

ORAL ANSWER TO QUESTION

**'LES VERSETS SATANIQUES' BOOK
– IMPORTATION & SALE**

The Leader of the Opposition (Mr P. Bérenger) (*By Private Notice*) asked the Acting Prime Minister, Minister of Public Infrastructure, Land Transport and Shipping whether, in regard to Salman Rushdie's Book, '*Les Versets Sataniques*', he will state if the importation and sale thereof on the local market is banned and, if so, -

- (a) since when and under what legislation;
- (b) if same has recently been imported and put on sale on the local market, and if so, will he, for the benefit of the House, obtain from the Commissioner of Police, information as to if statements in relation thereto have been made to the Police and the importer/s identified, and
- (c) the stand of Government, indicating the actions that have been or will be taken.

The Minister of Arts and Culture (Mr M. Gowressoo): Mr Speaker, Sir....

(Interruptions)

Mr Bérenger: Mr Speaker, Sir, on a point of order. This question is addressed to the Acting Prime Minister, who is Acting Minister of Interior and it relates to the rule of law, to the work of the Police. How is it that the Acting Prime Minister is not responding?

Mr Speaker: I have so many times said in this House that I have no control over the Executive as to who is going to answer the question. It is entirely to the discretion of the Executive as to the Minister who is going to answer the question.

Mr Gowressoo: Mr Speaker, Sir, with your permission, I am replying to the PNQ.

I would like to refer the hon. Leader of the Opposition to the reply made to PQ No. B/73 of 21 March 1989 by the then Prime Minister in which he stated, and I quote -

“Sir, written instructions have been issued by the Police for the seizure of the book whenever it is found and identified.

Further, the Customs authorities have taken necessary measures to prevent the entry of the book. The importation and delivery of books are, in fact, closely monitored through examinations of packages at the port, airport and parcel post.

All Customs officers have been alerted on the matter through a Departmental order issued by the Comptroller of Customs on the 03 March 1989. I may inform the House that a certain number of the books have already been seized by the authorities.

We are seeing to it that the books are not introduced in Mauritius; but, if somebody is found in possession of the book, we will try to persuade him to return it. I think that certain individuals may have the book privately and through curiosity, may want to know what is in the book. There may be some cases. We can't be foolproof about it'.

As regards the applicable legislation, I refer the House to the Section 206 of the Criminal Code which empowers the Police to seize and forfeit copies of any printed matter that are exposed to public view or offered for sale where the printed matter is considered to constitute an *outrage* against religion legally established or against religious morality.

As regards legislation for the banning of importation of such publications, I must say that the law does not specifically give the power to ban such importation. Express power to ban importation is limited to publications which are of a seditious character (Section 286 of the Criminal Code). This publication is not considered as falling under the Section 286 of the Criminal Code.

As regards part (b) of the question, I am informed that following a Press article captioned "*Vente du livre 'Les Versets Sataniques', la colère monte!*", which was published in Impact News in its issue No. 777 of Friday 06 June 2008, the Police Headquarters issued a circular letter on the same day requiring Police officers to carry out checks at bookshops in their respective divisions with a view to preventing the sale of these books and to seize them if exposed for sale.

On 07 June, 2008, during a check at a bookstore, the Police was informed that, in fact, the book was on sale there, but all remaining copies have been sent to another shop. Police proceeded to that shop, and following a check, five copies of the Satanic Verses by Salman Rushdie (two in English version and three in French version but without the front cover) were secured.

On Tuesday 10 June, 2008, the representative of the store called at the Police in connection with the above case.

A provisional charge of “*Outrage against Public and Religious Morality*” in breach of Section 206 of the Criminal Code Act, was lodged against the person in charge of the bookstore before Port Louis Court. He was released on bail upon furnishing a surety of Rs10,000 and entered into a recognizance of Rs20,000. The books are in Police custody. The enquiry is in progress.

As regards part (c) of the question, Government stand is still that any publication that is considered offensive to any religion in the manner provided for in Section 206 of the Criminal Code should not be brought into or circulated in Mauritius.

Mr Speaker, Sir, in line with that stand, the Police has taken action as described above.

Mr Bérenger: Mr Speaker, Sir, from what I heard, in 1989 the Comptroller of Customs had issued an order for his officers to seize any copies of that book if found at the Customs. But, at the same time, I heard the hon. Minister, on behalf of Government, say that it cannot be banned. Which is which? Can I know whether the importation of that book and the sale on the local market is prohibited or not?

Mr Gowressoo: Mr Speaker, Sir, in 1989, a communiqué was issued by the Customs Department wherein it was mentioned clearly that the book was banned. And then, afterwards there was a question in this august Assembly by hon. Gendoo. At that time, there was no legislation as such to ban the book. It is only when it is on sale that the person can be arrested.

Mr Bérenger: What is being said now is that what was done in 1989 was supposedly illegal and that the importation cannot be stopped and, therefore, there has been importation of that book through the Customs?

Mr Gowressoo: Yes, Mr Speaker, Sir. But we are trying to find solutions to prevent the sale of this book which pertains to religious matters; there will be public outcry. We have to prevent the sale of this book through the Police Department.

Mr Bérenger: Has an inquiry been carried out at Customs to find out when and how many of that book have been imported?

Mr Gowressoo: I am advised, Mr Speaker, Sir, that the Police has given instructions to the Customs Department to inquire about the importation of this book. I can inform the House that a batch of 25 books has been imported.

Mr Bérenger: May I know since when has Government been aware that supposedly the importation of that book and such books cannot be banned and why the required legislation has not come before the House, if required?

Mr Gowressoo: This was since 1989, Mr Speaker, Sir. It was at that time that the book was printed and was put on sale.

Mr Bérenger: We are told that an inquiry is on at the Customs to know when and how many of such books came in. I heard the Minister, who is not responsible for the Police, say that the Police opened an inquiry on the day or immediately after “Impact News” of 06 June made reference to the sale and even printed copies of *reçus* from this and that workshop where the book could be purchased. People were aware before that article - and there have been other articles before that article - that the book was on sale. Can I know why Police did not take action until that article appeared in “Impact News”?

Mr Gowressoo: Mr Speaker, Sir, my colleague, hon. Dr. Kasenally, drew my attention to the fact that “*Les Versets Sataniques*” was on sale at Jumbo supermarket. Then, I called the representative of Jumbo supermarket and told him that the book was not meant for sale and that a reply was given by the then Prime Minister in this House regarding this book. I called the Commissioner of Police and told him about the matter and I sent him a copy of the reply given by the then Prime Minister to a question put by hon. Gendoo at that time. Action was initiated, Mr Speaker, Sir.

Mr Bérenger: I would have liked to put the question to the person responsible for Police affairs. I have to put a question through a Minister who doesn't have anything to do with the Police. Has it been asked of the Police why they did not take action before that article appeared in “Impact News”?

Mr Gowressoo: I have already replied, Mr Speaker, Sir. Once I intervened and then immediately after action was taken.

Mr Bérenger: My question is: why did the Police start acting after the publication of that article, after Minister Kasenally came in, after the hon. Minister intervened? Why did not the Police do its work throughout bookshops all over the island before that date?

Mr Gowressoo: Mr Speaker, Sir, the Police was doing an inquiry before.

Mr Bérenger: What inquiry?

Mr Gowressoo: The inquiry on the sale of these books.

Mr Bérenger: The hon. Minister says ‘before’. Before what? He has just told us that he talked to the Commissioner of Police and then the Commissioner of Police ordered the Police to start action. My question is: has it been asked of the Ag. Commissioner of Police as to why the Police did not do its work before that?

Mr Gowressoo: Mr Speaker, Sir, when their attention was drawn, then the Police started action.

Mr Bérenger: When the selling of that book on the local market is illegal and Police is acting now. Sales had been going on for quite a while, there have been articles in the press. Why was the Police not acting before that date?

Mr Gowressoo: Mr Speaker, Sir, once I came to know about the problem, then I called the Commissioner of Police.

Mr Bérenger: I heard the hon. Minister make reference to one bookshop. In fact, that book was on sale in several bookshops. Can we know how many bookshops have been involved and whether Police has taken action?

Mr Gowressoo: Mr Speaker, Sir, I have been informed that three or four bookshops have been involved in the sale of this book.

Mr Bérenger: The Minister said: three or four. Has action been taken? Have statements been taken from them?

Mr Gowressoo: Action has been taken, Mr Speaker, Sir. I wish to inform the House that up to date, there has been no complaint from anybody; there has not been any declaration to the Police regarding this matter.

Mr Bérenger: Can I put the question to Government, to the person responsible for the rule of law in the country and the Police? On such delicate issues, does not Government believe that - in fact, there has been burning of books and all sorts of protests - a statement here in the House to clarify the situation, where the law stands, whether there is a ban, what action Police is taking or, at least, a communiqué as was done in 1989 should have been made public to cool things down and clear the air?

Mr Gowressoo: Mr Speaker, Sir, I have informed the House that, as a caring Government, we are taking action.

Mr Soodhun: Mr Speaker, Sir, this is a very serious issue.

(Interruptions)

Mr Speaker: Hon. Soodhun...

(Interruptions)

Mr Soodhun: People on the Government side are not aware of the seriousness.

Mr Speaker: The hon. Member should look at me, not at the hon. Minister.

Mr Soodhun: Yes, you are not provocative; you are serious and you know that this is a very important issue. In 1989 a question was put to the then Prime Minister, Sir Anerood Jugnauth, and he took the right decision to issue an

official communiqué from the Government, not from the Police Department. Why did the Police Department issue a communiqué and not the Government?

Secondly, on the question of black market, this morning, I sent somebody to “Le Printemps” bookshop, to see whether this book can be obtained and the answer was that within one week we can get the book on black market.

(Interruptions)

Mr Speaker: Order! Hon. Soodhun! I am asking hon. Dulull and hon. Soodhun to keep quiet. Next time any argument between you, both of you will be out of the House and the one who provokes will go out first.

Mr Gowressoo: Mr Speaker, Sir, if the hon. Member knows where this particular book is being sold, he can go to the Police.

(Interruptions)

Mr Speaker: Hon. Soodhun! I assume that you know the Standing Orders!

Mr Soodhun: I know!

Mr Speaker: You have put a question, and you should not expect to have the reply you are looking for. The answer given by the hon. Minister will be appreciated by you as well as the House and the people outside! That’s all!

Mr Gowressoo: Mr Speaker, Sir, hon. Soodhun just said that, at that time, Sir Anerood Jugnauth replied to a question put to him. May I read the reply, Mr Speaker, Sir?

Mr Speaker: I am sorry. The question that has been put states -

- (i) why Government did not issue a communiqué, after having taken cognizance of this article, and
- (ii) whether the Minister is aware that the book is being sold on black market.

Mr Gowressoo: Mr Speaker, Sir, I understand that in 1989 the first communiqué was issued by the Customs Department and not from Government as such. As far as I know, the communiqué stands good, Mr Speaker, Sir. There is no need to issue another one.

Mr Lauthan: Mr Speaker, Sir, this is a very delicate and sensitive issue. Please allow me to make a point. People around the world, and even in Mauritius, are very sensitive, because it touches the foundation of Islamic faith. There are no less than 73 verses in the Quran that warn human beings against the tricks of Satan. The book puts the question as to whether the very conception of God is rationally acceptable and justifiable. It touches the foundation of faith, and it is based on concepts like crime, suicide, jealousy, fanaticism, which are all contrary to the teachings of Islam. Even in Mauritius, there are various groups that might take various stands. What I am humbly suggesting is whether Government could contemplate the possibility of setting up a National Ulema Council, including people from various schools of thought so as to advise

Government or any Government on books which are outrageous and blasphemous and those which are not.

Mr Gowressoo: Mr Speaker, Sir, I thank the hon. Member for his suggestion, and we will look into the matter.

Mr Mohamed: Mr Speaker, Sir, from the answers of the hon. Minister, on my side I will try not to be emotional about it but try to use reason. If I understand correctly, there seems to be no monitoring unit at the Ministry of Arts & Culture to go at all bookshops on a daily or a weekly basis - and not having to wait for a press report - to monitor what books are being sold that go against public order or our law, our morale? Is there no such monitoring unit?

Mr Gowressoo: Mr Speaker, Sir, in fact, there is no such monitoring unit.

Mr Ganoo: Mr Speaker, Sir, can I ask the hon. Minister or Government to go back to the SLO, to consult the legal advisers of Government, in order to settle this issue more clearly? Because the law says that there can be a ban, and then a Proclamation if the publication is seditious. A seditious matter is defined as a publication which may lead to unlawful violence. This is what the Penal Code says. Can I ask the hon. Minister to consult the SLO, so that, at least, we go by the law, and Government may issue a proclamation on the banning of this book? Because this is clearly a seditious book, which is being sold - if at all it is being sold - in our bookshops.

Mr Gowressoo: Mr Speaker, Sir, we are trying to find a solution to this problem.

Mr Mohamed: Mr Speaker, Sir, what action will be taken against all those Customs Officers who obviously failed in their duty by allowing such a book in spite of the Custom Order? What will be the action taken against them? If those people can be identified, will they not be, at least, suspended?

Mr Gowressoo: Mr Speaker, Sir, it is at the discretion of the Comptroller of Customs to decide the course of action to be taken.

Mr Soodhun: Mr Speaker, Sir, this is not the only book that is causing harm to one particular religion. Even for the Hindu community, this is the same case. I would like to know from the hon. Minister what will be done in general in future, and not only for one community. I would like to know whether Government intends to review the law regarding the banning of such seditious publications.

Mr Gowressoo: Mr Speaker, Sir, I would suggest the hon. Member to come up with ideas, and then we will see what can be done.

Mr Soodhun: Mr Speaker, Sir, what I want to know is whether Government will take the decision of banning or not.

Mr Speaker: The hon. Member has already come up with ideas and has asked the Minister to consider banning the sale of the book. This is the idea! The hon. Minister will take it into account.

MOTION

SUSPENSION OF S.O. 10 (2)

The Ag. Prime Minister: Sir, I beg to move that all the business on today's Order paper be exempted from the provisions of paragraph (2) of Standing Order 10.

The Deputy Prime Minister, Minister of Tourism, Leisure and External Communications (Mr X. L. Duval) rose and seconded.

Question put and agreed to.

