

# STRUGGLE TOWARDS FREEDOM OF THOUGHTS AND EXPRESSION: AN ATTEMPT TO TAKE INDIA AHEAD

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## Abstract

*Freedom of thoughts and expression is not merely for us an airy doctrine or a pious wish, but something which we consider essential for the orderly development and progress of a nation. It is the civilized approach to a problem about which people differ in their opinions for the way of dealing with it. To crush a contrary opinion forcibly and allow it no expression, because we dislike it, is essentially of the same genus as cracking the skull of an opponent because we disapprove of him. The man with the cracked skull might collapse and die, but the suppressed opinion or idea does not resort to a sudden end and it survives and prospers the more it is sought to be crushed with force. History is full of such examples but still we have not learnt anything from it. Writers began returning their Sahitya Akademi Awards from the month of September 2015 after the cold blooded execution of M M Kalburgi, Sahitya Akademi Award winner Kannad writer, scholar, rationalist of seventy seven years old and then of Govind Pansare in the month of February 2015 and also of Narendra Dabhakar in August 2013. All these are victims of religious chauvinism and of scientific and literary intolerance. People started voicing their opinions throughout the country and raised their voice that they are not safe in the country and cannot enjoy the freedom of speech and expression. This paper highlights the emergence of new political hypocrisy and its effects. Nayantara Sahgal and Ashok Vajpeyi said, "India's culture of diversity and the right to dissent was under vicious assault." The aim of this paper is to look into how Indian politics take step ahead to preserve the democratic rights of expression. The present paper also focuses on two categories of people protesting against this issue.*

**Keywords:** Freedom, Expression, Religious Chauvinism, Literary Intolerance

## Introduction

The founding members of the constitutional assembly, with a great foresight, have laid tremendous emphasis on the freedom of thought and expression. The 'preamble' of the Constitution of India sets out the guiding purpose and principles of the constitution. It indicates that the source, from which our constitution derives its

authority, are the people of India. The hopes and aspiration of the people are defined in the preamble in very clear words. It is therefore considered as the soul and preface which highlights the essence of the entire Constitution. It resolves to secure to all its citizens liberty of thought, expression, belief and faith. Thus, it is established that there shall be no unreasonable restrictions on Indian citizens in term of how they think and express their ideas and beliefs. This is a prime instrument in ensuring a democratic template. All the citizens are secured with liberty of thought, expression, belief, faith through the Fundamental Rights envisaged in our constitution. Though it is unlawful to create any unreasonable restriction on freedom of expression but often the powerful and the greedy, the corrupt and the criminal, and the insensitive intolerant often resort to all overt and covert means to silence the freedom of speech and expression, to safeguard their own unlawful vested interests. In olden times freedom of speech was curbed resorting to very harsh and cruel means. The suppression and oppression continues even in the most modern societies today, only the means and manners have got modified. Suppression is now imposed by hidden elements through indirect means under the garb of imposing discipline to promote individual agenda or due to personal vendetta. Freedom is curtailed now by unreasonable censorship authorities, organised propaganda by vested interest groups, telephonic threats to life and liberty and calling names and even character assassination through social media. Criminals do it secretly to escape the law and the anti-social hide behind the veil of religion or caste etc. The Immoral would hide under the shield of so called modernity and unreasonable would justify it with the huge support of masses behind them. Thus, the struggle continues unabated even today in the most modern world and society. A recently famous case on the international arena which came to light is that of Julian Assange, who let out some dreaded secrets of the US government through WikiLeaks. It brought much factual information in the public domains regarding various state policies which caused embracement to the state authority, resulting in him being severely harassed by slapping of cases against him for trial on various fabricated counts. This all happened in a nation that boasts of being a most developed nation with ultra- modern society and the site of the famous Statue of Liberty.

Contents on social media platforms like Twitter and Facebook are also facing increasingly huge requests from government authorities to delete certain contents from their circulations. As recently reported, out of twenty thousand requests to Facebook for deletion, seventy five percent were from Indian authorities alone.

The cinema too is not untouched, a recently released film PK was banned by the UP government under pressure from some social groups and only allowed after clearance from the high court. In worse case even after all legal clearances, cinema theatres are targeted and properties damaged and hardly anyone gets penalised for these acts of vandalism against free expression. Even print media is not safe altogether; at times press houses have been attacked.

Publishers will face increasing difficulties to uphold high standards of free expression due to highly elastic legal limits on free speech, which encourage radical groups to mobilise for the suppression of ideas averse to

their taste.

Many authors are hounded out of India – or need to remain underground – by affronted religious conservatives emboldened by British Colonial Era laws that vaguely define laws capable of being exploited against freedom of expression.

Although India's constitution guarantees free expression, liberal academics and writers feel that authorities often respond to attacks on creative works by pandering to the ranks of the offended rather than lawfully defending of the principle of free speech.

Meanwhile, Indian courts' complex rulings in free speech cases have not been able to safeguard the rights of writers and publishers– not even protection of their physical security – when confronted with individuals or groups displeased with their work.

Intellectuals, especially writers have registered their strongest protest in non-violent way against subservience of right to expression by returning their awards in Karnataka Maharashtra, Jammu & Kashmir, Punjab, West Bengal, Kerala, Goa and Gujarat. Silence on the part of intellectuals will be a sort of abetment and moot acceptance of violence due to fascism. Debates and discussions can be encouraged to spread awareness but intolerance and violence can be opposed and resisted in the loudest voices.

### **Objective of the Study**

The study is an attempt to understand and analyze whether personal views, ideas and experience shared by different intellectuals and general public are beneficial to establish and convert some theoretical aspects or not about the freedom of thought and expression. This research paper endeavours to seek the following objectives:

- To assess the reason behind such a severe and silent revolt by the writers and film-makers for the struggle towards freedom of thought and expression
- To examine and understand how this is useful to make balance between theoretical and practical aspects
- To look into the affirmative and negative impact of struggle in the form of silent revolt and raise voice against important issues and policies of Government
- To understand and evaluate the scope of change and amendments that are required or demanded as the result of struggle

### **Research Methodology**

The thoughts and ideas shared by educationists, professionals, social activists, lawyers, parents, students and many more will be studied critically for the proposed research paper. The basic aspects of these types of struggles shall also be explored, and analyzed from both theoretical and practical perspective and its effect on

society as well as on our country and world.

### **Review of Literature**

World of Literature has at least a century old democratic history carrying a critical analysis of the acts, policies and character of ruling powers. Right from the repressive colonial rule to the declaration of Emergency, from massacre of innocent Sikhs to demolition of Babri Masjid, from terrorism in Punjab to violence in Nandigram, from problematic Naxalites to turbulence in tribal lands and Gujarat Riots etc. have all been thoroughly explored, analysed, criticized, peacefully opposed, protested and condemned by literary world and artistic fraternity very loudly and emphatically. This opposition is most often aimed at protecting the very spirit of our age old beautiful Indian culture which promotes inter-social networking while maintaining distinct social characters of the individual groups, having communal harmony while having numerous communities, unison in society despite of different caste and creed leading to creativity in all spheres of life. The contemporary writers and artists are following their tradition and listening to inner conscience to keep intact freedom of expression and thought, which is a constitutional guarantee, a human right, a core value for liberation of masses and evolution of human race. It is their social duty and moral obligation to raise just and central concerns of the mankind. They owe to themselves a bigger obligation in Indian scenario where a large proportion of the population is illiterate, down trodden, powerless and poor as opposed to developed countries. It is simply adherence to “Satya Mev Jayate” depicted on our national emblem similar to “Sat Shri Akal” meaning 'the truth is immortal', which charges resolute souls to speak nothing but the truth, even in face of all adversities.

To enlist a few incidents of curbing freedom of expression we have cases of noted artist M. F. Husain who was forced to spend the last few years of his life in exile as Hindutva groups strongly opposed his depiction of Hindu Gods. 'The Last Temptation of Christ', a play was banned in Kerala in 1986 following protests from the Church, triggering debates on the freedom of expression.

The hounding of Bangladeshi writer Taslima Nasreen over her 1993 book *Lajja* shows persecution of a Hindu family. Muslim fundamentalists have not shied away from issuing fatwas. Kamal Hasan starrer Vishwaroopam was banned in Tamil Nadu after several Muslim organizations raised protest saying that it stereotyped them in the war against terror. The challenge is to strive for a balance where individual freedoms are protected, but in the process, no offence is caused to collective sensibilities.

### **Discussion and Findings**

It is worrisome that there is an exceedingly growing intolerance towards dissenting views, be it religious, political or social and it becomes worrisome when this intolerance leads to physical means of oppression and

it is alarming when it leads to extermination of eminent citizens of the stature of National Award winners and well known writers and it becomes almost an emergency when the perpetrators of violence are untraceable or go unpunished due to insensitivity of the law enforcement authorities and it is extremely embarrassing and shameful situation when the rulers are moot spectators to such unlawful happening in the biggest democracy and oldest civilization in the world.

Unrestrained political commentators are adding salt to the wounds by giving political colour to a pure social cause and just difficulties of peace loving citizens, for either suppressing it denying it out-rightly. This denial mode is the most dangerous similar to letting a cancerous wound grow unabated without having concern to its perilous long term impacts because unless there is acknowledgement of the problem ,it can never be dealt correctly and resolved timely.

The intolerance is not only rising vertically against free expression but also spreading horizontally to all other aspects of daily life. All domains are affected adversely, be it social, religious, cultural, caste based, or pertaining to privacy. Liberal values and democratic rights for peaceful protest are being mocked at by some groups and dealt with an iron hand by the law enforcement authorities on selective basis suiting their comfort zones. In fact such people are making a mockery of the great Indian culture having values of unity in diversity and power brandishing authorities unfortunately tending to forget that democracy is nothing but “of the people for the people, by the people”. Even our constitution preamble clearly says that WE THE PEOPLE give to ourselves this constitution, thus the citizens fundamental rights to freedom of expression cannot be overemphasised and are the very basis of democracy and liberal society.

A new found political class of hypocrites has appeared suddenly: claiming absolute right to make all the constitutionally correct statements on all national issues but be silent or remain aloof and remain inactive against those who unashamedly violate both the spirit of the constitution and the rule of law.

All this is being done in the name of safeguarding Indian culture and tradition and this is the biggest insult and greatest destruction of the Indian tradition. It has uniqueness of diversity of languages, religions, customs, food-habits, dresses, traditions etc. Nothing is permanent but change is exemplified in the ever-evolving Indian culture since ages like numerous Gods and deities, varying languages and dialects, system of philosophy and reflection, faith or worship, belief and value and so on. But there are some disgruntled elements who always like to force others to their way of thinking and to arrive at some kind of uniformity more to their liking and appeasement of their masters. Our great old tradition has not only been one of multiplicity but also of dialogue and dissent, interrogation and evolvement, of public debate, innovation and adaptability. The 'shastraarth', a unique mode of unrestricted testing of ideas and insights used to take place in public on contesting views and theories. The Indians values have never been averse to or intolerant of dissent or debate.

The protests by intellectuals have by and large been held in peaceful, non-violent and democratic manner.

They decided to return the Sahitya Akademi in protesting against the increasing occurrences of the public assaults on our freedom and right to expression. The most unfortunate and visible attacks in very recent past are: Dr. Narendra Dabholkar; an Indian rationalist and author from Maharashtra, was killed in August 2013 and neither any suspect nor culprit traced as yet, Govind Pansare; left-wing Indian politician of the Communist Party of India, was attacked in Feb 2015 and died and yet again no one is found guilty M Kalburgi; Indian scholar of Vachana sahitya and academic, was killed in August 2015, Mohammad Akhlaq was lynched over beef rumours.

Citizens have been murdered for expressing their thoughts and beliefs but sadly there has been not been any worthwhile authentic denunciation of these deeds and doer groups by the ruling Governments and the silence and inaction is highly questionable.

Ten filmmakers, including Dibakar Banerjee, returned their National Awards as a protest against government's keeping mum towards the FTII issue and the killing of Govind Pansare and Dr. Dabholkar.

A Muslim was killed in Uttar Pradesh on rumours of having stored beef in his house, and some truck drivers in Jammu and Kashmiri were attacked on vague doubt that a cow had been slaughtered. This is totally unbecoming of the citizens of a country aspiring to be called 'Jagat Guru'. All such deplorable incidents have had a cascading effect on the psyche of the nation in general and intellectuals in particulars resulting in joining of more and more authors every day and coming out openly and loudly against the oppressive assaults and ensuing silence of the governments and especially the academy itself. Subsequently to writers and artists, filmmakers also started returning their awards in protest against what they prefer to name growing intolerance. The ball is now in the court of the governments as to how and when - if at all they do react, to resolve the situation to distress the worried minds and threatened citizens. The situation seems grave when we review the sequential happenings each ensuing one dangerous than the previous. Firstly the efforts to muzzle voice of some rationalist authors, then resorting getting them exterminated, then little or trivial action by the law enforcement authorities in bringing the criminals behind the bars, then silence by the Sahitya Academy and the governments and last but not the least the strong dismissal of the protesting voices of writers, artist and filmmakers with suspicion, strong criticism and mocking jokes and counter attacking them by naming it as intellectual intolerance.

Perhaps never before in the history of independent India when award winning authors and artists have been so harshly disapproved for their peaceful demonstration.

This is nothing but shooting the messenger; as intellectuals are but messengers of the contemporary society. The problem arises from the thought of some pseudo-Hindus who think that only their version of Hindutva and nationalism is correct and should be uniformly accepted without any questioning whatsoever.

The criticism of the actions or lack of action from the governments or the executive is his or her fundamental right to express opposition to the government or a part of it. Disagreement is well-regarded and vital for healthy checks and balances in any democratic setup. It is indispensable in a democratic welfare State. Hindering free speech amounts to clogging dissent and yields an extremely frightening influence on the fundamental right of free expression.

Although enforcing law of the land is at times a necessity but draconian laws and partisan policing is often counterproductive. The long lasting harmony is achieved only through widespread engagement at social levels by narrowing the gaps by increased interaction. What is offensive to one may not be so to other since it is a matter of subjective feelings, and thus should not be allowed to stand for obstructing an individual's freedom of expression, which must be absolute. But if restrictions are placed on slightest pretexts then the foundations of tolerant democracy will be shaken. There cannot be a true democracy without the free flow of dissenting viewpoints of the citizens.

The more fundamental issue at stake is the terms of engagement between various cultures in a multicultural society. In France, cartoonists are free to promote French culture wherein individual liberty is absolute and collective sensibilities ignored. But the recent happenings in India seems to be a part of an ongoing strategic mission to eliminate plural voices for the sake of a grand cultural picture, a forced communal hurt shutting out an individual.

There is desirability of an assimilative approach to diverse cultures; but literary suppressions represents the dangers that are loitering around now a days, attempting to sideline India's multicultural existence. What is happening now is perhaps one extreme when even stray mentions enquiring beliefs and faiths are reprimanded, academic interpretation of religions and social groups are barred, even as vested interest groups and politicians exploit fears, alienation and differences between communities for political mileage. Whereas actual lawbreakers who peddle hatred through speeches and create social disharmony get elected to legislative bodies and get protective administrative umbrella usually, while rationalists are quietened by death or out-casting, as happened in recent case of an anti-superstition campaigner Narendra Dabholkar who was brutally killed in Pune in 2013 by people offended by his ideas.

Laws are necessary but not solely enough for the nourishment of a multicultural society says Anand Patwardhan, film-maker. "I do not think the law in India on the subject of freedom of expression needs substantial revision, but it still needs wisdom to apply it without prejudice. I am reluctant to call for greater

control mechanisms than those that already exist. Outright racist, malicious and bigoted content apart, all expression must be legally permissible. But outside the legal frame, a lot more work needs to be done culturally to embrace our pluralist society with all its angularities and difference.”. Though laws are an important part of maintaining communal harmony and restricting hate, more engagement at the social level play bigger role in bridging gaps. The first step in building trust between communities is to stop branding, which defines religious identities and leads to increasing alienation and leaving groups vulnerable to communal enlistment. The State and the political parties can enforce laws, but as importantly, an open-harmonious dialogue between communities is more rewarding in the long run. The challenge is in the form of various political forces trying to refute diversity by homogenizing projects, pursuing to shut out alternative voices.

### **Conclusion**

Citizens, religious groups, social groups, television and print media, Government and NGOs all need to work together in unison to achieve better , quicker and long lasting results in having a society providing full freedom of thought and expression , a just and fair environment for all its citizens irrespective of color, caste, creed, religion, thought or belief so that together we can progress. United we stand, divided we fall, such an environment will help to produce responsible and sensitive citizens fit to integrate into a multi-cultural, diversified society. Sensitize law enforcement authorities to take firm and quick action against reported case of violence due to intolerance to prevent spread of such incidents. Let us all pledge today to adopt the spirit of “Khud jiyo auro ko bhi jine do, yahe too hai jindge ka vasta , tumhe aman ki shanti ka vasta”.