

TODAY'S PAPER

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Only import of book prohibited, say legal experts

- [Priscilla Jebaraj](#)

Legal experts and government officials have told *The Hindu* that there is no ban on reading, possessing or downloading copies of eminent author Salman Rushdie's controversial book, *The Satanic Verses*.

The book, sources at the Ministry of Home Affairs and Finance said, was only barred from being imported to India under Section 11 the Customs Act of 1962, which among other things allows the government to prohibit imports to protect "the maintenance of the security of India" and "the maintenance of public order."

Prime Minister Rajiv Gandhi's government used its powers under the Customs Act to prohibit imports nine days after the book was published in September, 1988, in the United Kingdom.

"The book has been banned under the Customs Act and only under the Customs Act," confirmed senior Supreme Court lawyer Rajeev Dhavan, who has followed the case for decades. "That means that only its entry into India was banned. The copies of the book that are already here can certainly be read."

Four authors who read passages from *The Satanic Verses* at the Jaipur Literary Festival on Friday have been threatened with prosecution, and several complaints seeking police action against them have been filed across Rajasthan.

In fact, if it was illegal to read such a copy, Mr. Dhavan himself would be a law-breaker. "On January 1, 1989, a group of us – including Dileep Padgaonkar, Alok Rai and others – met at Mandi House in Delhi and read from *The Satanic Verses*," he says.

"In India, for a book itself to be banned, it has to be done by a State government and go through a judicial process," he explained.

The State government could prosecute the authors under Section 153B of the Indian Penal Code, which bans hate-speech. It would have to prove, however, that the passages read out might inflame communal passions.

Section 95 of the Code of Criminal Procedure allows for State governments to demand that copies of books which violate Section 153B of the IPC be forfeited.

Rajasthan government officials confirmed that they have not initiated these legal measures.

Supreme Court lawyer and cyber-law expert Pavan Duggal also said downloading the book is not a crime. "When you download content off the internet, you come under the Information Technology Act," he said, "which overrides any other law in this regard."

Despite the lack of any evidence that the authors broke any law, Supreme Court lawyer Akhil Sibal – who also happens to be the son of IT Minister Kapil Sibal – advised the festival's organisers that there were "certain legal questions" regarding the actions of the authors.

Asked under which law an offence may have been committed, he said: "There is a ban on import of the book. But if a book is banned, and someone reads from it, it gives rise to certain legal questions whether an offence has been committed or not."

"It is for the authorities who are seized of the issue to decide if there is a violation of any kind," he said.

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