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“A Censor is Sitting in My Head”: The Censorship Trial of Perumal Murugan’s One Part Woman

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Abstract

This paper studies the Madras High Court trial of Perumal Murugan’s novel *One Part Woman*, focusing on issues of informal and formal censorship this trial invokes. It aims to reconstruct the events and unrest that led to the banning of this novel, and then analyses the rhetoric of the trial itself in order to demonstrate how

the judiciary creates distinctions between formal and informal censorship, positing this difference as self-evident. An exploration of both the legal and literary implications of this censorship episode asks crucial questions about ideas of obscenity, literary merit and free speech for contemporary literature in India.

Keywords: censorship, obscenity, court trial, One Part Woman, Perumal Murugan.

A group of men burn a book in the name of women and caste associations. An entire town is shut down for a day. And the author posts on Facebook: ‘Author Perumal Murugan has died. He is no god, so he is not going to resurrect himself.’ The series of events that led Perumal Murugan to announce his literary death began innocuously enough in November 2013, when his Tamil novel, *Madhorubagan* was translated in English as *One Part Woman* by Aniruddhan Vasudevan, and published by Penguin India. The novel, set in the early 1900s, was situated in the author’s hometown of Tiruchengode. In December 2014, the author heard that “voices” were raised against him. He came across photos showing copies of the novel being burnt, his own photos being beaten and kicked, calls for the censoring of all his works and for him to be dismissed from Government service. (*Murugan v Government of Tamil Nadu* 10) AR Venkatachalapathy, a historian and friend of the author’s, described the period, ‘One of them threatened to cut off [Murugan’s] hand in a public meeting...The threat of violence is very real.’ (qtd. Doshi Web)

Soon, the situation escalated further: the whole town was shut down in a bandh, and streets were lined with protests and agitations. The author issued several press statements. Initially, he modified the novel, changing “Tiruchengode” to “Karrattur”. He then released a detailed clarification, explaining that the novel was fictional and set a hundred years back, expressed regrets for hurting people’s sentiments, and requested people not to protest in a way that disrupted everyday life. He wanted to enter conciliatory dialogue

with those opposing him but the opposition was faceless, and the campaign against him continued with full vigour. Eventually, the matter reached the local police station, with representatives from the Hindu Munnanni and three caste organizations filing a complaint against the author. Murugan was coerced into releasing a statement expressing “unconditional apology” and promising to recall all copies of the book. The author, who had only wanted to express “sincere regret”, agreed to do so as he ‘could sense the aggression in the area’. (Murugan v Government of Tamil Nadu 12) Following this, he resigned from his teaching job, relocated to Chennai, and resolved to stop writing at all.

However, the matter did not end here, as in 2016, charges were filed against *One Part Woman* in the Madras High Court by Hindu Munnani, Sengunthar Mahajana Sangam, and other organizations, some of which were previously involved in the police petition. In the judicial proceedings, the author is charged for ‘(i) Obscenity; (ii) Defamation; and (iii) Derogatory and hurtful to the religious sentiments of the Hindus.’ (Murugan v Government of Tamil Nadu 38) The offenses Murugan was charged with under the Indian Penal Code include Section 292, which pertains to the sale of obscene books, Section 153-A(1)(b), for disturbing public peace, and Section 298, for hurting religious sentiments. Murugan and his publishers were also perceived as guilty under the Indecent Representation of Women (Prohibition) Act, 1986, in which indecent representation is defined as derogatory to or denigrating women. He was also charged under Section 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. The author and his publishers, Penguin Books India, and Kalachuvadu Publications counter-filed a petition, asking for the decision of the Peace Committee Meeting to be declared null and void. A petition sympathising with the author was filed by the General Secretary of the People’s Union for Civil Liberties, Tamil Nadu and Puducherry. This petition, filed in public interest, alleged that extra-judicial forces had taken law into their hands and requested the court to issue guidelines that lay out rules for how

State officials should respond in situations where non-legal groups or individuals threatened the right of free speech of individuals. The court, presided over by Chief Justice Sanjay Kishan Kaul and Justice Pushpa Sathyanarayana delivered a judgement in favour of the author, acquitting him, and eventually, Murugan returned to writing and publishing.

If, as Mini Chandran states, censorship spans a whole range of procedures bookended by State censorship and self-censorship, (Chandran 24) Perumal Murugan has experienced the entire spectrum—having undergone a trial for potential State censorship, experienced the forced retraction of his works and post-publication bans. He has also had to deal with self-censorship, the Schere-in-kopf, (Boyle 11) or scissors in the head, that halted his writing, and made him feel like a nadaipinam—a walking corpse. (HuffPost Staff Web) The transcript of the trial, which reconstructs a case within a case before delivering judgement, encompasses each of these forms of censorship. Looking at the various censorship processes detailed in the trial, combined with an analysis of the rhetoric of the trial and how the court positions itself with regard to these processes, puts forth the often-asked question: what, exactly, constitutes censorship? Is censorship only limited to the decisions made by the State and its regulatory bodies like censor boards, or do the actions of extra-judicial actions also constitute censorship? What are the sites in which the distinctions between judiciary and non-judiciary censorships reveal themselves? Certainly, as Murugan’s experiences demonstrate, and as Kaur and Mazarella point out, “extra-legal” or “extra constitutional” forms of censorship, particularly when backed by political leaders, may often carry as much or more social force than official decrees.

The contents of the ‘novel in controversy’ (Murugan v Government of Tamil Nadu 72) might perhaps seem ‘shockingly tame’ compared to the reaction it evoked. The ‘historical-fiction’ chronicles the life of Kali and Ponna, a married couple from the Kongu Gounder community, who are unable to conceive. Torn by their longing for a child and subjected to constant scorn from their relatives and

neighbours, Ponna is pressurized by their families into taking part in a ritual that takes place on the fourteenth day of the Ardhanareeshwar temple festival held in Tiruchengode. This festival entails married women, who are unable to conceive with their husbands, having socially sanctioned, consensual sex with strangers, men whose faces they do not see: ‘At the peak of the celebration, all rules were relaxed. The night bore witness to that...Darkness cast a mask on every face.’ (87) Drawing from the concept of divine births, these men are perceived as gods, and the children born of these encounters are called *sami kodutha pillai*—god-given children. About the book, the author said, ‘We shouldn’t label the ways of the past as forward or backward by the social boundaries of today. It’s important that we understand the societal norms of that time.’ (Murugan qtd. Kannadasan Web)

The episodes of mob violence and the subsequent ban on the book were in response to the mention of this ritual, centred on hurting local religious sentiments, unfavourable portrayals of women, and the denigration of Nadar and Scheduled Caste communities. A closer look at the protagonists of the agitation, however, finds very little to do with townspeople, women or caste associations. The Tamil original, *Madhorubagan*, was released in 2011, and sold around 500 copies initially. Local residents could, presumably, easily have obtained and read the Tamil version. Though the feelings of women were mobilized to start the demonstrations, no women’s associations were ultimately present at the protest: ‘It was specifically pointed out that none of the so called groups was any women’s groups’. (Murugan v Government of Tamil Nadu 89) *The Hindu* reported that soon, it became evident that it was initiated by local members of the Rashtriya Swayamsevak Sangh (henceforth RSS), which instigated caste associations, setting off a chain of reactionary protests. These protests ran over eighteen days. The RSS, a ‘rightwing, paramilitary organization’, is one of the main bodies linked to the current Prime Minister Narendra Modi’s Bharatiya Janata Party (henceforth BJP). This link crucially shows that the censoring of Murugan was not a one-off, local incident; it

falls within the larger climate of censorship that has come to characterize the Modi government. In the previous year, 2014, several writers returned their Sahitya Akademi awards to protest the “climate of censorship” fostered by the BJP—the alteration of textbooks to demonstrate nationalist interpretation of Indian history, the politicization of universities, and increased hate crimes against minority communities. (Doshi Web)

Why did Perumal Murugan and his novel *One Part Woman* become the target of an RSS campaign? Journalists have noted that Murugan has been an active critic of the schooling system of Namakkal, which ‘churn out high-scoring students’, and has written several scathing essays on the monetization of education that leads to illegal and unethical practices in schools. Thus, as Venkatachalapathy notes, ‘local vested interest has joined hands, at least temporarily, succeeded in making him a fugitive’. (Web) Murugan mentioned in an interview, ‘Their objective has nothing to do with the book, since they are not ready to relent even after I promised to change the name of the village in the next edition of the book’. (Murugan qtd. Kolappan) The campaign was certainly effective, carried out through the following means:

- a) Booklets of select pages from the novel underlined, lithocopied and circulated all across Tiruchengode;
- (b) Pamphlets being circulated against the author without name or address, but containing mobile numbers; and
- (c) Whatsapp messages against him (Murugan v Government of Tamil Nadu 11)

As Richard Burt notes, censorship ‘is itself part of a performance, a simulation in which censorship can function as a trope to be put on show.’ (Burt qtd. Kaur et. al 18) These series of events clearly establish that the book ban was indeed, a very performative act that needed to draw attention to itself in order to legitimize the right to censor. The very material that was deemed obscene was circulated, ensuring that it reached far more readers than it originally did—10,000 copies of the ‘offensive’ parts of the novel were circulated

(Lal Web), which is twenty times more than the copies originally sold. *The Hindu* reported that around fifty members of the RSS started the protest, led by RSS president Mahalingam, and burnt the book right in front of the police station, demanding the censoring of the book, and the arrest of the author (Doshi Web). Book burning has often been described in theatrical terms as the ‘staging of an opposition between corrupting and purifying forces and agencies’. (Burt wtd. Kaur et al. 18) Allegations against casteism against Murugan was on the grounds that ‘it depresses the readers with scurrilous casteist remarks against not only the Kongu Vellala community, but also against Nadar and Scheduled Caste communities.’ (Murugan v Government of Tamil Nadu 28) Caste is certainly a concern in the novel. The fourteenth day of the temple festival is when Dalit men would come to participate in the ritual. By depicting Ponna’s encounter on that day, the author, who also belongs to the influential Gounder caste, is thus implying that she had a sexual relationship with a Dalit man. This speaks to anxieties about lineage: the opponents claim that it would cause a moral crisis among the people of the town, casting their parentage into doubt. That this becomes an issue that is brought up in the trial thus shows the attempts of the Hindutva groups to preserve caste purity.

These incidents were condemned unequivocally by the court. The transcript sees criticism of the results of the protest as an ‘absurd situation when individuals are browbeaten and forced to give up their fundamental rights for the sake of a compromise’. The coercive nature of the Peace Committee meeting is highlighted, as it is equated to hearings conducted by local musclemen or politicians and are called a threat both to ‘democratic polity and the performance of the fundamental role of the judiciary’. (Murugan v Government of Tamil Nadu 59) While this signals a protection of the rights of the individual from groups that seek to intimidate, it also makes clear the distinction between the censorship capacities of protest groups and the judiciary. As the court points out that the mob should never have been allowed to force the author into retracting the novel, it also normalizes its own censoring function as a fundamental role.

The judiciary, thus, is portrayed as distinct from any extra-legal groups that try to “take the law in their own hands”, and the role of the censor is seen as only resting with the court. However, Constitutionally, the judiciary does not have the power to censor speech—Article 19(2) states that freedom of speech can only be restricted by a law passed by the Parliament. Any such law passed by the Parliament may then be scrutinized for Constitutional validity by the judiciary. This procedure ensures a safety measure for writers whose books are banned by the government—the writer would have the option of petitioning for their right to write to a High Court. In these instances, High Courts can declare bans as null and void. Gautam Bhatia notes, ‘Straightaway approaching the court for a ban short-circuits an essential safeguard, and also invites the court to step outside its jurisdiction by passing banning orders not contemplated by the Constitution. With regard to the Perumal Murugan judgement, Bhatia comments that it ‘presented a great chance for the Madras High Court...to spell out the limits of the courts’ jurisdiction, and the impermissibility of judicial censorship. It failed to do so.’ (Bhatia Web)

Thus, the court’s decision to take the censorship trial: ‘the court would read the novel and come to a conclusion’, (Murugan v Government of Tamil Nadu 76) is not as obvious as the transcript seems to suggest. Though it was heralded as a great victory against intolerance, in asking a work of literature to defend itself to the judges, it nonetheless points at yet another limitation imposed on free speech. The rhetoric of the trial shows that the performativity which normalizes censorship procedures are not carried out only by the extra-legal forces, but also by the judiciary, as the judgement, in its own way, establishes its own right to censor as “self-evident.” (Kaur et. al 5) Several discourses emerge in the course of the trial: the irony of a Hindu nationalist appeal to a law based on UK and USA obscenity acts, the court’s allegiance with intellectual opinion to distance itself from mob censorship, and frequent echoes to colonial censorship practices. These strands, which emerge upon further analysis as inherently contradictory, challenge the perception

of the law around the case as a cohesive set of regulations, and shows that even State censorship is, ‘for all its apparently routinized banality, an uncertain and open-ended venture. (Kaur et. al 32) The distinction between State censorship and extra-judicial forms of censorship is, of course a crucial one because of the power commanded by the State:

State-sanctioned censorship has become the most consciously and conspicuously formalized institution of cultural regulation. It brings the burden and force of state power to bear on its public cultural interventions, even as it claims, often rather complacently, to be acting in the public interest. (Kaur et. al 20)

Kaur and Mazzarella then note, ‘one result of this is that almost any would-be authoritative intervention into public cultural controversy at once challenges...this sovereignty’. (Kaur et. al 10) In the course of the trial, the court repeatedly distances itself from the protestors: ‘If the literary world does not find anything offensive in the novel, nor did the Government find anything offensive in it, can a small group of people, who may have a more conservative view of the writings, create such a ruckus, while the simple solution was not to read the book?’ (Murugan v Government of Tamil Nadu 137) The literary world and the Government thus align and define themselves as more qualified to opine on literature than a ‘small group of people’. This results in a contest between communities and the State for the right to regulate cultural production—Veena Das, drawing on the Shah Bano case, argues that ‘the right to regulate the spheres of law and memory’ (Das 84) are often a competition between the State and communities that challenge the hegemony of the State as the only giver of values. Viewed in this light, thus, the details of the Murugan trial can be seen as the judiciary’s attempt to legitimize and mask any potential loopholes in its own act of censorship by contrasting it with the lawlessness of the agitators.

One of the features of the mob censorship episode is the mobilization of artists, writers and other intellectuals against the mob: ‘The controversy in question is stated to have sent shockwaves among writers, authors and film-makers as it highlights a worrying

trend being witnessed in different parts of the country – a rising phenomenon of extra-judicial, casteist and religious forces dictating the creativity of authors and writers.’ (Murugan v Government of Tamil Nadu 58) Kannan, the publisher of *Madhorubagan* with the publishing house Kalachuvadu, noted the presence of ‘fascist forces’, adding, ‘Kalachuvadu will stand by Perumal Murugan. Tamil intellectuals must get together and face this challenge.’ A day after members of the RSS at Tiruchengode in Tamil Nadu burnt copies of Perumal Murugan’s book *Madhorubagan*, the publisher Kalachavadu and writers' programme Sangam House has issued a statement in support of the writer.

Cultural vigilantes, claiming the right to be offended – a right that does not exist in the constitution – have all too often bullied writers and publishers, attacking our fundamental rights and freedoms of speech and expression. They do not have the right to prevent others from reading the book and making up their own mind about its value or otherwise. (Kolappan Web)

The way in which the contents of the book are manipulated to serve a specific agenda are further highlighted in press coverage: ‘evidently the advocates of burning books do not understand literature.’ (Doshi Web) This ties in with the perception of the censor as the very figure of the anti-intellectualism. Censorship has often been seen as a process in which intellectuals are pitted against their enemies, who do not wish to understand literature: ‘The endangered word...confronts the complacent philistinism of the censor.’ (Kaur e. al 24) J.M. Coetzee states clearly, ‘Censorship is not an occupation that attracts intelligent, subtle minds. It is a crude business: punitive, petty, anti-humanitarian, and far beneath the truly gifted and intelligent.’ (Coetzee qtd. Boyer 1)

‘Complacent philistinism’, or being anti-intellectual, is certainly not something the transcript of this case can be accused of. Not only does the court draw heavily on reviews, literary analyses, and quotations—beginning with Voltaire’s ‘I may not agree with what you say, but will defend to the death, your right to say it—but the rhetoric of the trial enfolds as a literary text in itself. This is

corroborated by Murugan, who states, ‘the ruling was more than just a legal document. For me it was like a literary text’. (Doshi Web) The transcript starts with a broader view of the case, elaborating on the characteristics of the Indian Constitution: ‘one of the most cherished rights under our Constitution is to speak one’s mind and write what one thinks’. This, however, is ‘subject to reasonable restrictions’. (Murugan v Government of Tamil Nadu 10) These arguments show that ‘regulation is self-reflexive: it cannot help but articulate the terms and foundations of its own legitimacy.’ The court legitimizes its own right to ‘defend to the death’ the rights of the author, and to step in if the contents of a book go against Constitutional values. Kaur and Mazarrella go on to say, ‘for this reason, regulation is performative too: the silencing gesture is not only often quite public, but also simultaneously invokes an entire sociocultural dispensation.’ (32) This follows, as citing the example of *Lady Chatterley’s Lover*, the judgement notes how book bans have been a long-standing debate, emphasizing that ‘the choice to read is always with the reader’. It also points out that standards of obscenity change across time, but immediately goes on to say that ‘the State would, no doubt, step in’ should the contents threaten Constitutional values. (Murugan v Government of Tamil Nadu 12) It poses the question of whether it is necessary for there to be a recorded history or folklore as the basis of a book and highlights that religion is an important influence in India, and different religious beliefs are important to varied sections. Drawing from Salman Rushdie, the court asks a general question about finding books offensive: how should an offensive book be dealt with? Is the matter as simple as Rushdie’s statement, ‘It is very easy not to be offended by a book, you simply have to close it’? These broad statements demonstrate how censorship acts often make universalizing claims in relations to rights or duties, and particularizing assertions, often in the name of culture and tradition. (Murugan v Government of Tamil Nadu 10)

The conscious literariness of the transcript is replicated in the attention given to the opinions of reviewers and literary critics

pertaining to the novel. Entire reviews by Nandini Krishnan, Dilip Menon, V. Geetha and C.S. Lakshmi are quoted by the defence to show support for the writer. One of the court’s first remarks is to note that Aniruddhan Vasudevan won a prize for his translation of the novel, and that the novel is being tried ‘despite winning several awards’. The practice of quoting literary reviewers in censorship trials is not a new one. In *Samaresh Bose And Anr vs Amal Mitra and Anr*, however, the judges dismiss the opinions of intellectuals entirely:

The Trial Judge did not place any reliance on the testimony of these two eminent witnesses and proceeded to make his own assessment after reading the book and that too

“with an open mind and a number of times” for the reason that expert knowledge has nothing to do with such cases and whether a book is obscene or not depends on the interpretation of section 292 I.P.C. only. (Murugan v Government of Tamil Nadu 45)

In this particular case, the judge takes into consideration the opinion of the reviewers. Noting that such reviews are not entirely conclusionary, the court states: ‘the fact that the novel has received many awards by itself is not determinative’, though an indication of how it was perceived by society.’ (Murugan v Government of Tamil Nadu 128) Using critical reviews and intellectual opinion as means of defending the rights of a novel from censorship, however, risks missing the element of censorship present in reviewing practices too. As Daniel Boyer notes, reviews are gate-keeping practices too, as they standardize procedures, set legitimizing parameters, and depend on cultural capital and access. There is, thus, a proximity between the censor and the intellectual. While this model worked in Murugan’s favour, it nonetheless bypasses the issue of obscenity tests rather than addressing them. The reliance on discerning intellectualism in comparison to the “heckler’s veto” thus tends to obfuscate the limitations of this ‘rational’ model and disguises the larger question: should literature have to justify itself on aesthetic

and social bases in front of the law? Are these parameters valid indicators of the consequences of the life of the book out in public?

The court outlines its conception of literary merit:

Despite the profitability and popularity of other media, books remain a powerful tool, for they maintain a unique role in shaping up history and there are obvious reasons why good books are authoritative, well-reasoned and articulate. They make considered determination about the characters of their subjects. Books create a space for reflection by both the author and the reader. Some books, though less worthy, might make a splash at first blush, but eventually fade away. However, good books remain in the swim forever. The collective objective of publishers, which is more pressing than ever in these days of online advocacy and intimidation, must be to bring the truth to the readers. (Murugan v Government of Tamil Nadu 154)

The judge clearly emphasizes the social function of books—if a book has a strong social message and can be used to shape the thoughts and mindsets of people, it is considered ‘worthy’ This opinion reflects in the parameters set for obscene literature that are outlined in the transcript:

(a) a book when read as a whole appears lascivious or raises lustful thoughts or desire; and (b) when the book contains no literary, artistic, political or scientific value. (Murugan v Government of Tamil Nadu 122)

This focus on ‘literary, artistic, political or scientific value’ comes from the U.S. Supreme Court’s *Miller v. California* case in which any material that lacks literary, artistic, political, or scientific value is considered obscene. That the judge draws from foreign laws in ruling the case put forward on the basis of Hindu nationalism indicates the intermingling of laws that does not allow any rigidities around national boundaries to be fully legitimate. The Hindu nationalism that is involved in the implication of the author is evident in the prosecuting lawyer’s language: ‘Hinduism itself has come under threat at the hands of the so called progressive writers,

Marxists, Periyarists, Pseudo-Christian liberals and Islamists, who have written and published several books ridiculing Hinduism and its saints...having no faith in Indian culture and heritage.’ There are also references to UK law: the ruling mentions that, borrowing directly from English law, the standard of the potential reader of the book is seen as of ‘the man on the top of a Clapham omnibus’. This gendered reading thus sees the book targeted at ‘reasonable, strong-minded, firm and courageous men’, and not men who are likely to be affected or call for inflammatory politics. (Murugan v Government of Tamil Nadu 136) These attempts to uphold the ideals of Hindu nationalism become even more ironic, since the judgement is in English, with the judge only having read the book in English. This legal proceeding is being enacted on a stage which is visible to the whole world, something that its participants are aware of. According to Murugan’s opponents, the novel is blasphemous, outrageous, defamatory, offensive, and morally unacceptable. Though it claims to be a novelised history it indicates no ‘genuine’ or proper research of the temple and its rituals, and thus is full of ‘false and vicious claims’. (Murugan v Government of Tamil Nadu 23) To support these points, they cite the records of the Hindu religious and Charitable Endowment Department of the temple, which do not hold mentions of any such events. D.V. Suresh, counsel on behalf of the publisher, however, countered that the novel was fiction based around folklore which was transmitted orally. However, while a law based on formulations from the UK and US Constitutions is appealed to, when discussing Murugan’s novelistic strategy of portraying anti-casteist sentiments to depict social evil, the opponents state that the ‘Freudian technique cannot be applied to Asians’. (Murugan v Government of Tamil Nadu 36)

One of the chief concerns that emerges for the opponents is that because the novel is available for sale online, ‘a foreigner’ who reads this novelized history would form the impression that Tamil culture is ‘lascivious’ and that such a festival actually takes place. It was not so much the potential offensiveness of the novel, however, but the media coverage of the censorship events that went beyond

India, with newspapers like Independent, BBC News, and New York Times covering the event. As Kaur and Mazarrella point out, this is an important social fact, as ‘part of what made them compelling as public dramas was the way they seemed to stage the contradictions of South Asian public culture in an age of globalization...combined...with surging religious nationalism.’ (14) This seems to be noted in the transcript, where the New York Times article “Silencing Authors in India” is referenced. It is also significant that the English translation of the novel is found to be more sophisticated and polished than the Tamil edition ‘which is candid with abusive words, filthy language, and the abominable.’ (Murugan v Government of Tamil Nadu 38) The language is agreed to be earthy and unsophisticated, however, that is deemed as necessary since it represents people who speak that language. This is a concept that is owed to colonial discourse, when it was believed that it was ‘the vernacular, which...[has]..become a vehicle of obscenity’. (Heath 74)

The political character of the mob violence against Murugan is emphasized by Kannan Sundaram, ‘People are getting disturbed by any hint of non-middle class values. But this is also in the context of who is in power in the centre.’ (Chari Web) From the details of the case, thus, it is evident that a class-based, hypermasculine Hindu nationalism is being formed against the backdrop of issues surrounding the representation of women’s sexuality and caste politics—one of the chief arguments of the opposition is that the novel ‘undermined the reputation of womenfolk of the Kongu Region as immoral and promiscuous in nature’. (Murugan v Government of Tamil Nadu 37) The novel is also criticized for suggesting that there is nothing immoral or licentious about sexual relationships outside the bounds of marriage, and these relationships have in fact, been depicted as an age-old custom, with the women who ‘underwent these sexual orgies’ considering their sexual partners as deities. It also mentions the existence of devdasis and the opposition claims that women who participate in this ritual are depicted as prostitutes. Several authors in the subcontinent before

Murugan have been embroiled in legal controversies of obscenity for depicting women’s sexuality. In *Kaghazi hai Pairahan*, Ismat Chughtai, who was tried for her short story “Lihaaf”, describes how Saadat Hasaan Manto, also tried for obscenity for his short story “Bu”, leapt up and shouted in the middle of a trial, ‘If I don’t call a women’s breasts breasts should I call them peanuts?’ Manto’s comment points towards how aspects of female sexuality are seen as unsayable, and saying them so results in censure. (Assaduddin 34)

As an example of how minutely scrutinized images of womanhood out for circulation in public are, this legal transcript shows that contemporary reasons for enacting censorship bear striking similarities to censorship cases in the colonial period. In the late nineteenth-century, as Charu Gupta states, ‘a moral panic of sorts gripped a section of the . . . Hindu middle-class, creating anxieties regarding questions of sexuality’. (Gupta 27) This manifested itself in an urge to ‘cleansing literature of all of its perceived obscenities’ to forge a collective Hindu identity. The obscenity law first came to India in 1856, a year before it came to England, with sections 292, 293, and 294 of the Indian Penal code specifically created to prevent obscenity. They included any image or text that was ‘lascivious or appealed to the prurient interest’ and had the ‘effect of depraving or corrupting persons exposed to it.’ This thus proves the ‘the affective efficacy of sexuality and religion as focal points of political mobilization’, an efficacy that is replicated in the case against Murugan. (Gupta 56) It is during this period that “obscenity” formally emerged as a category of regulation, and as a category that was understood as implicated in “sedition,” that is, in explicitly political forms of provocation. Thus, it was, Gupta notes, the Indian elites, not the British, who transformed the regulation of the obscene ‘into a biopolitical project’ to ‘cultivate...habits of pure, holy and healthy life.’ It is significant to our case to note that this was adopted as a means of restoring Indian masculinity through the depiction of women as sexual beings. Orthodox Hindus believed that women were the bearers of Hinduism, whereas reformers like the Arya Samaj perceived them as receptacles for a reformed

Hinduism (from which concepts such as child marriage would be banished). Hindu women, associated with ‘chastity, purity, self-sacrifice’, (Gupta 74) were also seen as the antithesis of Western women, perceived as promiscuous. This resulted in the regulation of plays such as *Kamala*, which depicted a female character expressing sexual desire.

Mazzarella also notes that these discourses are often brought up against different but equally normalizing notions of sexuality—‘the compulsory invocation, by “cosmopolitan” critics of censorship, of *Kamasutra*, and the erotic temple carvings of Khajuraho and Konark’ (Kaur et. al 16) as an integral part of Indian heritage. This is echoed in the transcript, where the judge notes, ‘we seem to be more bogged down by this Victorian philosophy rather than draw inspiration from our own literature and scriptures.’ (Murugan v Government of Tamil Nadu 131) This, however, is contestable, as Eugene F. Irshick argued, it was not the case that Indian sentiments were entirely affected by Victorian morality; in fact, British sensibilities were often shaped by indigenous perceptions. The main feature that characterized obscenity was that it separated sexuality from the reproductive objective. Colonial government had changed ‘The potential subjectivity of Indian subjects...into the cultural logic of reproduction’. (Gupta 65) Thus, previously celebrated eroticism, such as poetry about the shringar ras was denounced as ashli—obscene. This is of significant interest to the Murugan case, as the event identified as obscene is entirely tied up with reproduction, as is the whole novel. The whole purpose of Ponna’s engaging in the encounter is for the purpose of having a child: ‘I’ll go if you want for the sake of this wretched child.’ (Murugan 90)

Despite the focus on literary prizes, reviews, and the social merits of the book, ultimately, it is his own reading capacities that the judge relies on. He mentions that a perusal of the book would result in the reader’s attention being arrested by beauty and art. Drawing from the Samaresh Bose case, he states that the ‘Judge has to first place himself in the position of the author in order to appreciate what the author really wishes to convey and thereafter place himself in the

position of the reader of every group in whose hands the book is likely to fall and then arrive at a dispassionate conclusion.’ His final comments, upon which the decision seems to rest, is—‘on reading the novel, we felt that it could not be put down without going the whole hog. It was so absorbing!’ (Murugan v Government of Tamil Nadu 101) Unlike the Amal Mitra case, in this particular instance, it is not the machinations of Section 292 that are determinant of the fate of the book, but the response of the judge, as a reader. This thus raises the question of who ultimately gets to decide the legitimacy of a book, and whose reading is prioritized. It also brings out the uncertainties present in the relations between implicit and explicit forms of censorship and casts doubt over the concept of the censoring body being better informed about the book than its author. The consequences of a link between these extra-legal censoring bodies and those in power at the centre become evident, blurring the lines between forms of censorship. The drawing up of distinctions around types of censorship thus becomes indicative of privileging one form over another, thereby legitimizing it and normalizing its ambiguities.

In this tussle between the State and communities, literature and law, violence and minorities, what happens to the author? In the aftermath of the event, Murugan stated, ‘A censor is seated inside me now. He is testing every word that is born within me. His constant caution that a word may be misunderstood so, or it may be interpreted thus, is a real bother. But I’m unable to shake him off.’ (HuffPost Staff Web)

This is an extremely difficult situation for an author whose concept of his own function as a writer previously was:

The function of a writer is to question the social values and subject them to critical examination. He must not mechanically accept anything. The society which frames the rules also provides for exceptions. It is natural for a writer to focus his writing on the exceptions. When the society insists on the rules, the writer will highlight the exceptions. That is how it is possible to perceive things from the side of the

victim. Otherwise, the voice of the victim and marginalised will go unheard. (Murugan v Government of Tamil Nadu 13)

The word “obscenity”, as Rachel Potter discussed, came from the Latin word *obscenus*, which means adverse, inauspicious, ill-omened, abominable, disgusting, filthy, indecent. It casts the obscene person or thing as an element that needs to be removed from the group to prevent the contamination of other members of the group. It also refers to ideas of how far representation should go: some aspects of the human condition, it argued, are better off-stage. (Potter 1) In *One Part Woman*, Murugan attempted to bring “on-stage” a set of events from long ago that he found implicated in forcing identities of motherhood upon women, and reflecting modern-day caste practices. In this case, the author himself becomes cast in the role of the obscene as he is forced to leave his hometown, and go into exile: off-stage. To what extent does the High Court decide the fate of the author? In the case of Murugan, the judge, in a God-like avatar, declares, ‘Let the author be resurrected to what he is best at. Write.’ (Murugan v Government of Tamil Nadu 160) Resurrections, however, are not always possible, especially when situated in a nation-wide situation of a clamp-down against writers. Signalling the way forward for writers in the context of the current scenario and in the aftermath of these events, Murugan writes, ‘A flower blooms/ after the big bang/ Sharp fragrance/ Sweet Countenance/ Shining Splendor/ The flower would/take up and establish/ everything.’ (HuffPost Staff Web).

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