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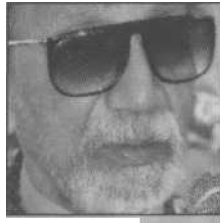
Every Indian has right to settle anywhere

Supreme Court Remarks Send A Strong Message To Thackerays For Their Anti-North Indian Stand

New Delhi: Sending a strong message to Shiv Sena chief Bal Thackeray and his nephew Raj Thackeray for their anti-North Indian statements, the Supreme Court on Friday asserted that every Indian has a constitutional right to settle anywhere in the country.

The apex court also expressed anguish at the increasing tendency of some sections to indulge in violent protests against films, books or paintings which it said should be curbed with an iron hand. "India is not an association or confederation of states, it is a union of states and there is only one nationality that is Indian. Hence every Indian has a right to go anywhere in India, to settle anywhere, and work and do business of his choice in any part of India peacefully," a bench of Justices H K Sema and Markandeya Katju observed in a 36-page judgment.

The apex court made the observation while upholding the Ahmedabad municipal corporation's move to ban the sale of meat in the town during the nine-day "Paryushan festival" observed by the Jain community. The bench's assertion comes



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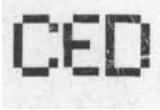
Supreme Court

in the recent backdrop of the Supreme Court's comment that it would not brook any balkanization of the country. "We can understand what is happening. We will not allow/permit balkanization of this country," the court had held on a PIL seeking action against Raj Thackeray for his controversial anti-North Indian remarks. Justices Sema and Katju said the drafting committee of the Constitution had attached great importance to the term "union" as symbolic of the determination of the assembly to maintain the unity of the country.

The apex court said people migrate from "uncomfortable" areas to "com-

fortable areas" in search of their livelihood and other avenues which in the interest of the country's unity cannot be curtailed. "Since India is a country of great diversity, it is absolutely essential if we wish to keep our country united to have tolerance and respect for all communities and sects. It was due to the wisdom of our founding fathers that we have a Constitution which is secular in character, and which caters to the tremendous diversity in our country," the bench observed.

In an allusion to the increasing intolerance to the freedom of speech, the apex court said some are engaging in



violent protests to protest "anything under the sun"—be it a book, painting or a film. "These days unfortunately some people seem to be perpetually on a short fuse and are willing to protest often violently, about anything under the sun on the ground that a book or painting or film etc has hurt the sentiments of their community. "These are dangerous tendencies and must be curbed with an iron hand. We are one nation and must respect each other and should have tolerance," the bench said.

The judgment dealt at length the reign of Emperor Akbar who the bench said had banned the slaughter of animals for six months in Gujarat. Referring to the ban imposed by the Ahmedabad civic body, the apex court said the Gujarat HC had taken an erroneous view that the ban violated the fundamental right of the butchers to carry out their trade. "In a multi-cultural country like ours with such diversity, one should not be oversensitive and over touchy about a short restriction when it is being done out of respect for the sentiments of a particular section of society," the bench

observed. Citing historical records, the apex court said slaughter houses had remained closed in Gujarat for a few days out of respect for the Jain community. "We see nothing unreasonable in this restriction," the bench observed. Quoting the dialoge between Bhishma Pitamaha and Yudhisthir in the Shanti Parv of Mahabharata, Justice Katju writing the judgment for the bench said Republics have been destroyed only because of internal divisions.

"Republics have been destroyed only because of internal divisions, it is only when there are internal divisions between people that an enemy can destroy it, hence a republic should always try to achieve unity and good relations between its people," Justice Katju said in recollection of the said quote. Hinsa Virodhak Sangh an association of the Jain community had appealed against the Gujarat HC judgment. The HC had passed the impugned judgment on a writ petition filed by the Mirzapur Moti Kuresh Jamat—an organization representing the butchers and slaughterhouse owners, AGENCIES