Ban on Free Expression – The Implications

What in news?

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Supreme Court recently upheld the ban on “Basava Vachana Deepthi”.

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How did the issue evolve?

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- Maate Mahadevi’s book “Basava Vachana Deepthi”, was banned by the Karnataka government in 1998 as the contents were thought to hurt religious sentiments of ‘Veera Shaivas’.
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- The government had then invoked Section 95 of CrPC – that allows for the suspension of publications on certain grounds.
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- The book had allegedly changed the original words in Lord Basaveshwara’s “Vachanas” to suit the author’s world view.
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What are its Implications?

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- The current verdict is a victory for intolerant attitudes.
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- This also implies that expressions deserve protection only when it raises no opposition.
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- Religious passion has effectively been exempted from the regular mandates of democracy.
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- It also highlights the fact that governments in India can ban books with ease as once Section 95 is invoked - the onus is on the author to disprove it in courts.

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What is needed?

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- For a book to be banned, it should be established beyond doubt that – “book attempts to insult religious beliefs with definitive hateful intentions”.
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- In a just & tolerant society, the courts are expected to take the narrowest possible reading into laws seeking an outright ban.
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- The preservation of individual autonomy is an essential requirement of a legitimate government.
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- The court must therefore recognise that the right to freedom of speech is a liberty central to achieving an equal society.
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Source: The Hindu

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