

Help us retrieve AIB's deleted photo of PM Modi, cyber police tell Twitter

DEFAMATION CASE While screenshots will suffice initially, a court of law will require site to verify photo, say cyber experts

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MUMBAI: Cyber police investigating the defamation and obscenity case against All India Bakchod (AIB) said they are seeking Twitter's help to retrieve the group's now-deleted photo of Prime Minister Narendra Modi.

"After receiving a complaint on our Twitter handle, we took swift action and registered an FIR. However, investigations revealed that the group had deleted the photo in question. We need Twitter to verify if such a post was actually uploaded or not," said a senior officer, who did not wish to be identified.

On Thursday, AIB tweeted a picture of Modi's doppelganger peering into his mobile phone at a railway station. They also uploaded a picture of Modi himself, onto which a dog's nose, ears and tongue were superimposed using a Snapchat filter. This was accompanied by the hashtag #Wanderlust, meant to allegedly mock Modi's frequent foreign trips.

After receiving a barrage of insults and hate messages from trolls, the group deleted its post.

However, a Twitter user demanded that the Mumbai police take action. Following this, an FIR was registered against the group under section 500 (punishment for defamation) of the Indian Penal Code and 67 (publishing or transmitting obscene material in electronic form) of the IT Act.

Deleting a post from social media does not mean you have gotten away with a crime, said cyber experts.

"Even if you delete a post, that does not mean it has disappeared

NO STRANGER TO CONTROVERSY

FEBRUARY 2015

The four-member group was booked on obscenity charges over its roast show, All India Bakchod Knockout Championship

The event was held at the National Sports Club of India (NSCI) in Worli in January. It was uploaded on YouTube a month later

Social activist Santosh Daundkar approached a city court, calling the content "vulgar"

Following this, the Mumbai police registered an FIR at the Tardeo police station against 14 people, including AIB members Rohan Joshi, Tanmay Bhat, Gursimran Khamba, Ashish Shakya, NSCI president Jayantil Shah, NSCI general secretary Ravinder Aggarwal, the event's organisers, host Karan Johar, actors Arjun Kapoor, Ranveer Singh, Alia Bhatt and Deepika Padukone, comedian Aditi Mittal and

film critic Rajeev Masand

The court ordered the police to register an FIR and submit an investigation report

MAY 26, 2016

Mumbai police commissioner Datta Padsalgikar ordered an inquiry against AIB member Tanmay Bhat after Bharatiya Janata Party (BJP) leader Ashish Shelar accused him of mocking and insulting cricketer Sachin Tendulkar and singer Lata Mangeshkar in a Facebook video called 'Sachin v/s Lata Civil War'

Bhat had transposed his face onto those of the two figures and enacted a fictional conversation between them

Imitating Mangeshkar, he said cricketer Virat Kohli was better than Sachin Tendulkar

Imitating Tendulkar, he retorted, "You are 5,000 years old..."

WHY IS THE GROUP IN TROUBLE NOW?

On July 14, the Mumbai police filed a FIR against AIB co-founder Tanmay Bhat for allegedly "insulting" the prime minister through a tweet

The **Bandra-Kurla Complex** police registered a case under section 500 (defamation) of the Indian Penal Code and 67 (punishment for publishing or transmitting obscene material in electronic form) of the IT Act



On Thursday, AIB tweeted a picture of Modi's doppelganger peering into his mobile phone at a railway station. HT FILE

from the internet. Twitter will still have a copy, which it can retrieve. A screenshot of the post will suffice initially, but a court of law will need Twitter officials to verify the photograph as the accused had used their platform," said cyber expert Vijay Mukhi.

Some experts alleged selective action.

"I agree with the FIR, but why are the police only targeting AIB? Why have they not acted against other instances of harassment and abuse on Twitter? There is so much trolling on that site. Everyone should be treated equally under the law," said cyber expert Ritesh Bhatia.

'Cops should have sought PM's consent'

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MUMBAI: Legal experts have criticised the Mumbai police for registering a case of defamation and obscenity against All India Bakchod (AIB) following the group's Twitter post about Prime Minister Narendra Modi.

Senior lawyer and activist Abha Singh, through whom an FIR was registered against AIB for the group's 2015 roast show, told HT that she "completely disagreed" with the police's move.

"The IT Act has not been violated as far as obscenity is concerned. PM Narendra Modi or his relatives should have filed a case of defamation. No third party can register such a case. That is why no FIR was registered when similar complaints were made after AIB co-founder Tanmay Bhat was accused of insulting Lata Mangeshkar and Sachin Tendulkar," she said.

However, she said the group's humour was not in good taste.

"Comparing our Prime Minister to a dog amounts to defama-

POLICE SAID THEY FILED THE FIR ONLY AFTER ASKING THEIR LEGAL EXPERTS FOR ADVICE

tion. But, in this case, Modi can ask the police to file an FIR or they can register a case on his behalf, but only if he consents. If the cops did not seek Modi's consent beforehand, then they are misusing the law to intimidate people and curtail freedom of speech. The post was definitely not

obscene," said Dr Olav Albuquerque, a lawyer.

Well-known criminal lawyer Majeed Memon also said that only an aggrieved person could ask the police to file a defamation case," he said. He added that AIB can approach the high court if they want to quash the FIR.

Cyber law advocate Vicky Shah disagreed. "Police were right to register a FIR. The court will decide the quantum of punishment based on the findings. Responsible citizens should not commit such offences," he said.