

WEDNESDAY
25 MARCH
2015

Pages 16 | Rs 5.00 | LC

KOLKATA | NEW DELHI | SILIGURI | BHUBANESWAR

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OUTDOORS

Forecast: Morning mist.
Rainfall Nil

TEMPERATURE
Max: 35.4 (0); Min: 25.7 (+3)

HUMIDITY
Max: 87% | Min: 35%

SUNRISE | **SUNSET**
05:33 hrs | 17:46 hrs

THUMBNAILED



Delhi Pradesh Yuva Congress activists protest against delay of payment of pensions for needy persons. At the Civic Centre in Delhi on Tuesday. —sns

Church attack: The Navi Mumbai police has arrested four people for attacking the St George Catholic Church in Panvel during the wee hours of Saturday, but ruled out any religious motive behind the attack. **P3**

Film awards: Chaitanya Tamhane's *Court* was named best feature film. Bengali filmmaker Srijit Mukherji best director for *Chotushkon*. Kangana Ranaut best actress for *Queen* in the 62nd National Film Awards. **P2**

Coal mines: The government has allotted 38 mines to central and state public sector units including power major NTPC, DVC and steel giant SAIL on the heels of the auction of 33 coal blocks to private companies. **P5**

Gangrape comments: The SC has issued notices to two defence lawyers in the 16 December 2012 gangrape case, seeking an explanation for allegedly making derogatory remarks against women in a BBC documentary. **P2**

St Stephen's ban: St Stephen's College has banned a student-run website for not seeking clearance on the content before publishing and has appointed a disciplinary committee to look into the matter. **P3**

JU case: Three days after a first year student of Jadavpur University complained of molestation on campus, the university authorities have decided to constitute an Internal Complaint Committee to probe the incident. **P13**

Man Booker prize: City-born Amitav Ghosh on Tuesday emerged as the only Indian author among 10 finalists for this year's Man Booker International Prize for his contribution to English language writing.

INDICATOR

Sensex	28,161	-30
Nifty	8,542	-07
Gold	25,230	+105
Silver	37,900	+500

The Statesman

PEOPLE'S PARLIAMENT, ALWAYS IN SESSION



POLITICS
AND THE
BUDGET

P7



AN AMAZING ASCENT
NEW ZEALAND IN WORLD CUP'S SUMMIT
SHOWDOWN AFTER GRANT ELLIOTT'S
LAST-OVER HEROICS

P12

TAX
TROUBLE



P7

FREE SPEECH GETS SC BOOST

SUPREME COURT DECLARES SECTION 66A OF INFORMATION TECHNOLOGY ACT UNCONSTITUTIONAL

OUR LEGAL CORRESPONDENT
New Delhi, 24 March

In a far-reaching judgment upholding freedom of expression, the Supreme Court today struck down Section 66A of the Information Technology Act, which gives police powers to arrest people for posting "offensive content" on the Internet.

Calling it unconstitutional, a bench of Justices J Chelameswar and R F Nariman said the public's right to know is directly affected by Section 66A and it clearly affects the right to freedom of speech and expression enshrined under the Indian Constitution. Justice Nariman pronounced the verdict in a packed court room.

The court said Section 66A was unconstitutional because it failed two major tests — the clear and present danger test and the tendency to create public disorder test. The court also found the language used in the Section vague and nebulous, saying it doesn't properly define words like "offensive" or even "persistent".

Elaborating on the grounds for holding the provision as "unconstitutional", it said terms like "annoying", "inconvenient" and "grossly offensive", used in the provision are vague as it is difficult for the law enforcement agency and the offender to know the ingredients of the offence. "When judicially trained minds can reach different conclusions" while going through the same content, then how is it possible for law enforcement agency and others to decide

OFFENSIVE PROVISION

March 2015: A Class XI student was arrested in Rampur in Uttar Pradesh for offensive remarks against minister Azam Khan of Samajwadi Party on Facebook.

October 2014: A student was arrested by Andhra Pradesh CID for posting a message on social media that Cyclone Hudhud was nature's way of punishing those who did not vote for YSR Congress.

August 2014: A student was arrested in Kerala for sedition after he allegedly tampered with words of a patriotic song with offensive words in a Facebook post.

May 2014: An FIR was filed against a Goa shipping professional, Devu Chodankar, for remarks against Prime Minister Narendra Modi.

August 2014: CPM worker Rajeesh Kumar was arrested for abusing Narendra Modi on Facebook.

August 2013: A poet, Kanwal Bharti, was sent to jail for criticizing the Akhilesh Yadav government in UP for suspending a bureaucrat.

November 2012: Two girls, Shaheen Dhada and Rinu Srinivasan, were arrested when the former expressed resentment over the shutting down of Mumbai city for Shiv Sena chief Bal Thackeray's funeral. The latter liked the post.

October 2012: Puducherry businessman Ravi Srinivasan was arrested for adverse comments on twitter about Kirti Chidambaram, son of Congress leader and Union finance minister P. Chidambaram.

October 2012: The Omar Abdullah-led Jammu and Kashmir government arrested three youths for posting a "blasphemous" video clip.

September 2012: Free speech campaigner Aseem Trivedi was arrested by Mumbai police for posting cartoons distorting the national emblem.

September 2012: Chandigarh Traffic Police arrested Heena Bakshi and Kamalpreet Singh for posting comments on the Facebook page of the traffic police.

May 2012: Air India workers Mayank Mohan Sharma and K V J Rao were arrested by Mumbai police for allegedly posting jokes about then Gujarat chief minister Narendra Modi.

April 2012: Jadavpur University professors Ambikesh Mahapatra and Subrata Sengupta were arrested for lampooning West Bengal chief minister Mamata Banerjee.

Credit goes to Shreya Singhal for filing a petition in the court seeking amendment to Section 66A of the IT Act.



as to what is offensive and what is grossly offensive," the bench asked, adding, "What may be offensive to a person may not be offensive to the other". The court said there is a difference between discussion, advocacy and incitement. Discussion and advocacy, no matter that it is annoying

to some people, has to be allowed, it said.

The court found no basis for arguments put forth by the government, in favour of 66A, that there was no check and balance in the internet world, unlike the "institutional framework like pre-censorship that exists in print media, television and

films". It, however, allowed the government to block websites if their content had the potential to create communal disturbance, social disorder or affect India's relationship with other countries.

The apex court also read down, or found meaningless, Section 79(3)(b) of

the act, which seeks to assign liabilities on "intermediaries" like Twitter and Facebook, for failing to remove expeditiously, while preserving the evidence of, what is considered objectionable material by the government and its agencies.

After the verdict, the NDA government, which

had defended the constitutional validity of Section 66A, said there can be no parallel between its stand and that of the previous UPA regime which tried to make it "an instrument to curb dissent, satire and anything else which did not suit it".

Communications and IT Minister Ravi Shankar Prasad said if the security establishment feels there is need to consider certain aspects in the light of the order, these shall be considered in a proper structured way with due safeguards so that the constitutional rights are not frustrated. "We welcome the decision. The government is committed to free speech. India is a democratic country. Free flow of ideas should be respected. We don't seek to curtail any right," he said.

In Kolkata, Jadavpur University professor Ambikesh Mahapatra, who had been arrested in 2012 for posting on the internet a doctored collage of a sequence of a Satyajit Ray film lampooning chief minister Mamata Banerjee and railway minister Mukul Roy, welcomed the Supreme Court verdict. "The verdict would protect the common man's right to freedom of expression. The state government should drop the case filed against me in the light of today's judgement and also the one against Mr Shiladitya Chowdhury, an innocent farmer, who was branded as a Maoist and put behind the bars for criticising Miss Banerjee for rise in fertiliser prices."

French President Francois Hollande said the plane crashed in an area very difficult to access and rescuers would not be able to reach the site for several hours.

PLANE WITH 150 ABOARD CRASHES IN FRENCH ALPS

Paris, 24 March: A German airliner crashed near a ski resort in the French Alps today, killing all 150 people on board, in the worst plane disaster in mainland France in four decades.

France's junior transport minister said there were "no survivors" from the crash of the Germanwings Airbus A320, a low-cost subsidiary of Lufthansa, in a remote part of the Alps that is extremely difficult to access.

Civil aviation authorities said they lost contact with the plane, which was carrying 144 passengers and six crew, and declared it was in distress at 10:30 am (1500 IST).

"The distress signal showed the plane was at 5,000 feet in an abnormal situation," said Alain Vidalies, minister of state for transport.

Spanish King Felipe VI cut short his state visit to France on news of the tragedy, with a number of Spanish nationals believed to be among the dead along with Germans and possibly Turks.

French President Francois Hollande said the plane crashed in an area very difficult to access and rescuers would not be able to reach the site for several hours.

The plane was travelling from the Spanish coastal city of Barcelona to the German city of Dusseldorf when it went down in the ski resort area of Barcelonnette.

PM TO ATTEND LEE FUNERAL

STATESMAN NEWS SERVICE
Kolkata, 24 March

New Delhi, 24 March: Prime Minister Narendra Modi will attend the funeral of Singapore's first Prime Minister Lee Kuan Yew on March 29.

Lee, 91, died of severe pneumonia yesterday. The Prime Minister will be attending the funeral of Lee on March 29, the Spokesperson in the External Affairs Ministry said.

Lee is regarded as the founder of present day Singapore, which he transformed from a third world nation to a first world state by enforcing his policies with an iron hand. **SNS**

Hundreds of BJP supporters today demonstrated at the state party office on Muralidhar Sen Lane alleging that the leadership had taken money to distribute tickets to candidates contesting in the civic polls. The protesters demanded the removal of state party president Rahul Sinha.

Mr Sinha said he would resign if evidence was furnished to prove that any state BJP leader had taken money to allot tickets. The demonstrators tore the party flag and burnt it. They shouted slogans against Mr Sinha.

Speaking to newsmen

Mr Sinha alleged that CPI-M and Trinamul Congress activists were fomenting trouble for the BJP. He said rebels had been demonstrating against the party in Siliguri, Kharagpur and Dum Dum and the party would not spare any errand leader or activist.

Mr Sinha said the party would expel the leaders who had heckled Mrs Mala Bhattacharya, president of the Murshidabad BJP unit, yesterday. "We have definite information that some CPI-M and Trinamul activists have been instigating the demonstrations and attempts are on to identify them," he said. Mr Dudkumar Mondol has been removed as the president of Birb-

hum district unit and Mr Arjun Saha, has been asked to look after party affairs in the district. "We did not stop party workers from expressing their views freely. But it has gone beyond proportion and the party will take stringent action to bring discipline," Mr Sinha said.

Rebels in the state BJP alleged the party had nominated Mr Vishal Jaiswal in ward 28, but Mr Madan Lal Gupta's name was announced last night. In wards 3 and 5 in south Dum Dum municipality, candidates had been changed without assigning any reason. The BJP tonight suspended Mr Jaiswal and two others for attacking party leaders.



BJP activists scuffle at the state party office in Kolkata on Tuesday. —sns

MINISTER CLARIFIES ON TWEETS OUTBURST

Not quitting, says VK Singh

STATESMAN NEWS SERVICE
New Delhi, 24 March

The controversy surrounding the intriguing tweets of Minister of State for External Affairs Gen (Retd) VK Singh after attending the Pakistan National Day reception here last night, continued today.

While many claimed that Gen Singh had offered to resign after the Opposition questioned his tweets, the matter was given some clarity when Gen Singh addressed a late evening press conference



ence where he categorically stated that he was not resigning. The former Army Chief sought to clarify his tweets and said they have been "misinterpreted". He said he has not offered to resign and neither has he been asked to resign. He tried to justify

his attendance at the Pakistan High Commission reception last night saying it was a protocol that he had followed. "Nobody from the party or government has sought an explanation from me," he added.

His tweets on duty had nothing to do with politics, Gen Singh clarified, and he also said his tweet on disgust was aimed at a section of the media that questioned the government stance.

The government has been caught on the

wrong foot when Gen Singh was sent to the reception as many have pointed out that sending a former Army Chief to a Pakistan reception where Hurriyat leaders were present was actually sending wrong signals to Islamabad. The government's Pakistan policy has been a blow hot, blow cold one till now and this recent controversy makes the Modi government look even worse.

Sources within the government said Gen Singh was not keen to

attend the reception in the first place itself. However, he later went and stayed there for about ten minutes. After leaving the reception, Gen. Singh tweeted on duty and disgust, which many felt were a critique of the government by its own minister.

Describing Gen Singh's "tweets outburst" as "unfortunate and ridiculous", the Opposition Congress demanded that he should be sacked from the Narendra Modi ministry or he should himself quit.

Referring to the episode unfolding since yesterday — centred round Gen Singh's visit to the Pakistan High Commission here to attend that country's National Day reception function last evening — Congress spokesman Abhishek Singhvi said, "Both Gen Singh and the Modi government have clearly expressed their non-confidence in each other. Now, either the government should sack him, or Gen Singh should act in accordance with his conscience".

SEC chief seeks Governor's intervention on forces

STATESMAN NEWS SERVICE
Kolkata, 24 March

The West Bengal State Election Commission (SEC) has sought Governor KN Tripathi's intervention for deployment of Central forces during the coming civic polls.

According to Raj Bhavan sources, state election commissioner Sushanta Ranjan Upadhyaya met the Governor on 21 March after the state government's cold response to the SEC's recommendation sent on 12 March for deployment of 50 companies of Central forces for the elections to Kolkata Municipal Corporation (KMC) on 18 April and 91 civic bodies on 25 April.

Mr Upadhyaya said during the day he had apprised the Governor of the need for Central forces and the communications between

the SEC and the state government in this regard.

The state poll panel may move Calcutta High Court, if the state doesn't accept its recommendation.

In 2013, the previous election commissioner, Mira Pande, had moved the High Court and then the Supreme Court on the same issue after having briefed the then Governor M K Narayanan. The Supreme Court had directed the deployment of Central troops during the panchayat polls in the state.

There are 4,704 booths in 1,516 polling stations in the KMC and 8,756 booths in 3,951 polling stations in the 91 civic bodies. The poll panel is worried that with the emergence of the BJP in Bengal as a strong political contender there are chances of a face off with the ruling party during the polls.