



RESOLUTION ON INDIA

The state of freedom of expression in India continues to deteriorate. Writers who voice dissenting viewpoints continue to be at risk for harassment and murder, and India's defamation laws continue to be exploited by self-interested parties to prevent the publication of material that may well be in the public interest. A culture of intolerance linked to an emerging nationalist discourse and a rise in vigilantism - which PEN International identified in its 2015 and 2016 reports on freedom of expression in the country, and reiterated in its submission to the 27th session of the Working Group of the Universal Periodic Review – continues to grow. The low-cost of initiating defamation proceedings in the courts, combined with an expectation of impunity for attacks carried out against writers, intimidate critical voices into silence and result in a chill on freedom of expression.

In the past six weeks alone, three incidents have demonstrated the dire state of freedom of expression in the country:

- **MURDER:** On 5 September 2017, Gauri Lankesh, a senior journalist and editor of the weekly Kannada-language tabloid *Gauri Lankesh Patrike*, was shot dead in front of her home in Bengaluru, Karnataka state. Lankesh, aged 55, was an outspoken critic of communalism and caste-based discrimination in her writing, and a champion of progressive causes, such as supporting student movements. To date there have been no arrests in the case, and the murderers remain at large. At least 16 writers or print journalists have been killed in India since 2013. Lankesh's murder follows three similar recent murders – of scholar M M Kalburgi, rationalist Narendra Dabholkar, and activist Govind Pansare – which have remained unsolved, and which led to 39 Indian writers and artists returning awards from India's Sahitya Akademi (Literature Academy) in protest against the Academy's silence and governmental inaction, and more than 130 writers, artists and filmmakers returning other accolades.
- **CENSORSHIP:** On 4 August 2017, the Karkardooma District Court in Delhi approved an order prohibiting the publication and sale of *Godman to Tycoon: The Untold Story of Baba Ramdev*, without hearing the defence of either the book's publisher or author. The subject of the book, *Ramdev*, is a religious leader and yoga practitioner with a vast business empire. Investigative journalist Priyanka Pathak had conducted rigorous research including over 50 interviews, and traced his trajectory from being a yoga proponent to a successful businessman. In May 2016, the Supreme Court had upheld the constitutionality of India's criminal defamation legislation, arguing that a person's right to freedom of speech must be balanced with the other's right to reputation. *Ramdev* was able to use this legislation to prevent the publication of the book.
- **HARASSMENT:** Also on 4 August, some aggrieved readers of the Santhal community burned an effigy of novelist Hansda Sowvendra Shekhar, and copies of his two books in Pakur, Jharkhand, where he works as a government physician. Shekhar's critically acclaimed work focuses on the Santhal community, which lives primarily in eastern

India and parts of Bangladesh. The 4 August incident was the latest in a campaign of harassment being led against Shekhar stemming back to 2015. Though local police have offered him protection, Shekhar's freedom of expression continues to be under threat from multiple sources. On 12 August, the state government banned a collection of his short stories on the grounds that it portrayed Santhal women in a bad light and could provoke a backlash.

The Assembly of Delegates of PEN International calls on the Indian central and state authorities to:

- Investigate the murder of Gauri Lankesh and earlier murders of Kalburgi, Dabholkar, and Pansare, and attacks, harassment, and threats against writers and journalists, and bring the perpetrators to justice;
- Act to stop threats to Hansda Sowvendra Shekhar, and lift the ban on his book in Jharkhand state;
- Train more police to recognise and investigate attacks and abuse, including online threats, against writers and journalists;
- Repeal criminal defamation laws and other legislation used to restrict legitimate expression;
- Cease to employ pre-publication censorship by the courts; and,
- Protect the rights of those who express their views peacefully, instead of acceding to demands of those who claim offence, seek bans and threaten violence.