



SC throws out plea to ban Malayalam novel Meesha

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Highlights

- The Supreme Court on Wednesday threw out a petition seeking a ban on the Malayalam novel Meesha (Moustache), written by S. Hareesh, as it was perceived to be 'derogatory' to temple-going Hindu women.
- The court, in a 30-page judgment, said the creativity and imagination of an author cannot be held hostage to the vagaries of subjective perceptions, whims or fancies of individuals.

'Committed to liberty'

- The court assured that it would safeguard the free flow of ideas in a democracy .
- The court said the judiciary should remain committed to keeping the flag of democratic values and ideals of freedom and liberty flying high.
- "We live not in a totalitarian regime but in a democratic nation, which permits free exchange of ideas and liberty," Chief Justice of India Dipak Misra, who authored the judgment, observed.
- The judgment said, "A writer should have free play with words, like a painter has it with colours. The passion of imagination cannot be directed."
- It is for the reader to read a creative work with a mature spirit, catholicity of approach, objective tolerance and a sense of acceptability founded on reality, it said.

'Intellectual cowardice'

- The Chief Justice, along with Justices A.M. Khanwilkar and D.Y. Chandrachud, wrote that creative voices cannot be allowed to slip into a mode of "intellectual cowardice."
- The petitioner, N. Radhakrishnan, calling himself a "proud Hindu", alleged that the book contained "offending parts", which insult Brahmin priests and amounts to a "casteist/racist slur."
- The court held that the language used in the dialogue cannot remotely be thought of as obscene.
- The concept of defamation does not arise.
- Nurturing the idea that it is derogatory and hurtful to the temple-going is baseless.

Conclusive Remarks

"It's a landmark verdict that upholds creative freedom and one that has changed my notion about courts of law. I used to believe that they considered cases mechanically. But the

judgment, punctuated as it is with quotes and observations on creative expression reflective of a deep understanding of the essence of art and literature changed that. It was written by aesthetes,” said Mr. Hareesh, his voice brimming with happiness and excitement.

“There’s another dimension to the judgment. Writers have of late been subconsciously censoring own works, the dangers of which were recently pointed out by writer N.S. Madhavan. The judgment makes it clear that this is needless, that a mob cannot and should not waylay creative expression. This is going to be a morale booster for several writers like me,” he said.

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