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## **India's regression on free speech, low ranking on Human Freedom Index holding it back from being prosperous**

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The Human Freedom Index 2017 — compiled annually by the Cato Institute — named Switzerland, Hong Kong, New Zealand, Finland, Norway, Denmark, the Netherlands and the United Kingdom as the most-free nations.

India ranked 102nd, behind Indonesia and Turkey. The absolute bottom of the list is brought up by nations like Angola, Burundi and Congo.

Which side of the list would we rather be? Obviously the top, but that cannot happen in the dearth of freedom.

Nations that allow freedom of speech tend to be wealthy. Reporters Without Borders annually compiles a World Press Freedom Index that looks at how free the media are. The top 10 nations here are Norway, Sweden, the Netherlands, Finland, Switzerland, Jamaica, Belgium, New Zealand, Denmark and Costa Rica. India, again, is ranked towards the bottom, clubbed with Pakistan, China and other nations where there is free speech in theory but not in practice.

There is a direct correlation between free speech and wealth, free speech and power, and free speech and prosperity.

Journalist Abhijit Iyer Mitra has been in jail since 20 September for the sarcastic tweets he put out on temples in Odisha. He has accepted he said what he said, and he has apologised for it. The state government, however, has been unforgiving and so, unfortunately, have the courts.

On the subcontinent, we have regressed on the matter of free speech and religion. People had more freedom to say what they wanted to half a century ago. This is remarkable but it is true.

On 27 May, 1953, the Tamil reformer EV Ramaswami Naicker, known as Periyar, smashed an idol of Lord Ganesha in public at the Town Hall maidan in Tiruchirapalli. Naicker, who was angered by Hinduism's caste system, made a speech announcing his intention to do this before breaking the idol. Veerabadran Chettiar, an offended Hindu, filed a case under two laws, Section 295 (injuring and defiling a place of worship) and 295A (deliberate and malicious acts, intended to outrage religious feelings).

The first charge jailed for up to two years “whoever destroys, damages or defiles any place of worship, or any object held sacred by any class of persons”. The second gave three years to “whoever, with deliberate and malicious intention of outraging the religious feelings of any class of citizens of India, by words, either spoken or written, or by signs or by visible representations or otherwise, insults or attempts to insult the religion or the religious beliefs” of people.

The Tiruchirapalli magistrate dismissed the petition. On the first charge, he said that simply because the mud figure resembled Lord Ganesha it cannot become an object held sacred. He accepted an offence was made out on the second charge (295A), but that law required government sanction for the case to be registered, which had not come.

He dismissed that also. The petitioner appealed. The sessions judge dismissed the appeal. He agreed with the magistrate, saying the idol was the private property of those who broke it.

It is difficult to imagine this happening in India today, and we are not alone here.

Only seven cases of blasphemy were registered in undivided India and Pakistan from 1927 to 1986, according to a study. Pakistan's National Commission for Justice and Peace says that after 1986, there were 1,058 cases of blasphemy registered.

What changed in 1986? Pakistan made blasphemy punishable by death. Till that year, India and Pakistan had identical laws, Section 295 and 295A, covering the offence, originally written by Thomas Babington Macaulay. The harsher punishment produced more reckless allegations.

Of the accused, 456 were Ahmadis, 449 were Muslims, 132 were Christians and 21 were Hindus.

Non-Muslims, who are four percent of Pakistan's population, are 57 percent of those charged with blasphemy. This indicates that the law is used to go after the vulnerable.

The other aspect is that, by far, the majority of cases are filed in Pakistan's Punjab. It was in that state that a Christian woman Aasia Bibi was sentenced to death and spent years in jail before being acquitted by the Supreme Court.

The cold facts are that we have regressed as people on the issue of free speech generally and free speech and religion in particular; and this is holding us back as a nation, as the rankings of nations quite clearly show. If we cannot let Iyer Mitra and others like him speak freely, we offend against ourselves in the long run.