

## INDIAN INSTANCES OF REGULATION OF FREE-SPEECH

2011

### 1. Political Cartoonist's website blocked, followed by his arrest nine months later.

Month: 27 December 2011  
Website: [www.cartoonsagainstcorruption.com](http://www.cartoonsagainstcorruption.com)  
Reason: Complaint by private entity – objectionable pictures and texts related to the flag and emblem of India.

The website at [www.cartoonsagainstcorruption.com](http://www.cartoonsagainstcorruption.com) was a cartoon based campaign started by a 25 year old political cartoonist, Aseem Trivedi, to support the nation-wide anti-corruption movement in India started by Anna Hazare in 2011<sup>1</sup>. Having published his cartoons in several newspapers, Trivedi, who hails from Kanpur, had launched the website in October 2011 to reach a wider audience.

In December 2011 Trivedi's banners had received a lot of media attention at the time of Anna Hazare's three-day fast at Mumbai. Consequently, on the second day of the campaign, Trivedi's website, which features anti-corruption cartoons, had become inaccessible and upon inquiry from the web-site's host (Big Rock) it was revealed to him that the portal had been suspended following a complaint from the Mumbai Police. The complaint that resulted in suspension of the website was made by a Mumbai-based lawyer, R.P. Pandey<sup>2</sup>, who alleged that several of the cartoons violated provisions of the Indian Penal Code, 1860 and the State Emblem of India (Prohibition of Improper Use) Act 2005.<sup>3</sup>

#### The Aftermath & 'Save Your Voice' Campaign<sup>4</sup>:

Following his web-site's ban, Trivedi initiated a [blog](#) on Blogger, a Google-based service, where he continued to voice his opinions<sup>5</sup>. Thereafter a movement against censorship in India called the 'Save Your Voice' campaign was initiated by Trivedi along with journalist Alok Dixit. The movement opposes the Information Technology Act 2000 and demands democratic rules for the governance of the Internet.

#### Aseem Trivedi's imprisonment:

Trivedi was arrested on 9th September 2012 and was sent to judicial custody till 24 September on charges of sedition. Thereafter, as a result of a public interest litigation, the Bombay High Court said that Trivedi could be released on bail if he paid Rs. 5000.

1 <http://www.openthemagazine.com/article/nation/the-world-wild-web>

2 <http://blogs.wsj.com/indiarealtime/2012/01/04/cartoonist-faces-ban-on-right-to-poke-fun/>

3 <http://www.iltb.net/2012/01/cartoons-against-corruption-how-the-law-aids-web-censorship/>

4 [http://en.wikipedia.org/wiki/Save\\_Your\\_Voice](http://en.wikipedia.org/wiki/Save_Your_Voice)

5 <http://art-leaks.org/2012/01/05/anti-corruption-cartoon-website-suspended-in-india/>

Trivedi had initially refused to pay bail amount until the charges of sedition were dropped, but later agreed to go ahead.<sup>6</sup>

## 2012

### 1. Army personnel asked to quit social networking websites

Month: 27 January 2012

Reason: To prevent information leakage

According to news reports, the Army was facing difficulties while monitoring whether any of its personnel were leaking out sensitive information through these social networking sites and so they banned all personnel from joining social networking sites like Facebook, Orkut etc.<sup>7</sup>

### 2. 104 websites blocked over copyright infringement

Month: 6 February 2012

Website: List available [here](#)

Reason: Copyright Infringement

In a petition filed by The Indian Music Industry, Phonographic Performance Ltd and Sagarika Music Pvt Ltd, the Calcutta High Court had passed an injunction order to all internet service providers to block 104 music websites.<sup>8 9</sup>

Consequent to the order Songs.pk, one of the websites that were blocked<sup>10</sup>, was back on the web with a different domain name.<sup>11</sup>

### 3. The Delhi High Court directs blogging website to remove existing defamatory material, as well as keep a check for any such content in the future.

Month: 30 March 2012

URL: Article(s) at Hubpages.com

Reasons: Defamatory content

Status: Inaccessible

In a suit filed before the Delhi High Court by a spiritual guru, Nirmaljit Singh Narula obtained interim orders<sup>12</sup> directing a US-based blogging platform [www.hubpages.com](http://www.hubpages.com)

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6 <http://www.bbc.com/news/world-asia-india-19566890>

7 <http://www.digit.in/internet/indian-army-personnel-asked-to-quit-social-networking-sites-8601.html>

8 [http://judis.nic.in/Kolkata/Judge\\_Result\\_Dispatch.asp](http://judis.nic.in/Kolkata/Judge_Result_Dispatch.asp)

9 [http://www.ipfc4msme.in/news.php?news\\_id=101](http://www.ipfc4msme.in/news.php?news_id=101)

10 <http://www.medianama.com/2012/02/223-songs-pk-banned/>

11 <http://www.medianama.com/2012/03/223-songs-pk-relaunched-as-songspk-pk-ad-networks/>

12 <http://indiankanoon.org/doc/187234253/>

from displaying any material on its website that was harmful to Narula's reputation.<sup>13</sup>

Aggrieved by the contents on one blog titled 'is nirmal baba a fraud', Narula approached the Delhi High Court praying for mandatory injunction while alleging that contents of the article were defamatory and harmful to his reputation and standing.

The Court, being of the opinion that the Plaintiff had made out a strong *prima facie* case, passed an ex-parte interim injunction against the Hubpages.com. While directing the website to take down any defamatory content within 36 hours, the court ruled that in case on non-compliance the website would be blocked for public access in India. Hubpages.com was also directed to disclose the identity of the blogger who had posted the article.<sup>14</sup>

4. Popular video sharing and torrent websites blocked by Indian ISPs under instructions from the government.

Month: 4 May 2012

Website: Vimeo, Pirate Bay, Dailymotion, Pastebin etc.

Reason: Unknown

According to reports, in the beginning of May, Indian ISP Reliance Communications blocked a number of websites including Vimeo, The Pirate Bay, Torrentz and other torrent sites, without any stated reasons or prior warning<sup>15</sup>. On visiting the websites a message stating that the website had been blocked pursuant to orders from the Department of Telecommunications.

Shortly thereafter while the ban was lifted from some of the websites, others remained blocked for over a month before the ban was finally lifted<sup>16</sup> and it was revealed that piracy and copyright infringement of two films were the cause of a week long ban of the websites in India. The makers of the films had obtained John Doe orders from the Madras High Court in March<sup>17</sup>, directing ISPs against allowing infringement of copyright.<sup>18</sup>

5. As of May 24, 2012 over 300 websites were said to have been blocked in India. List available [here](#).

6. Domain hosting websites banned without reason

Month: July

Website(s): <http://buydomains.com>; [www.kproxy.com](http://www.kproxy.com); [www.fabulous.com](http://www.fabulous.com);

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13 <http://ibnlive.in.com/news/hc-stops-us-portal-from-posting-content-against-nirmal-baba/245111-11.html>

14 <http://www.medianama.com/2012/04/223-concerns-on-the-%E2%80%9Cnirmal-baba%E2%80%9D-gag-order/>

15 <http://www.medianama.com/2012/05/223-reliance-communications-blocks-the-pirate-bay-vimeo/>

16 <http://www.techtree.com/content/news/1443/indian-isps-unblock-torrent-sites-after-madras-high-court-order.html>

17 <http://blogs.wsj.com/indiarealtime/2012/05/18/vimeo-ban-more-web-censorship/>

18 <http://sflc.in/vimeo-block-not-ordered-by-dot/>

<http://sedo.co.uk>

Websites were blocked by Airtel<sup>19</sup> and no specific information was provided behind the block. Upon visiting users could see the following message:

*“This website/URL has been blocked until further notice either pursuant to Court orders or on the Directions issued by the Department of Telecommunications”*

7. Department of Telecommunications orders blocking of over 245 web pages

Month: 18- 21 August 2012  
URLs: First list available [here](#)  
Reason: Inflammatory content spreading communal hatred

Between 18 and 21 August 2012 the Indian government ordered the blocking of over 245 web-pages, following the exodus of more than 30,000 Assamese workers from Bangalore, Chennai, Mumbai and Pune to their native state over what the police believed were doctored MMSes and SMSes<sup>20</sup> to threaten and promote hatred against people from Assam.<sup>21</sup>

The ban that was criticized as being an over-zealous level of censorship, resulted in the blocking of over 245 URLs<sup>22</sup> on websites of the [Telegraph](#), Times of India, Firstpost, Facebook, Youtube, Google, wordpress, Wikipedia.org, Blogspot.com & Blogspot.in.<sup>23</sup> The list also includes right-wing websites, several [twitter](#) accounts including of two journalists, Kanchan Gupta and Pravin Togadia.

As per [news reports](#) the then Home Minister Sushilkumar Shinde said that the government was taking strict action only for such content was causing damage or spreading false information and that there was no censorship at all.

8. Miracle-buster charged under Section 295A of the IPC

Sanal Edamuruku – a prominent member of India's small band of miracle-busters – was charged with blasphemy under Section 295A of the IPC after he exposed a steady drip of water from the toe of a statue of Christ to be merely a bad case of plumbing. Some Catholics said that he insulted the Catholic church, by alleging that the church manufactured the miracle to make money, by claiming the church was anti-science and even casting doubt over the miracle that ensured Mother Theresa's sainthood. Three police stations in Mumbai took up blasphemy cases filed against him by Catholic groups under the notorious Section 295A.

He applied for anticipatory bail, which would prevent police taking him into custody

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19 <http://www.medianama.com/2012/08/223-indiablocks-airtel-blocks-youtu-be-short-url-proxy-domain-marketplace-sites/>

20 [http://zeenews.india.com/news/nation/northeast-issue-exodus-subsides-in-bangalore-no-let-up-in-chennai-pune\\_794432.html](http://zeenews.india.com/news/nation/northeast-issue-exodus-subsides-in-bangalore-no-let-up-in-chennai-pune_794432.html)

21 <http://www.bbc.com/news/technology-19343887>

22 <http://www.pib.nic.in/newsite/erelease.aspx?relid=86355>

23 [http://articles.economicstimes.indiatimes.com/2012-08-24/news/33366769\\_1\\_twitter-accounts-twitter-block-websites](http://articles.economicstimes.indiatimes.com/2012-08-24/news/33366769_1_twitter-accounts-twitter-block-websites)

before any investigation - but this was rejected. At the same time, he says, he was getting threatening phone calls from policemen proclaiming their intention to arrest him and telling him that unless he apologized the complaint would never be withdrawn. According to [news reports](#), Edamaruku is currently stranded in Finland, fearing prosecution should he return to his homeland.

## 2013

### 1. Department of Telecommunications issues instructions for blocking 73 URLs pursuant to court orders.

Month: 15 February 2013  
URL: List available [here](#)  
Reason: Defamatory content  
Status: Accessible (UGC's URL still [inaccessible](#))

Pursuant to orders of a Gwalior district court, the government issued notice to ISPs to block more than 70 URLs that had material criticizing the related to the Indian Institute of Planning and Management, private business school<sup>24</sup>. The list included a news article from the University Grant Commission's website which carried a public notice titled 'Unrecognized status of IIPM'<sup>25</sup>. Other blocked URLs included those from The Indian Express, The Economic Times, Outlook Magazine, The Times of India, [FirstPost](#), The Caravan Magazine and The Wall Street Journal.

A month later it was reported that the Government would be appealing the order of the Court stating that the order was served on them without making the Department of Electronics and Information Technology party to the suit, or without any prior notice.<sup>26</sup> Thereafter the ban was lifted from the websites consequent to the Gwalior court's ruling.<sup>27</sup>

### 2. Indian Government blocks over 55 Facebook URLs

Month: 8 February 2013  
URL: Facebook pages (List available [here](#))  
Reason: Not provided

<sup>24</sup> <http://www.medianama.com/2013/02/223-dot-block-iipm/>

<sup>25</sup> <http://internetdemocracy.in/2013/02/dot-blocked-websites-analysis-and-history/>

<sup>26</sup> <http://timesofindia.indiatimes.com/india/Govt-to-appeal-against-Gwalior-court-order-blocking-sites-critical-of-IIPM/articleshow/18575871.cms>

<sup>27</sup> <http://timesofindia.indiatimes.com/india/Govt-to-appeal-against-Gwalior-court-order-blocking-sites-critical-of-IIPM/articleshow/18575871.cms>

While a strict curfew and Internet black out were imposed on Kashmiri citizens<sup>28</sup>, the Department of Telecommunications issued instructions to Facebook to block 55 URLs related to pro-independence leader Afzal Guru<sup>29 30</sup>.

3. As per news reports the Indian Government issued instructions for blocking of a total 164 in a span of two days. ([Source](#))
4. Two ISPs reported to having blocked an NGO's website  
Month: 9 April 2013  
Website: Care.org  
Reason: Unknown

Early April, Medianama [reported](#) that the website of care.org, an NGO fighting global poverty had been blocked by Vodafone India as well as Spectranet.

5. ISPs made to block 39 websites containing pornographic material  
Month: 13 June 2013  
Website: Unknown  
Reason: obscene content

As per news reports in an order dated June 13, the Department of Telecommunications directed Internet Service Providers to ban websites that allow users to share pornographic content. While the order did not specify any reasons, according to news reports, a senior DoT official said the department was just following the orders issued by cyber security coordination committee and could not talk about the specific reasons behind the block<sup>31</sup>.

6. Image hosting sites blocked by ISPs  
Month: 17 June 2013  
Website: Uploaded.net, Ul.to, Stoorage, Blog on Politics, imagebam.com, imgbox.com, lookingglass.blog.co.uk  
Reason: Unknown

Without stating reasons for the block, the Indian Government ordered the blocking of several image hosting websites, which was implemented by certain ISPs including BSNL, Reliance and Idea 3G.<sup>32</sup>

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28 [http://articles.economictimes.indiatimes.com/2013-02-11/news/37039355\\_1\\_media-gag-news-channels-cable-operators](http://articles.economictimes.indiatimes.com/2013-02-11/news/37039355_1_media-gag-news-channels-cable-operators)

29 <http://leaksource.info/2013/02/19/india-government-blocks-facebook-urls-relating-to-executed-kashmir-independence-leader-afzal-guru/>

30 <http://leaksource.info/2013/02/12/opkashmir-twitter-rages-against-curfew-suspension-of-internet-services/>

31 <http://timesofindia.indiatimes.com/tech/tech-news/Govt-goes-after-porn-makes-ISPs-ban-sites/articleshow/20769326.cms?>

32 <http://www.medianama.com/2013/06/223-filesharing-sites-uploaded-net-ul-to-stoorage-blog-on-politics-blocked-on-some-isps/>

7. Government accepts having issued over 1208 blocking orders to social networking websites

Month: 11 December 2013  
URLs: List available here<sup>33</sup>  
Reason: Court orders

In a written reply to the Lok Sabha, then Minister of Communication & IT informed that the Government had blocked a total of 1208 URLs in 2013 in order to comply with court orders. The Minister was quoted as saying “Social networking sites were requested to block 8, 21, 352 and 1208 URLs during 2010, 2011, 2012 and 2013, respectively to comply with court orders”<sup>34</sup>.

<b>2014</b>
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1. ISP publishes a list of websites that were blocked by it up to 2014

Month: 6 January 2015  
Website: List available [here](#)  
Reason: Regulatory guidelines and interim orders passed by High Courts

The 12-page list includes several music related sites, torrent sites, social networking sites as well online shopping websites.<sup>35</sup>

2. Mouthshut blocked in Bangalore and Hyderabad without reason

Month: 2 February 2014  
Website: [www.mouthshut.com](http://www.mouthshut.com)  
Reason: Unknown  
Status: Accessible

The review website was blocked by Bangalore-based ISP ACT Internet and its Bangalore subsidiary Beam Fibre. According to news reports the company contacted the ISP's nodal officer who confirmed that the website was blocked, but did not know why it was blocked or by whom. Thereafter Mouthshut escalated the issue to the Telecom Regulatory Authority of India and the Department of Telecommunications.

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33 <http://sflc.in/deity-provides-list-of-sites-blocked-in-2013-but-withholds-orders/>

34 [http://articles.economictimes.indiatimes.com/2013-12-11/news/45080562\\_1\\_social-networking-sites-urls-kapil-sibal](http://articles.economictimes.indiatimes.com/2013-12-11/news/45080562_1_social-networking-sites-urls-kapil-sibal)

35 <http://www.medianama.com/2015/01/223-you-broadband-has-published-a-list-of-sites-blocked/>



The website was made accessible a few days later.<sup>36</sup>

3. Whistle blower's website blocked pursuant to court orders

Month: 28 February 2014

Website: [www.savukku.net](http://www.savukku.net)

Reason: Defamatory content

Responding to a writ petition filed by a lawyer and a TV newsreader accusing the website at savukku.net of defamation, the Madras High court issued directions to Group Coordinator (Joint Secretary) Cyber Law Division to ban the website within ten days of the order.<sup>37</sup> The Court that gave the order ruled that the website damaged the reputation of not less than half a dozen judges, many advocates and IAS officers and that the content was demeaning. As per news reports savukku.net had released four audio tapes exposing conversations relating to the 2G scam<sup>38</sup>.

Thereafter in March the Madras High Court issued notice to the Union Department of Information Technology seeking to forbear officials from blocking the Tamil website, consequent to a petition filed by T N Gopalan, a senior journalist, who alleged that the previous order passed by the court suo moto exercising its inherent powers.<sup>39</sup>

4. The Jammu and Kashmir government shuts down internet for two days

In order to prevent Kashmiri leaders from addressing a United Nations Human Rights Council sideline event via video link in Geneva, the State government banned all access to the Internet in March.<sup>40</sup>

5. Over 200 websites blocked pursuant to court orders

Month: 1 July 2014

Website: Unknown

Reason: Copyright infringement

Based on a complaint filed by Multi Screen Media, a Sony owned media company that was broadcasting the FIFA world cup live, the Delhi High Court issued instructions for blocking of 472 websites by its order dated [23 June 2014](#). Said list consisted of several legit websites including Google Docs and Google's URL shortner. Thereafter vide the court's order dated [1st July 2014](#) the number was reduced to 219, however the list of these websites was not provided in the said order.<sup>41</sup> The complaint alleged that various websites were indulging in hosting, streaming, providing access to, etc. of infringing the exclusive rights and broadcast and re-production rights of the plaintiff.

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36 <http://www.medianama.com/2014/02/223-mouthshut-blocked-beam-trai-dot/>

37 <http://www.medianama.com/2014/03/223-savukku-banned/>

38 <http://indiatoday.intoday.in/story/madras-high-court-orders-to-shut-down-website-that-exposed-2g-tapes/1/346215.html>

39 <http://www.medianama.com/2014/03/223-savukku-pil/>

40 <http://www.kmsnews.org/news/2014/03/18/india-shuts-down-internet-to-prevent-mirwaizs-address.html>

41 List available [here](#)



As per news reports, websites like Luckysshare, Bitshare, freakshare and letitbit were reported to have been blocked by ISPs such as Airtel.<sup>42</sup>

6. Over 100 websites blocked pursuant to court orders

Month: 28 July 2014  
Website: 107 websites (List available [here](#))  
Reason: Copyright

The Delhi High court passed a John Doe [order](#) not only restraining 107 websites from broadcasting the India-England 2014 test series but also directing the Department of Telecommunications to block the websites altogether, pursuant to a complaint filed by Star India stating that websites are violating its rights to broadcast content from the India-England Series 2014. According to a [report](#) Star India contended that blocking individual URLs which contain infringing content will not suffice as the websites can always broadcast the infringing content under a different URL.

7. Gujarat shuts down Internet for three days

As a precautionary measure, the State government shutdown mobile internet, bulk SMS and MMS services<sup>43</sup> in Vadodara from September 27 to September 30 due to communal clashes between two communities, without any formal announcement by the city police or the internet service providers<sup>44</sup>.

8. Anti-terrorism squad requests blocking of 32 website claiming that these are being used for Jihadi Propaganda

Month: 15 November 2014  
Website: Vimeo, Dailymotion, GitHub, Pastebin etc.  
Reason: Jihadi Propaganda  
Status: All accessible

After a document containing blocking orders was leaked on 31 December, 2014<sup>45</sup>, the Ministry of Communications & Information Technology vide a public notice declared that the Anti-Terrorism Squad in Mumbai had requested the blocking of 32 websites which were being used for Jihadi propaganda on 15 November 2014. The notice stated that the ban from websites like weebly.com, vimeo.com, dailymotion.com and gist.github.com had been uplifted as the websites had undertaken not to allow pasting of such information and also to work with the Government to remove such

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42 [http://delhihighcourt.nic.in/dhcqrydisp\\_o.asp?pn=122739&yr=2014](http://delhihighcourt.nic.in/dhcqrydisp_o.asp?pn=122739&yr=2014)

43 <http://www.hindustantimes.com/india-news/communal-unrest-in-vadodara-internet-banned/article1-1269051.aspx>

44 <http://timesofindia.indiatimes.com/city/vadodara/Internet-services-blocked-in-Vadodara-after-riots/articleshow/43674499.cms>

45 [https://twitter.com/pranesh\\_prakash/status/550196008416600064](https://twitter.com/pranesh_prakash/status/550196008416600064)

material as per compliance with the laws of the land.<sup>46 47</sup>

9. File sharing website Imgur blocked by ISPs

Month: 27 December 2014

Website: [www.imgur.com](http://www.imgur.com)

Reason: Unknown

As per news reports the Indian government had ordered for the blocking of one URL on the image sharing website, however Vodafone, an ISP inadvertently blocked the entire domain. Even though this was shortly resolved, no reason or even the URL was identified by the government.<sup>48</sup>

<b>2015</b>
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1. Show organized by a comedy group pulled down

Month: February

URL: AIB's Knockout Roast on Youtube (Link available [here](#))

Reason: Abusive and offensive language

A comic [Roast](#) that was aired by [AIB](#), a comedy group, on Youtube in late January was taken down following a complaint lodged by Akhilesh Tiwari, president of Brahman Ekta Seva Sanstha in Mumbai. As per news reports the complaint alleged that the performers had passed abusive and offensive remarks against each other and at the audience present there.<sup>49</sup> The list of accused included members of the comedy group and film stars who had agreed to be part of the roast.

Following police probe into said complaint, the Maharashtra Culture Minister ordered a separate inquiry of the video while stating that if found vulgar, an action would be initiated.<sup>50</sup> Soon after another complaint was filed against fourteen persons, performers and audience, for allegedly using obscene language during the roast event held in Mumbai. An FIR under sections 292<sup>51</sup>, 294<sup>52</sup> of the Indian Penal Code(IPC) and

46 <http://pib.nic.in/newsite/mbErel.aspx?relid=114259>

47 Additional news report available at <http://indiatoday.intoday.in/technology/story/india-blocks-32-websites-including-vimeo-and-github/1/410735.html> , as well as, <http://qz.com/319866/a-threat-from-isis-prompts-india-to-block-github-and-a-handful-of-other-sites/>

48 <http://www.medianama.com/2014/12/223-india-blocks-imgur/>

49 [http://www.huffingtonpost.in/2015/02/02/all-india-bakchod-roast-c\\_n\\_6593760.html](http://www.huffingtonpost.in/2015/02/02/all-india-bakchod-roast-c_n_6593760.html)

50 <http://www.thehindu.com/news/cities/mumbai/aib-knockout-wont-allow-movie-releases-till-arjun-kapoor-ranveer-singh-apologise-says-mns/article6852398.ece>

51 Distributing obscene content or lascivious or appealing to prurient interest

52 Obscene Act in public place

section 67A<sup>53</sup> of the IT Act.

However trouble for the group did not end there and a [PIL](#) was also filed against them by Dr Sharmila Ghuge, a social activist and law college faculty member, who alleged that the show featured a galaxy of film stars and participants who used obscene words and shared indecent jokes, which was extremely offensive not only to the dignity of women but also to the basic values cherished in the country. She said that was viewed by more than ten million people after it was telecast on 28 January. The PIL claims violation of sections 292, 294 and 295-A of the IPC, section 23 of Indecent Representation of Women's Act, sections 66A and 79 of the IT Act as well as articles 21 and 51 A (e) of the constitution. Further it seeks immediate action against persons involved with the show, directly or indirectly and requests the court to direct Youtube to regularly monitor content in future.<sup>54</sup> Responding to this the Bombay High Court sought replies from the state government, Mumbai police and the Ministry of Information and Broadcasting. At the same time the court also allowed the AIB members to intervene in the petition.<sup>55</sup>

## 2. Documentary censored for being insulting to women

Month: March  
URL: Youtube (India's Daughter : Indian rapist BBC documentary Delhi Nirbhaya full HD)  
Reason: Content that appears to encourage and incite violence against women

A documentary made by BBC, which claimed to depict the aftermath of the horrific gang rape of a girl in New Delhi in 2012, was taken down from Youtube following a request from the Indian government.

It all started when a few Indian news channels decided to telecast the documentary, which resulted in outrage from several sections of the society. Thereafter an advisory<sup>56</sup> was issued by the Ministry of Information and Broadcasting directing all private channels to restrain from telecasting the documentary or any excerpts from therein. Even as the Indian government was pressing BBC for not showing the controversial documentary, they went ahead and aired it in the UK saying that the film had dealt with issue responsibly.<sup>57</sup>

Thereafter the Delhi police moved for a restraining order and a court in Delhi issued a stay banning broadcast in India of the film including a ban on websites from uploading

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53 Publishing or transmitting of material containing sexually explicit act, etc. in electronic form

54 [http://www.business-standard.com/article/current-affairs/hc-tells-govt-to-reply-to-pil-against-aib-comedy-show-115021001637\\_1.html](http://www.business-standard.com/article/current-affairs/hc-tells-govt-to-reply-to-pil-against-aib-comedy-show-115021001637_1.html)

55 <http://indianexpress.com/article/entertainment/entertainment-others/hc-tells-govt-to-reply-to-pil-against-aib-comedy-show/>

56 <http://mib.nic.in/ShowhomeDocs.aspx>

57 <http://www.firstpost.com/india/leslee-udwin-documentary-bbc-decides-to-prepones-telecast-says-issue-handled-responsibly-2136439.html>

or posting the film.<sup>58</sup> Consequently two petitions were filed before the Delhi High Court. The petitions which claimed the ban was in clear violation of fundamental rights under article 19 of the constitution sought uplifting of the same.<sup>59</sup> The court upon hearing the arguments declined to immediately remove the ban on the telecast of the documentary film saying let the case come before the roaster bench of the Delhi High Court chief justice. The court further said while there was no problem in airing the documentary but only once the Supreme Court has decided on the appeals of the convicts against death sentence is pending before it.<sup>60</sup>

### 3. A two-day Internet blackout imposed by the Nagaland government

A blackout was ordered by the state-government in early March to prevent circulation of videos related to the lynching of a rape accused in Dimapur. Reportedly the government also instructed mobile service providers to block SMS/ MMS services<sup>61</sup>.

### 4. Web-pages relating to Punjab and the Sikh Community blocked

Month: 06<sup>th</sup> June 2015  
Website: <https://www.facebook.com/Sikh24> , <https://www.sikh24.com/>,  
NeverForget84, Sikhs for Justice  
Reason : Unknown  
Status: While the website is accessible, the page on Facebook is not

The Facebook page of news website named Sikh24.com, popular in the Sikh diaspora, was blocked following a circular from the Department of Telecommunications. As per a report on Sikh24, while some Internet service providers are allowing access to the website, in states such as Punjab, Jammu and Kashmir the website has been blocked completely. Web-pages of another website, NeverForget84, were also allegedly blocked.<sup>62</sup> Facebook has been sued in California USA, by Sikh24.com for blocking their page in India.<sup>63</sup>

### 5. Supreme Court of India rules on free speech and expression w.r.t historical personalities<sup>64</sup>

Month: 14<sup>th</sup> May 2015  
Held<sup>65</sup>: Words used or spoken by a historically respected personality in a medium

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58 [http://www.nytimes.com/2015/03/05/world/asia/indian-court-bans-broadcast-of-documentary-on-delhi-gang-rape.html?\\_r=0](http://www.nytimes.com/2015/03/05/world/asia/indian-court-bans-broadcast-of-documentary-on-delhi-gang-rape.html?_r=0)

59 [http://www.daijiworld.com/news/news\\_disp.asp?n\\_id=303139](http://www.daijiworld.com/news/news_disp.asp?n_id=303139)

60 [http://zeenews.india.com/news/delhi/delhi-hc-refuses-to-lift-ban-on-telecast-of-nirbhaya-documentary\\_1560121.html](http://zeenews.india.com/news/delhi/delhi-hc-refuses-to-lift-ban-on-telecast-of-nirbhaya-documentary_1560121.html)

61 [http://www.business-standard.com/article/pti-stories/internet-sms-services-blocked-in-nagaland-115030800386\\_1.html](http://www.business-standard.com/article/pti-stories/internet-sms-services-blocked-in-nagaland-115030800386_1.html)

62 [https://www.sikh24.com/2015/06/06/saffron-censorship-sikh24-blocked-in-india-as-media-outage-continues/#.VYF\\_DWHhXfB](https://www.sikh24.com/2015/06/06/saffron-censorship-sikh24-blocked-in-india-as-media-outage-continues/#.VYF_DWHhXfB)

63 <http://www.computerworld.com.au/article/576538/facebook-sued-us-court-blocking-page-india/>

64 <http://www.hindustantimes.com/india-news/can-t-allow-use-of-indecent-language-for-mahatma-gandhi-freedom-of-speech-broad-canvas-but-with-limits-sc/article1-1347075.aspx>

65 Judgment available at [http://sci.nic.in/FileServer/2015-05-14\\_1431585081.pdf](http://sci.nic.in/FileServer/2015-05-14_1431585081.pdf). Last accessed on 18.06.2015

of communication through a poem or write-up or other form of artistic work gets signification. That makes the “community standards test” applicable in a greater degree.

The SC's judgment follows from a criminal complaint that was filed against the author, printer and publisher for publishing a vulgar, obscene material in magazine meant for private circulation among employees at a bank. The accused were charged with 'promoting enmity between groups on grounds of religion, race(S. 153-A IPC), making imputations prejudicial to national integration(S.153-B) and for distribution of obscene material (Section 292). While the Magistrate discharged the accused persons from offenses under Sections 153A and 153B, but declined to do so in respect of offense under S. 292. The accused filed a revision application before the High Court, which was dismissed. Thereafter an appeal was filed before the Supreme Court, who while deciding the question of obscenity when alluded to a historical personality held that “when the name of Mahatma Gandhi is used as a symbol, speaking or using obscene words, the concept of degree comes in. What can otherwise fall within the community standards test (the parameters of judging obscenity), might be not be so if the name of Mahatma Gandhi is used as a symbol or allusion or surrealistic voice to put words or to show him doing such acts which are obscene.

6. Student group at IIT Madras banned from hosting event<sup>66</sup>:

Month: 29<sup>th</sup> May 2015

Ambedkar Periyar Student Circle, a student group at IIT Madras that organizes debates and lectures was banned from using the institute's auditorium, e-mail and notice board to host a discussion forum. As per news reports this was a result of the letter received by K.Ramamurthy, Director at IIT Madras, from the Human Resource Development Ministry, which alleged that the Ambedkar Circle was creating hatred among students in the name of caste and was also trying to create hatred against the honorable prime minister and Hindus.<sup>67 68 69</sup> Consequently, the ban is said to have been lifted.

7. India named as one of the top countries in Facebook's Report on content blocking requests

Month: July to December 2014

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66 <http://www.ibnlive.com/news/politics/iit-madras-bans-a-students-group-for-allegedly-criticising-narendra-modi-998397/comments.html>

67 <http://www.ndtv.com/india-news/after-iit-madras-bans-student-group-protests-by-congress-youth-workers-in-delhi-766984>

68 <http://indianexpress.com/article/india/india-others/iit-madras-bans-a-students-body-that-criticised-narendra-modi-his-policies-and-saffronization/>

69 <http://www.hindustantimes.com/india-news/iit-madras-bans-students-group-on-complaint-of-criticising-modi-govt-spreading-hatred-against-hindus/article1-1352538.aspx>

As per Facebook's Global Government Requests Report, the social networking website said it has restricted 5,832 pieces of content, on requests from the Indian government. The report states "We restricted access in India to content reported primarily by law enforcement agencies and the India Computer Emergency Response Team within the Ministry of Communications and Information Technology."<sup>70</sup>

8. Over 4000 blocking orders issued by the government, as revealed by RTI application filed before the DEITY (Department of Electronics and Information Technology)<sup>71</sup>

SFLC.in requested the DEITY to provide information about blocking orders issued and based on requests from government departments, court orders, private individuals for the years 2012-2014. We had also asked for copies of the orders. Thereafter the DEITY in its reply dated March 23 2015 provided number of orders, however refrained from providing copies of orders issued. It must be noted that the SC in its recent judgment in Shreya Singhal v. Union of India while ruling it to be within constitutional limits, has interpreted the procedure for blocking under Section 69A and the rules thereunder as follows- "Reasons have to be recorded in writing in such blocking order so that they may be assailed in a writ petition under Article 226 of the Constitution." However, if the government agencies refuse to provide any information, it is unclear as to how an affected person may assail his right to petition the High Court as provided under Article 226.

9. RTI filed before BSNL reveals more disconcerting information<sup>72</sup>

An RTI similar to the one filed before DEITY, requesting internet blocking information, was filed before government telecommunication operator BSNL(Bharat Sanchar Nigam Limited), which was then transferred to the Broadband Network Circle. In a letter dated April 25, 2015 the BBNW Circle stated that 29 order were issued by the Department of Telecommunications in 2013 and one court order was received by them. The BBNW also stated in its reply that it has the capability to block whole websites only and not web-pages i.e. websites with extension. Therefore only entire websites could be blocked.

10. ISPs ordered by DoT to block 857 websites relating to pornographic material

A leaked [order](#) from the Department of Telecommunications revealed that Indian ISPs had been directed to block access to a list of 857 porn websites as they "relate to morality, decency as given in Article 19(2) of the Constitution of India" (sic). The order dated July 31, 2015 called for the blockage of these websites under Section [79\(3\)\(b\)](#) of the Information Technology Act, 2000 (IT Act), and contained the single largest list of pornographic URLs to ever have been blocked in India.

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70 [http://www.huffingtonpost.in/2015/03/16/block-in-india\\_n\\_6876648.html](http://www.huffingtonpost.in/2015/03/16/block-in-india_n_6876648.html)

71 <http://sflc.in/deity-says-2341-urls-were-blocked-in-2014-refuses-to-reveal-more/>

72 <http://sflc.in/bsnl-says-it-can-block-whole-websites-only-not-web-pages/>



The blockage of websites came as somewhat of a surprise, since a petition [*Kamlesh Vaswani v. Union of India; W.P.(Crl.) No. 177/2013*] seeking a nation-wide ban on Internet porn had been pending before the Supreme Court of India since 2013 (details available [here](#)). Over the course of the proceedings, the Government had [stated](#) that mass blockage of porn websites would be highly impractical and tantamount to violation of the Constitutional rights to free speech and privacy [Articles 19(1)(a) and 21 of the Constitution]. The matter had subsequently been [referred](#) to the Cyber Regulations Advisory Committee, which in turn had commissioned the Internet and Mobile Association of India to prepare a list of websites to be blocked. At the petition's hearing on July 8, 2015 however, the Supreme Court itself had [refused](#) to issue an interim blocking order, maintaining that the Court could not dictate what citizens may or may not watch within the four walls of their rooms. Such an order, it was said, would violate Article 21 of the Constitution.

11. Gujarat government asks ISPs to block mobile Internet in the State, foreboding public disorder from a political group's rally seeking recognition of 'Patels' as OBCs.

In the midst of violence over the demand for caste-based quotas in Gujarat, the government blocked mobile Internet access for over five days. The ban was said to have largely affected businesses and public sector services in the state.<sup>73</sup>

12. Manipur shuts down Internet for a week over apprehension of communal violence in the State.

As per reports the Manipur government passed orders to shut down mobile Internet and SMS services, except government service provider BSNL, for one week. This was done to prevent spreading of rumors regarding the impasse in the state through social media websites.<sup>74 75</sup>

13. On eve of the Eid Festival, the J&K government banned internet services throughout the State to prevent anti-social elements from posting provocative content.

In what was reported as the longest ever Internet ban, the government of Jammu and Kashmir ordered a complete Internet shut-down as the security agencies apprehended misuse of the Internet by anti-social elements in wake of the controversy sparked by court directives asking police to strictly enforce the 1932 law banning bovine slaughter and the sale of beef.<sup>7677</sup>

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73 <http://indianexpress.com/article/cities/ahmedabad/mobile-internet-ban-business-takes-a-hit-2/>

74 <http://www.imphaltimes.com/news/item/3573-govt-shuts-down-internet-sms-services>

75 <http://scroll.in/article/753108/why-a-blanket-ban-on-internet-in-manipur-is-not-a-good-idea>

76 <http://www.thehindu.com/news/national/internet-ban-on-eid-fuels-anger-in-kashmir/article7699176.ece>

77 <http://www.dnaindia.com/india/report-internet-banned-in-jammu-kashmir-for-2-days-to-avoid-any-communal-tension-during-eid-2128405>



