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Is it Illegal to Read 'The Satanic Verses?'



Pal Pillai/Agence France-Presse/Getty Images

Muslim activists protested against Salman Rushdie's scheduled visit to India, outside the Mumbai International Airport, Jan. 24, 2008.

After Salman Rushdie announced he would not, after all, be coming to the [Jaipur Literature Festival](#) it was difficult to attend a session without his name coming up. Many lamented the absence of the author, who canceled his trip over alleged security threats, as well as the implications this has for cultural freedom in India.

Some, like literary critic and writer Nilanjana Roy, have called on the Indian government to review its almost [quarter-century ban](#) on Mr. Rushdie's "The Satanic Verses." Four speakers – authors Hari Kunzru, Amitava Kumar, Jeet Thayil and Ruchir Joshi – took it a step further: They read out passages from Mr. Rushdie's "The Satanic Verses," which Muslims consider blasphemous and is banned in India. Their bold decision became the talk of the festival, with organizers worrying about its legal consequences.

The authors were asked to sign a statement saying it was an impromptu decision, lifting organizers of all responsibility. Two of them – Mr. Kunzru and Mr. Kumar, who were visiting from overseas – left the country the next day. The other two left Jaipur on Sunday. The worry was that if they lingered too long they were more likely to risk arrest.

What remains unclear is whether what they did – reading passages from a banned book – breaks the law or not.

"I knew it was naughty," Mr. Thayil, one of the speakers who read out a passage from "The Satanic Verses," told India Real Time. "I'm still not sure if it is a criminal offence."

While most assume it is, the law is fuzzy on this. Law enforcement authorities are themselves a little confused.

"I don't know the exact clauses stated in the law, but I'm sure [that] if the sale of the book has been banned,

reading it in public is also not welcomed," Karan Sharma of Jaipur Police told India Real Time. But there is a big difference between being unwelcome and illegal.

It's helpful to go back to October 1988, when the Indian government banned "The Satanic Verses," parts of which are a fictionalized account of a prophet loosely inspired by Mohammad. The book was banned under the Indian Customs Act. Bizarrely, it was officially a decision of the finance ministry, as noted by Mr. Rushdie in an open letter [published in the New York Times](#) he wrote to then Prime Minister Rajiv Gandhi: "Many people around the world will find it strange that it is the finance ministry that gets to decide what Indian readers may or may not read." (Mr. Rushdie went on to say that the government had "much to be ashamed about.")

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The relevant clause of the customs act – Section 11 – [says](#) the government may prohibit "the import of export of goods of any specified description" over concerns ranging from the maintenance of security and public order in India to pretty much anything else. There is no mention of whether this applies to public readings. (Any other conditions would have been spelled out in the notification from the Ministry of Finance published in the official Gazette of India at the time. But this is not readily available online.) The central

government can only ban a book by prohibiting its import – as has been the case for "The Satanic Verses," lawyers say. More commonly, books are banned at the state level, and this type of ban mainly applies to its sale and distribution.

There is no explicit mention of whether it applies to readings of banned publications, lawyers say. "I doubt it extends to that," says Apar Gupta, a Delhi-based advocate who has experience in this field. He says applying the provision to readings would be "stretching" the interpretation of the law.

"Reading out the book does not violate the ban as such," says Mr. Gupta.

The reading may still break the law if it is found to offend community sentiments for example – as may be the case for "The Satanic Verses." Police said they looked into the impromptu readings of the book at Jaipur after they received a formal complaint from a local resident.

Ketan Gupta, a lawyer who specializes in media law, said that the laws "are silent" on whether the ban would apply to public readings as well. He mentioned a separate provision in the Indian penal code which prohibits the "public exhibit" of books deemed "obscene." This could be interpreted to apply to the reading of banned books as well, he said.

It's unclear whether any of this actually applies to the recent reading of "The Satanic Verses" in Jaipur for another reason. In the almost 25 years since the book was banned from importation, the publishing market has changed drastically: It's now possible to read excerpts of the book online, and it's unclear whether this is prohibited. Media lawyers say there has not been a test case that speaks to this so far. The four authors at Jaipur read out passages from Internet print-outs, not from actual copies of the novel.

"There is no picture of us reading from the book," says Mr. Thayil.

William Dalrymple, co-director of the Jaipur Literature Festival, told Indian media that an 1867 act passed during British rule stipulates that reading from a banned book is not allowed.

A quick look at the 1867 act online found it allows for imprisonment for up to six months for printing or publishing of books not in conformity with the law but did not mention punishments for reading from such

material.

- *Tripti Lahiri and Preetika Rana contributed to this post.*

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