media; All Negative News To Be Severely Monitored 2016-02-25](#)
- [Mobile Internet can be banned under S. 144 CrPC, says Supreme Court 2016-02-11](#)
- [SC stays UP Assembly proceedings against TV channel 2016-03-05](#)