

Ouch, The Cartoon Bit Me!

■ Dr. M.N. Buch

The Maharashtra Police has arrested a cartoonist, Aseem Trivedi. In looks he represents the so-called jhola brigade of activist volunteers who are to be found in every anti establishment movement in India. He has a beard and long hair, both unkempt and sports the kind of loose *kurta* and *pyjama* which activists seem to favour. He looks wild eyed in the television snapshots shown as he was being taken to court. His offence is that he produced a cartoon in which on what is ostensible the Sarnath Column of Ashok the three lions are replaced by three wolves and the legend of “*Satyameva Jayate*” has been replaced by “*Brashtameva Jayate*”. He has been charged with sedition under section 124 (A) IPC for attempting to bring into hatred and contempt the Government of India, by law established, by alleging that it is corrupt. He has also been charged with insult of a national symbol.

First and foremost an insult of the national symbol would be some form of disfigurement of that symbol. Aseem Trivedi has not disfigured the symbol but has created a new symbol which we need not assume is the Coat of Arms of the Indian Union. It is just a cartoon, a lampoon. Considering the fact that the courts have held that the government has been charged with corruption in many cases and the Comptroller and Auditor General has on more than one occasion indicted government on taking decisions which are not only financially wrong but are evidence of corruption, how is a cartoonist guilty of sedition for depicting this perception of government in a cartoon? Prima facie there is no charge for the cartoonist to answer and in any case in a country in which the freedom of speech and expression is enshrined in the Fundamental Rights, the freedom to criticise through caricature cannot be denied to any individual. In my view it is seditious to suggest that what Aseem Trivedi has done is seditious.

Trivedi has never denied that he made the cartoon in question. Not being satisfied with picking up this man from Kanpur the Police has had the temerity to approach the court of a Metropolitan Magistrate in Bandra and demanded seven days of custody for the purpose of interrogation and investigation. The learned Magistrate, in what we can only euphemistically call an injudicious decision, has granted the Police seven days custody of Aseem Trivedi. Once Trivedi accepts that he made the cartoon where is the question of investigation and interrogation? Obviously the Police, in its effort to please its political masters, wants to use this occasion to harass and terrorise Trivedi so that he would never have the courage to create another anti establishment cartoon. This, mind you, in a country which gives the fundamental right to free speech and express both in the Preamble to the Constitution and in Article 19. Fortunately the Police has now seen sense and has succeeded in getting judicial custody to substitute for a police remand.

Maharashtra is the State in which the Shiv Sena under the leadership of Bal Thackeray and its recent offshoot, the Maharashtra Navnirman Samini (MNS) led by Raj Thackeray has been leading a campaign of hate against South Indians, especially of Karnataka origin, North Indians, especially people from Eastern Uttar Pradesh and Bihar, for a short while even the Gujaratis, the objective of which is to force these people to leave the city of Mumbai/Bombay and the State of Maharashtra. In fact the hate campaign does not end with these people and extends to the city itself. The word Mumbai is itself artificial and superimposed on an area

which had no population till the British created their own trading settlement along the Bom Bahia or Beautiful Bay which Charles II of the United Kingdom received as a dowry when he married the Portuguese Princess, Catharine of Braganza. The first European settlement by the Portuguese in this region was at Vasai, or Bassein as the Portuguese called it. Therefore, the city which is capital of Maharashtra should be either called Bombay or Vasai if one wants to revert to one's roots. That is not what the Shiv Sena and MNS want, their objective in changing the name to Mumbai was not to revert to roots but to show their hatred for Bombay by changing its name. All their utterances have created a feeling of insecurity in the city because the lumpen who form the active brigade of Shiv Sena and MNS are extremely violence prone and citizens live in terror of them. It is the job of government and the Police to maintain public order, but the people who are most given to disturbing the public peace are the ones whom they refuse to touch. By arresting this scribe whilst leaving Bal Thackeray, Udhav Thackeray and Raj Thackeray free to terrorise law abiding citizens, Prithviraj Chauhan, the Chief Minister and his Police have behaved like a person who is bullied in the streets and then goes home to beat up his timid and long suffering wife . It is about time that the Chief Minister of Maharashtra and the Maharashtra Police started behaving like the head of government and the security arm of government and stopped persecuting cartoonists however misguided whilst living goondas in charge of the city.

In the same strain was Ambika Soni's angry reaction to an article in the 'Washington Post' which was critical of the Prime Minister. She threatened to take action. How? By banning 'Washington Post'? The Prime Minister is too big a person to bother about such trivialities as cartoons and newspaper articles. In fact he should echo the words of Voltaire who said, "I do not agree with what you say, but I will defend to the death your right to say it". Dissent is a necessary ingredient of democracy and the rule of law. We live in a country which is very different from China. In China thirty lakh people could be displaced by government in order to build the Three Gorges Dam. In India about one hundred and fifty people are protesting at Omkareshwar through *jal satyagraha*, in which they have immersed themselves for the last sixteen days in the rising waters of the Narmada on the grounds that till they are compensated fully and rehabilitated they will not move. Our free society not only gives them the right to do so but it has also forced the Government of Madhya Pradesh to depute two ministers to negotiate with the agitators, reassure them on issues of rehabilitation and request them to end their agitation. It would not be difficult to physically remove them, but that is not how a democracy such as India functions. It is that democracy whose very roots have been attacked by the arrest of Aseem Trivedi. Cartoons, articles, even seemingly strident criticism of government in what can only be described as bad tastes can all be taken in our stride. However, what we cannot live with is the label of being bigoted or intolerant, which we are awarding ourselves by the stupid incarceration of a cartoonist. Cartoons are good fun – they cannot bite and their bark can only give rise to laughter. Unless, of course, one is the Government of India or of Maharashtra!!
