

## CURB ON ARTISTIC FREEDOM

Noted actor, Amol Palekar has moved Bombay High Court challenging the validity of S.33 (1) (wa) of Bombay Police Act which empowers the Police to control and regulate stage performances, including the plays in the interest of 'public order, decency and morality'. This Section also requires prior scrutiny and pre-censorship of the scripts by an Advisory Committee appointed by the Commissioner of Police.

The Petition of Amol Palekar has been supported by other theatre stalwarts like Girish Karnad and Alyque Padamsee.

At a time, when even film censorship is being questioned, it would be an archaic practice to authorize pre-censorship of the plays/scripts from the Police Department who may certify it from *their* vision of decency and public morality. The said provision of law itself belongs to an era of undue restrictions on literary freedom. It has been routinely misused in the past when many celebrated plays had been denied the performance on the stage (Sakharam Binder, Gidhade & even Ghashiram Kotwal).

The Supreme Court has observed in various cases\* that law and morality are totally different and need not be on the same page. The morality and obscenity are also vague and relative terms, varying from person to person and community to community. No cut-and-dried formula can be devised to judge it. Ironically, the Advisory Committee appointed by the Police Commissioner to scrutinize the play scripts routinely mistakes the 'deviation' from morality as violation of law and public order. Since the Police Department is still not an independent body, it is always prone to be manipulated by politicians and influential groups. The vague argument of public order and morality is always

\*(2014) 4 SCC 257 - Aweek Sarkar Vs State of W.B.

a debatable and amorphous issue. We should realise that curbs on freedom of speech only harms the society. The First Amendment in the US Constitution (circa 1791) guaranteeing absolute freedom of speech and expression has not only enriched the American society but also strengthened the democracy.

In recent years, moral policing by vigilante groups and even the wings of the State has become the rule of the day. Recently, the Chief of Censor Board (Pehlaj Nihalani) had to face lots of flak and ridicule from the film fraternity for his 'sanskari' ideas. Of course, he was a political appointee who was promoting certain agenda.

Unfortunately, the idea of freedom of expression has always been a soft target and is readily compromised to assuage the 'hurt feelings' of some hypersensitive & vociferous section of the Society! As a result, artistic expressions are often muzzled.

Let us hope the High Court upholds the plea of Amol Palekar in true spirit of Article 19 of the Constitution. Because literary work and artistic expression cannot be left to be judged by the Police.

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