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Husain's 'Bharat Mata' painting a work of art SC

Verdict Ends 4-Year Controversy Over Its Alleged Obscenity

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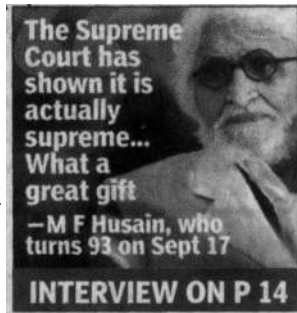
New Delhi: In a blow against the moral brigade, the apex court on Monday termed M F Husain's painting 'Bharat Mata' a "work of art", paving the way for the eminent 91-year-old painter to end his self-imposed exile in Dubai and London and return to his home in Mumbai.

The court refused to entertain a petition seeking initiation of proceedings against the artist for hurting the sentiments of Indians. The painting has been the focus of protest of right-wing individuals and groups in different parts of the country.

The petitioner, who was slammed by the Delhi high court in May, took a chance before a bench terming the painting as a blatant attempt to scandalise every Indian.

The argument that the painting, which depicted a nude woman as Mother India, had hurt the sentiments of every sane citizen did not impress the bench. It asked: "Does the sentiment of the petitioner gets scandalised by the large number of photographs of erotic sculptures which are in circulation?"

The irony lost on him, the petitioner tried to explain—it is not a sculpture but a painting and it should not be viewed leniently just because the painter is renowned and old.



3rd Landmark Order For Freedom Of Art

Attempts to circumscribe art on grounds that it is obscene or offensive, by filing a case in court, go back to well over a hundred years. In the 19th century, Raja Ravi Varma was taken to court by moralists for obscenity and outraging public morality. They were objecting to his portraits of female goddesses, some of which were semi clad. Ravi Varma went on to defend himself and win the case. Another landmark ruling, in 1954, concerned Bombay Progressive's Akbar Padamsee's painting Lovers, in which the man's hand was placed on the woman's breast. The police arrested the artist and filed a case against him for obscenity. The arrest caused much outrage and the courts not only threw out the case but ruled that henceforth policemen could not enter a gallery and shut down an exhibition of their own accord.