

Obscenity charges dropped against Husain; court slams the 'ignorant'

Coming down heavily on the 'new puritanism' being carried out by 'ignorant people', the Delhi High Court Thursday dismissed criminal proceedings against eminent painter M.F. Husain, overruling the charges of obscenity against his paintings.

Giving relief to the 93-year-old painter, who lives in self-imposed exile in London and Dubai, Justice Sanjay Kishan Kaul said the allegations against the artist are baseless.

'A painter has his own perspective of looking at things and it cannot be the basis of initiating criminal proceedings against him,' Kaul said in his 74-page judgement.

'In India, new puritanism is being carried out in the name of cultural purity and a host of ignorant people are vandalizing art and pushing us towards a pre-renaissance era,' he observed.

The court said the question of obscenity was nowhere to be seen in his paintings, as it was his perspective of looking at things and one should not challenge that.

The court ended the judgement on the note that, 'A painter at 90 deserves to be sitting in his home and painting his canvas.'

Reacting to the judgement, Akhil Sibal, counsel for Husain, told IANS: 'This judgement is historical and prominent, and a fight against intolerance in our country and recognizes the importance of debate within legal society rather than misuse of the criminal justice system.'

Sibal added that the judgement would have a far-reaching effect on judicial scrutiny, which should begin from the magistrate-level only.

The court Thursday ruled on three complaints filed against Husain.

The complainants, from Bhopal, Indore and Rajkot, had earlier filed a petition in the Delhi High Court seeking compensation for the expenses incurred to visit the capital and fight their cases against Husain. Their plea was dismissed.

They had moved their respective state courts against the painter, alleging he had hurt the religious sentiments of Hindus with some of his controversial paintings, including 'Bharatmata'.

Complaints against Husain filed at three different places were clubbed together on the direction of the Supreme Court in September last year.

Husain had approached the apex court pleading that he was getting on in years and it was physically not possible for him to go to Haridwar to attend court hearings. The Supreme Court had earlier transferred two other similar cases, involving allegedly obscene paintings done by Husain of Bharat Mata and Hindu goddesses, to the Patiala House courts from [Bhopal](#) and Indore

In all the cases, Husain has been accused of committing offences under the Indian Penal Code - hurting religious sentiments, promoting enmity between different religious groups and promoting obscene material.

'Bharatmata', which depicts a nude woman symbolizing mother India with a large part of the northern state of Kashmir shorn off to accommodate the Himalayas, had offended some Hindu groups in India and abroad.

The controversial 'Bharatmata' painting first was shown in February 2006 in an exhibition Art for Mission Kashmir organized by Nafisa Ali and the Apparao Gallery. Right-wing organisations like the Hindu Jagruti Samiti and the Vishwa Hindu Parishad protested against Husain, saying it was an affront to Mother India. The artist had posted the paintings on several websites and exhibited it in shows across the world.

Husain could not be contacted for comment but the artist community in India welcomed the judgement.

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