

# Capturing Obscenity: The Trials and Tribulations of Saadat Hasan Manto

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## Abstract

*There is something extraordinarily evocative about great fiction or literary narratives by great writers of fiction on the theme of coercive authority. The celebrated South Asian Urdu essayist and short story writer Saadat Hasan Manto (1912-1955) belongs to a long tradition of highly gifted authors who had the occasion of personally encountering and confronting the cumbersome machinations and the at times mindless and oppressive logic of authority. Like other eminent writers of his ilk, his reflections on his experiences – Manto underwent several criminal trials for allegedly obscene writing – have left posterity with much more than the irate chronicles of someone confounded by an exhausting personal ordeal. We are bequeathed instead with a wealth of deep, astute, and compelling observations of a keen-eyed, sensitive, and articulate man – observations that continue to hold great relevance and wide appeal so many decades later. This article endeavours to capture Manto's unique critique of imposed legal frameworks for 'acceptable' creative expression, as well as his memorable picturization of the spectacle of the legal trial in colonial and post-colonial contexts.*

## Introduction

When it comes to providing a fascinating commentary on abusive or insensitive application of power and its discontents, Manto is quite similar to other illustrious writers, including literary giants such as Dickens, Kafka, Orwell and Coetzee. They too experienced such application of authority in diverse personal ways and subsequently adopted a vantage point from where they could examine the phenomenon from both within and without. The vital insider's perspective allowed them to decipher the special, and at times cryptic, languages and imperatives of the structures of power and authority. However, at the same time, they also developed an appreciation for and remained cognizant of the various nuances of everyday impulses, perceptions, hopes, fears, and reactions of their fellow folks who also encountered these power structures, thus universalizing their collective

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experience. Importantly, while developing that vital insider's view, these writers became neither creatures of institutionalized tyranny, nor its continuing victims – they ultimately found their escapes (albeit, at times only temporarily) from such insularity and forced dependence, saw the world and its additional facets, and came to embrace a multifarious comprehension of the vagaries of social existence and the overall human condition. That, and their remarkable skill and creative imagination as highly talented writers of fiction, then allowed them to look back and make sense of their earlier encounters with authority.

### Manto and Other Great Literary Commentators on Authority – The Common Threads

For Charles Dickens, his early experiences as a child from an impoverished family incarcerated in the debtors' prison, his dull and grinding work as a young law clerk, and his subsequent interfaces with the courts as a litigant, provided him an invaluable insight into the workings of the nineteenth century English court system. What subsequently emerges in several of his classic novels – most notably in *Bleak House* – is an incisive sociological critique of this system, its more comical idiosyncrasies as well as its soul-sapping delays, a vast and amazing cast of characters that typified those who ran, stood by or suffered through its operations, and a highly poignant lament about the multiple injustices that it meted out to the poor. Dickens documents several levels of privilege as well as disempowerment. His works often dwell on themes of legally sanctioned and upheld modes of exploitation based on lineage, class, gender, age and religion. On the other hand, Franz Kafka – who trained initially as a lawyer and was later subsumed by one dull and dreary vocation after another – investigates the remoteness and unaccountability of an unintelligible and often cruel bureaucracy; though his are more abstract and at times phenomenological explorations. Kafka's work may be set in the context of the early twentieth century Austro-Hungarian Empire but its scope is universal and its value truly enduring. His masterful examinations of the overt and covert persecution and psychological torture that comes with interfacing with a complex, seemingly senseless, and utterly inaccessible authority, serve as templates for on-going analyses in all those contexts that may harbour such a phenomenon.

In George Orwell, we have a past master at laying bare the unmistakable as well as the more subtle underlying racism of colonialism – an artist whose potent skill for expose in this arena few others have arguably managed to replicate. His great novel *Burmese Days* remains a masterpiece for the adeptness with which it dissects the racist demarcations that characterized life in the colonial outposts – whether in the club house or in the courtroom; may it be in the official jurisdiction of the *pukka* sahib or within the household domain

of the *memsahib*.<sup>2</sup> Of course it was Orwell's early career experience in the Burmese police around the first quarter of the twentieth century that left an indelible imprint on his later writing. Finally, J.M. Coetzee's various works, especially his celebrated novel *Waiting for the Barbarians*, has developed an abiding appeal owing to its clinical expose of the calm callousness of imperialism, set as it fittingly is in a timeless world. Coetzee's lifelong exposure and firsthand observation of the sinister workings of apartheid in South Africa may have introduced that brutal immediacy and utter believability into his fictional worlds, for which he is so well recognized.

Where one might ask does Manto fit into all of this? Quite apart from having the benefit of several personal run-ins with authority that furnished him with that important insider's perspective, what Manto further shares with the aforementioned writers is his unflinching honesty as well as extraordinary skill in exposing what he finds repulsive or untenable – as a litigant, as a writer, as a citizen, and above all, as a highly sensitive human being with a strong commitment to personal freedom and a sense of justice for all. Of course, in Manto's case the authority in question is neither abstract nor symbolic, but very palpable. It is the authority of the formal law itself – and that too a colonial law; a law imposed and implemented first by a colonial power, and then equally diligently by the young post-colonial state with its inherited *corpus juris*.

Manto writes about his encounters with the law as only a gifted writer of fiction can. Which is to say that his insights and perspectives leave one with not just a unique understanding of the experiences and emotions of a person caught up in a bewildering maze of officialdom and formal legal norms, but also a special, brooding, overall mood that he magically conjures up. A mood, which at times conveys so much more than a mere well chosen arrangement of words. All the aforementioned writers have frequently displayed this extraordinary talent. Allow me to draw attention here to how the successful creation of a special mood or particular feeling which reminds one of their works has led to the necessity of describing certain kinds of writings or descriptions as Dickensian, Kafkaesque, Orwellian, or in the style of Coetzee. The very terms say it all. It is because they denote the peculiar combination of words and emotions that Dickens ascribed to the exploration of legally preserved poverty and social injustice; that Kafka introduced to the analysis of the surreal and nightmarish experiences of disempowerment at the hands of a remote and elusive authority; that Orwell brought to an assessment of the degrees

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2 *Pukka sahib* and *memsahib* are colloquial terms commonly used, invariably by the non-white subjects, for the quintessentially stiff, blunt and fastidious white male masters and their white married and/or upper class female counterparts during the colonial era.

of dehumanization caused by totalitarianism – a theme linked to his other literary forays into the murky worlds of colonialism and racism; and, that characterize Coetzee's stark, precise, unpretentious and yet pithy analyses of imperialism and its tools of intimidation, torture, and subjugation. I would argue that when Manto encounters the debilitating processes, definitions, and frameworks of an alien formal law he leaves behind some very distinctive narratives. They are singular and peerless for their scathing wit, irreverent critique and highly provocative challenges to authority – an authority that is both formal legal as well as popular moral.

In other words, there is something uniquely *Manto-esque* about these narratives which makes them stand out for their distinctive style and depth of feeling. This is that something special and unparalleled – both in terms of perspective as well as description – that the great writers of fiction have brought to the examination of the phenomena of law, authority and control. This is something that mere expository writing or even robust academic analyses cannot quite hope to match, particularly when it comes to capturing the feelings of oppression and despair – the human dimensions of subjugation to unfeeling rules. This is what extends such a strong and compelling appeal to the field of law and literature, and indeed to the treatment of law in literature.

### The Ambit of the Essay

This essay discusses the various trials faced by Manto during his all too brief lifetime (and indeed also Manto's own commentaries on these trials), which quite significantly had to do with his writing, the purpose of writing in general, the relationship of law and literature, and the level of legally permissible freedom (though also discussed at times by judges as socially permissible freedom) that ought to be allowed by the society and the law to writers. The very themes of these legal *trials* – especially since Manto was repeatedly accused of being obscene in the choice and treatment of his subjects – are fascinating. This is because they frequently pitch legal definitions of what art, and more particularly what fictional literature, ought to do or ought not to do, against the multifarious perspectives of various men of letters, academics, bureaucrats, journalists, psychologists, judges, public moralists, and more importantly, of several writers, including Manto.

The fact that the laws under which Manto was tried were of colonial origin – and that he was tried both by colonial and post-colonial judges – makes this contest all the more significant; especially given the much debated trends and themes of continuity between the colonial and the post-colonial. At the same time, these trials were literally quite a *trial* for Manto – impoverished, maligned, betrayed, isolated and abandoned as he often

found himself while boldly speaking up for his freedom of expression and that of others. It is not unsurprising, therefore, that a third meaning also ascribes itself to Manto's trials. That is owing to the nightmarish Kafkaesque feel to his repeated experiences of fighting legalized hegemony – quite like Josef K. in Kafka's *The Trial* – as day after day he found himself having to explain to a judge why he wrote what he wrote and why it was not important or desirable for that to fit into the judge's definition of what was permissible for him to write. While describing his trials and tribulations, Manto leaves us with a telling account of the perennial tussle between alien and hegemonic formal norms and the more organic and socially contextualized informal norms that the former endeavour to subdue and suppress. That is what imbues his writings with the lasting value of great fictional narratives that meaningfully assail the hegemony of unpopular authority.

### The Paradox of Manto – Deeply Denounced and Widely Revered

Manto belonged to the generation that directly witnessed, deeply felt, and acutely internalized the traumatic outcomes of the partition of India in 1947, its depressing human toll, and the consequent massive social displacement. He examined, probed and faithfully described the complex and disturbing social phenomenon of a deeply fragmented society with fluid spontaneity and unwavering honesty. The elevated anxiety and angst of his unanchored and disconsolate existence continues to resonate in words, phrases and stories that still shock, provoke, sadden and brazenly question established and convenient perceptions of things. Though a social commentator of great genius at several levels he was also quite often the victim of a reductionism that degraded him as a writer of obscene stories.

Manto was prolific and often deliberately provocative. Perhaps what vexed his detractors the most was that he could not be conveniently categorized and pinned down for a definitive castigation. After all those who maligned him throughout his writing career included the religiously orthodox as well as secular liberals; colonial sympathizers as well as post-colonial bureaucrats; die hard nationalists as well as those cynical of narrow statist positions; and, litterateurs in the classical mould as well as progressive new age writers. Manto's fiercely independent and diverse expositions of overt and implicit exploitations through the mechanisms of colonialism, nationalism, religion, class, and sexuality, irked many; his stark exposes of the dark and sombre facets of the human condition regularly riled up ideological adversaries as well as prudish aesthetes. And the more they berated and ostracized him the more scathingly he wrote. This mutual torment continued till penury, alcoholism and disenchantment took his life when he was not yet forty-three. The year 2012 marked the first centenary of his birth and the resonance and longevity

of his uniquely bold, multi-tiered and perceptive social critique is undeniable.<sup>3</sup> However, at various levels many of the official and unofficial tributes seem faux to more astute observers.

Noted Pakistani novelist Mohammed Hanif notes wryly in his homage to Manto: “If you were writing today, and specially if you were writing in English, you could go to all the literary festivals and drink all the free booze you wanted. But they probably wouldn’t invite you because before and after drinking their booze you’d rant against the festival organizers, you’d raise questions about the sponsors’ parentage. Just like you maligned us judges. Having made your acquaintance while you were in the dock, and having familiarized ourselves with the filthy bits in your writings in the privacy of our chambers, we just wish to elaborate on the verdicts we handed down in those trials. No, this is not an apology on behalf of the Islamic Republic’s judiciary, just some observations, clarifications—and we are sure you still hate it—some literary advice. Times have changed. If you were writing today, we’d probably ignore your little blasphemies against good taste and national interest and would just book you for that half pint in your pocket” (Hanif 2012).

From amongst the vast cast of Manto’s tormentors Hanif has chosen the fictional voice of the judges for his posthumous appraisal. It is only too appropriate. Manto was frequently in trouble with the law and six decades after his demise exponents of narrow interpretations of the letter of the law (and its frequent coercive use by growing forces of radicalism and obscurantism) have come to entrench themselves as the final arbiters of acceptable and unacceptable speech in his homeland; the classifiers of piety and blasphemy; and, the adjudicators of the chaste and the obscene.

However, moving back to those earlier years when Manto was still probing and prodding with his sharp pen, it is time now to put him on trial yet again.

### **Manto and the Obscenity Laws**

As mentioned earlier, prominent amongst the several accusations routinely hurled at Manto, was that of writing obscene stories. And to drive home the point, he was often dragged to court in order to seek legal sanction for such literary and moral denunciation. The applicable law in question was the British colonial law of obscenity brought into force in colonized India through the Indian Penal Code in 1860. It was a law which like many other colonial laws from that period was coloured by and based on colonial prejudices

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3      There is a steadily growing body of literature on the life and art of Manto.

about the character of the colonized subjects. As a recent history puts it, “The pursuit of truth was a persistent source of anxiety to the British in India. Colonial administrators, Christian missionaries, and a wide range of commentators on Indian society consistently characterized the subcontinent as a place teeming with perjurers, forgerers, professional witnesses, and a general population that did not value truth. British ideas about Indian deceptiveness stretched steadily across historical time and the spectrum of political positions...Colonial anxieties about the unreliability of native knowledge took a very literal turn when it came to the administration of justice” (Kolsky 2010: 108-109). It is with this in view that we now proceed to an examination of the law itself.

Section 292 of the Indian Penal Code of 1860 did not define obscenity but endeavored to proscribe everything conceivable to do with obscene writings and objects, only carving out an expedient exception to assuage any religious sensitivities – thus pragmatically taking into consideration situations where the Indian notions of the sacred overlapped with European notions of the obscene.<sup>4</sup> The social, political, moral and public policy imperatives underlying a law from mid-nineteenth century colonial India were in turn deemed to be of timeless application by post-colonial India, Pakistan and Bangladesh. As a result, to date, their respective legislatures have not thought it worthwhile to alter one syllable of the original text, and where they have the amendments are negligible (Siddique

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4 It is worthwhile to reproduce here the text of this law: According to Section 292: Sale, etc., of obscene books, etc., “Whoever-  
 (a) sells, lets to hire, distributes, publicly exhibits or in any manner puts into circulation, or for purposes of sale, hire, distribution, public exhibition or circulation, makes, produces or has in his possession any obscene books, pamphlet, paper, drawing, painting, representation or figure or any other obscene object whatsoever; or  
 (b) imports, exports or conveys any obscene object for any of the purposes aforesaid, or knowing or having reason to believe that such object will be sold, let to hire, distributed or publicly exhibited or in any manner put into circulation; or  
 (c) takes part in or receives profits from any business in the course of which he knows or has reason to believe that any such obscene objects are, for any of the purposes aforesaid, made, produced, purchased, kept, imported, exported, conveyed, publicly exhibited or in any manner put into circulation; or  
 (d) advertises or makes known by any means whatsoever that any person is engaged or is ready to engage in any act which is an offence under this section, or that any such obscene object can be procured from or through any person; or  
 (e) offers or attempts to do any act which is an offence under this section,  
 -shall be punished with imprisonment of either description for a term which may extend to three months, or with a fine, or with both.  
 Exception: this section does not extend to any book, pamphlet, writing, drawing or painting kept or used bona fide for religious purposes or any representation sculptured, engraved, painted or otherwise represented, on or in any temple, or on any car used for the conveyance of idols, or kept or used for religious purposes.” The Indian Penal Code, 1860 (Act No. 45 of 1860), S. 292.

2013). It seems that the various prejudices and apprehensions held by the colonizer's mind regarding the Indian mindset that in turn contributed to the shape and substance of the Indian Penal Code, 1860 as well as other criminal laws from that era, were deemed unimportant to merit a revisiting and upgradation of these laws as the erstwhile Indian subjects became citizens after winning freedom in 1947 (Siddique 2013). The various trials of Manto – more or less evenly distributed on both sides of 1947 – the year that marks the independence of the Indian sub-continent from colonial rule – are thus fascinating both for the seamless continuity of applicable laws and procedures, as also for the continuation of the various contestations, contradictions and paradoxes underlying the court battles, between the worlds of formal law and the realm of literary expression. A pitched battle for turf is evidently on display as they both endeavor to comprehend and interpret the complexities of society, freedom, morality, ethics and art and consequently what ought to be written and allowed to be read.

As Manto found himself regularly hauled before the courts because someone or the other had complained that what he wrote was unfit for societal consumption and even anathema for state, religion and society, we are furnished with a fascinating collage of a creative writer's impressions of the court system (Manto extensively recorded his impressions in his inimitable style) as well as the courts' impressions of the creative writer and his creativity. We can also unearth significant underlying battles in the nascent nation-state between highly incongruous views on the future shape of the state and society and indeed the acceptable as well as desirable role of the writer in a country created in the name of religion. We come across a dazzling cast of local intellectual, scientific and literary luminaries who were summoned by the court as witnesses in order to weigh and gauge the artistic, literary and social merit of Manto's works. While evaluating his stories, these 'expert' witnesses provide a window to the deepening political, social and cultural divides in the Pakistan of the 1950s and the emergence of several schisms that were to aggravate in coming years. While judicial minds grappled to legally envision and shackle the concept of the obscene, noted writers, academics, psychologists and literati held forth on what was literary and what was vulgar.

Against these mega-debates, one can almost overlook the slim, bespectacled and harried-looking Manto – the instigator as well as target of these legal spectacles – reflecting on the extent of hullabaloo that a short story about a repentant rioter and rapist; a study of carnal awakening in an adolescent; a snapshot of the clinical staidness of settled upper middleclass matrimony; a sketch of a courtesan seeking new black clothes to commemorate a holy day with due sobriety; and, a tale about nostalgia for past sexual dalliances by a newly



married man, could generate.<sup>5</sup> However, Manto is not a silent observer and luckily we have some excellent essays that provide his version of what went on around him.

### The Writer's Window – Manto on the Physical Experience of his Trials

Already physically and financially fragile, the trials were draining for Manto in every sense of the word. His recorded impressions of his trials are often witty but also stoic, indignant, curious, anxious, long-suffering and at times both infuriated as well as deeply anguished. The title of one such essay – *Zehmat-e-Mehr-e-Darakhsan* (Torment of the Blazing Sun) appears cryptic till one links it to the classic Urdu poet Mirza Asadullah Khan Ghalib's couplet which says:

*Larazta hai mera dil zehmat e-mehr-e-darakhsan par*  
*Mein hun who qatra-e-shabnam kai ho khar-e-bayaban par*  
 My heart trembles at what the blazing sun portends  
 For I am a dew drop on a thorn-tree in the wilderness

Thus, precarious like a dew drop in a parched landscape where a blazing sun will soon ascend, Manto seemed to await each new day in court with heightened trepidation. The perpetual delays, costs and myriad additional inconveniences of a legal trial taxed Manto who describes the dispiriting topography and physical architecture of formal justice in detail: "This was not a new place for me – several times before I had squandered time here in connection with my three earlier trials. Though it is called the district court it is a filthy place. Mosquitoes, flies and other insects – the jangling of manacles and shackles, the monotonous tap tap tap of obsolete typewriters. Three legged chairs missing the rattan that forms the seat – the plaster peeling off the walls – a garden with a lawn as bare as the bald head of a dirty, impoverished Kashmiri. *Burqa* clad women sitting cross-legged on the bare dust-covered floor. Some people are engaged in foul swearing; some are scowling. In the courtrooms, the magistrates are sitting behind nonsensical tables and hearing legal proceedings. Nearby sit their friends with whom they engage in banter during the hearings. Words cannot quite capture the district court. It has a distinct mood, a distinct atmosphere, a distinct language and distinct terminology – it is a very strange place indeed. God preserve us from it" (Manto 1995a: 358-359).

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5 The references here are to some of the famous short stories by Manto – respectively, *Thanda Gosht* (Cold Flesh); *Dhuan* (Smoke); *Oopar, Neechay Aur Darmiyaan* (Above, Below and In Between); *Kali Shalwar* (Black Trousers); and, *Bu* (Odor) – all of which led to trials for obscenity. All translations of Urdu text in this article are by the author.

That justice comes at a price – the proverbial ‘speed money’<sup>6</sup> – is ever evident. Manto reports, “If you want to procure the copy of a legal document you have to attach ‘wheels’<sup>7</sup> to your application. If you want to access a legal document for review, then too you need to attach ‘wheels.’ If you need to meet an officer of the court you need to attach ‘wheels.’ If you need to expedite anything the number of required wheels goes up. You don’t need to look hard – as long as you possess sight you will observe that in the district court every application moves on wheels. Four wheels to get from one office to another. Eight wheels from the second to the third office and so on. If you are not a habitual culprit your heart will be seized by the desire that someone attaches wheels to you and thereafter pushes you so that you can speedily exit the district court” (Manto 1995a: 359).

Interminable hearings, the ravages of intense weather and premises ill-equipped to shelter and protect, at times contemptuous and easily irritable judges, the troubles of identifying and arranging defense witnesses, the prosecutions’ witnesses often engaging in *ad hominem* attacks, the perpetual anxiety of an uncertain legal outcome, and the sheer indignity of standing in the dock harangued Manto. Despite a veneer of fortitude, one can easily sense why he loathed each new day in court. Empirical research conducted over sixty years later reveals that not only is the trial process as tedious and cumbersome as it was during Manto’s time but that the ‘district courts’ that he longed so desperately to escape are as dreadful a prospect for a sensitive soul.

A 2011 snapshot of sections of the same court premises has the following to offer: “The ‘Aiwan-e-Adal’ (literally the “Hall of Justice”) is the official name of the main premises that house the civil courts of the Lahore district. Situated in the heart of the old colonial

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6      ‘Speed money’ is a colloquial term used by lawyers and other legal functionaries during Manto’s times. It remains en vogue even today. It denotes the tips and small bribes expected by and given to court functionaries and staff to ensure that the case proceedings flow smoothly and without any petty bureaucratic hitches and delays. Such hitches and delays could be actually created by the court staff itself in order to extort money from litigants or were simply part and parcel of the outdated procedures and the slowly functioning court system.

7      Once again the context here is the slow and grinding pace of a legal system characterized by outdated and time-consuming procedures and judges and courts over-burdened with cases. In order to ensure that one’s legal case does not get bogged down in such a system the expectation on part of court functionaries and staff is to be paid some financial reward to speed up things, expeditiously produce necessary documents or perform other small but vital administrative tasks which may otherwise take a much longer time. Manto uses the metaphor of a ‘wheel’ for the additional speed and alacrity with which any simple but necessary steps in a court battle – procuring a copy of a legal document, meeting an officer of the court to get some standard information etc., – could be undertaken after extending some financial incentive to the provider of such routine services.

part of the city it constitutes a couple of large and drab four storey buildings which are connected by bridges at the third and fourth levels, surrounded by lesser structures and fronted by a very busy road. Upon entering through the main portal one is surrounded by scores of tin-roofed sheds and flimsy make-shift wood and board structures that act as lawyers' offices or the work places of several service providers to the court operations. The area is crowded by lawyers, law clerks, litigators, visitors, legal paper sellers, court staff, photocopying and typing service providers, tea and snack vendors and various other ancillary operatives of the court system as well as regular frequenters of the courts who may or may not have any particular reason for being there. The main buildings contain court rooms, retiring rooms for judges and work spaces for the court staff and are fronted by open corridors with occasional cement benches for public use.

The ground floor corridors are specially cramped and difficult to navigate due to encroachment by chairs, desks and benches that belong to lawyers. Along with an additional chair or two or a bench for clients, they constitute the entirety of their office space. These chairs and benches are invariably chained to the walls for safekeeping and display the names and qualifications of their owners. The outer walls of the court premises are covered by the name plaques of lawyers and visiting cards of candidates contesting the district bar elections and their supporters..." (Siddique 2011: 7-8).

The court premises are much more crowded today than Manto's times and the collective consternation of concerned litigants as palpable as what he encountered: "... The constant bustle, crowds and at times unsavory characters that frequent such places added to the already closed, suffocating and unappetizing mood of the place...

...Though, the official court hours were from 9:00 am to 4:00 pm, by 1:30 pm judges would normally be done with the day's hearings and crowds of litigants would start thinning out. Though many of them seemed not to have made any appreciable progress in their cases, it was more or less generally understood that there would be no more court activity after 1:30 p.m. Many of the litigants could then be seen thronging outside the judges' readers' offices and seeking the next dates of hearing..." (Siddique 2011: 8).

Manto frequently complains about the tortures of undergoing a trial in the summer months. The challenges are no less for those embroiled in court proceedings in the bleak winter months: "The months during which the Survey was conducted are the coldest in Lahore ... early day time temperatures dropped to 3 or 4 degree Celsius. The days were invariably overcast and gloomy. The general state of melancholy was accentuated by the fact that the court premises have minimal basic facilities. The only places provided for the

public to sit are occasional cold cement benches. It was a struggle to simply stand in the exposed corridors, verandahs and bye-ways of the court premises. There are few public lavatories and a minimal fee is charged for using them – which in spite of being minimal was described as a burden by some obviously very poor litigants who come from long distances and have to spend the entire day on the court premises. There is one partially covered, ramshackle cafeteria within the court premises to cater to the few thousand people who come to the court every day and it offers meagre, and for many a fairly overpriced, fare. There is another cafeteria – both covered and more comfortable – but that is accessible only by the lawyers. Furthermore, the open corridors, especially on the upper floors of the court premises, were exposed to cold winds and freezing temperatures. The extreme cold and general gloominess contributed to both a lower than usual number of litigants as compared to summer months as also to a general tendency to huddle and crouch in corners and thus be generally unapproachable” (Siddique 2011: 9).

Over sixty years on, anyone wanting to relive what Manto physically went through during his trials can revisit his haunts in the courtroom corridors. They are like a living museum for they have changed but very little in all these years. The mood that Manto captured can still be breathed in today.

### The Writer’s Window – Manto’s Challenge: What is Obscenity?

It is against this debilitating backdrop that Manto’s artistic soul and hyper-sensitive personality grappled with the ephemeral legal nuances of obscenity. In his trials he vociferously insisted that what he wrote was not obscene and that he simply described what he observed. Therefore, the fault lay not with what he wrote but with those who found fault with it. In another famous essay *Lazzat-e-Sang (The Taste of Stones)*,<sup>8</sup> a typically candid Manto retort to the charge of obscenity is: “God alone knows why the prosecution describes a short story as obscene when it is not even remotely so – if I want to mention a woman’s breasts then I will call them a woman’s breasts – a woman’s breasts can’t be called peanuts, or a table or a shaving razor – though it has to be said that for some people the very existence of women is an obscenity, but what to do of that ...” (Manto 1995b: 636-637).

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8 A long-suffering artist’s self-inflicted partiality for harsh criticism, or metaphorically, for the stones hurtled at him by his adversaries, can persuade us to also translate this title as ‘A Taste for Stones.’

When the prosecution or the witnesses or the court pointed to what they thought was a particularly offensive choice of words in his stories, Manto would counter: “There are few words that are obscene *per se*. It is usage which can make the chastest of words obscene. I don’t think anything is inherently obscene. However, even a chair or a cooking pot can become obscene if presented in such a way – things can be deliberately made obscene to serve a particular purpose” (Manto 1995b: 633).

When his legal detractors said that they detected that his choice of writing on a sexual theme was inherently motivated to inspire immoral tendencies in people, Manto would provide an analogy to assert that no theme was inherently or necessarily obscene, but it was obscene only if the artist intended it to be obscene: “An art gallery displayed many nude portraits of women. None of them – as is to be expected – corrupted anyone’s morals, nor did they arouse lust. However, one particular painting of an otherwise fully clothed woman with only one part of her body provocatively left uncovered, was deemed to be obscene. Why so? Because of the artist’s less than noble intent – he had knowingly shown the woman’s dress to be awry in such a manner that it provoked and invited the viewer’s imagination to envision the woman as nude, even when she wasn’t. To find obscenity in writing, in speech, in poetry and in sculpture, one has to first uncover the underlying intent. If there is even an iota of an enticement to obscenity then the writing, speech, the verse and the sculpture are utterly obscene” (Manto 1995b: 633).

But why write on a potentially sexual theme in the first place? Should a writer not be more discerning in his choice of topics? To this Manto retorted that he refused to be cowed into restricting himself to themes that some officially sanctioned morality approved of. Why? In his own words: “If a woman in my neighborhood gets beaten up by her husband every day and then takes out time to clean his shoes I feel no sympathy for her; but when a woman in my neighborhood gets into an argument with her husband, threatens to commit suicide and then ambles off to see a movie, and I witness the husband racked by emotional turmoil over the next two hours, I develop a strange empathy for both of them. The notion of a boy falling in love with a girl is of as much significance to me as the common cold; however, my attention would surely be drawn to a boy who conveys the impression that hundreds of girls are madly in love with him, but who is in fact as hungry for love as a famine stricken Bengali – in his colorful tales of requited love I will hear the underlying moans of a tragedy and I will then narrate his tale to others. A hardworking woman who finds peaceful sleep at night cannot be the heroine of my story. My heroine would rather be a harlot who lies awake at night and whose day-time rest is often disturbed by nightmares of impending old age – her heavy eyelids encrusted by years of lost sleep can be the theme of my story. Her filth, her ailments, her irritability,

her profanities – they all appeal to me – I write about them – and I bypass the soft speech, the glowing health and the sophistication of domesticated women” (Manto 1995b: 619-620).

And what indeed sets Manto apart is his open disdain for the ubiquitous, more exalted, romantic and aesthetic themes of classical Urdu literature. Instead, Manto took up and mastered realistic portrayals of life in all its meanness, pettiness and ugliness. The hangers on in the by-ways of life; the ancillary, the ignored and the marginalized; and, even the positively resented and frowned upon are the very people he finds worthy of attention. The utter baseness of humans is often Manto’s inspiration, but not without a meticulous excavation of any remaining signs and hopes for humanity – his own humanity drives him to look for charm where others merely see hideousness and to unearth virtue and goodness where all but a few only perceive vice. He regularly juxtaposes and assesses his characters against what society anoints as respectable and worthy, and unravels the hypocrisy and inner rot that respectable society often suffers from but cleverly disguises. And then there are the complex multi-tiered sexual tensions between the opposite sexes, further complicated by social taboos, popular prejudices, entrenched dogmas and stiff aversions to any open discussion of the same, even though voyeurism may otherwise be the societal norm. Manto is valiantly defiant about his freedom to express himself as a creative writer and his liberty to select his own themes – including sexual ones.

In addition, he also deeply analyzes the role of the creative writer in society and provides several justifications for why writers ought to act as a mirror to society – and if the reflection in the mirror is ugly then he staunchly maintains that it is the unsightly face in the mirror and not the mirror itself that is to be blamed: According to Manto, “People object that the new writers are fixated on the sexual relationship of men and women. I cannot answer for all but I will say for myself that I like this theme. Why is that the case? Well because that is the case – think of it as a perversion that I harbor. And if you are astute and can gauge things well then understand why I am so. If you are unfamiliar with the age which we are living through then read my stories. If you find my stories unbearable that can only mean that this age is unbearable – my ills are the ills of this age – my writing suffers no defect, the defect attributed to me is the defect of this age – I don’t cherish chaos – I don’t want to send people’s thoughts and emotions into disarray – and how can I undress civilization and unclothe society for they are already naked – I don’t try and cover up or dress them up either for dressing up is the trade of tailors and I am not a tailor – people call me a black pen. But I don’t use a black pen on a blackboard. I use a white chalk so that the blackness of the blackboard stands out even more. I have a distinctive style, a particular mode. It has been described as pornography, progressiveness

and God knows what else – Saadat Hasan Manto be cursed for he can't even be abused properly” (Manto 1995b: 620).

Oftentimes, Manto throws down the gauntlet for those readers who find his stories obscene on a regular basis and provocatively asks them if the perversion lies in their minds instead of in his writings: “... Only an unhealthy body, a diseased mind can harbor such an impression. However, it is for those who are spiritually, mentally and physically healthy that a poet writes poetry, a short story writer pens stories and a painter paints. My stories are for the hale and hearty – people who consider a woman's breasts to be a woman's breasts and nothing more – who do not look upon a man and a woman's relationship with astonishment – who do not swallow a masterpiece in one gulp” (Manto 1995b: 636).

### ‘Cold Flesh’ – Brilliant Explorations of the Depths of Human Depravity or Sexually Arousing Gibberish?

And what did the purveyors of the law and the custodians of official morality think of these arguments and justifications? It is illuminating to compare and contrast Manto's perspectives with what the judges thought of obscenity in general and the specific accusations of obscenity directed at Manto's works in particular. In this context, it is significant to examine the trial triggered by Manto's short story *Thanda Gosht* (Cold Flesh) – arguably the most infamous of all the Manto trials (Manto 1995c: 404-411). The story revolves around an ultimately fatal rendezvous between Ishar Singh – a brawny, brutal and lascivious man – and Kulwant Kaur, his licentious paramour. We find out that Ishar Singh is a veteran provocateur of murder and mayhem in the aftermath of riots in the city and also that killing a man has never dampened his appetites. However, this time around when these two meet and indulge in extended verbal and physical foreplay, Kulwant Kaur notices an inexplicable pallor and lack of libido in her lover. Her strident harangues finally force Ishar Singh to reveal that while involved in some recent looting and killing he carried off a comely young girl in order to ravish her. However, after having left the scene of bloodshed when he put her down by the road side he discovered that she was dead – all along he had been carrying a corpse.<sup>9</sup> Neither the savagery he had committed at that place (having killed six men) nor the gaping wound that the

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9 Some commentators have pointed out that the story clearly insinuates that Ishar Singh actually engaged in necrophilia. Though Manto admittedly makes references to necrophilia elsewhere in his work, the writer finds unpersuasive direct textual support for the same in this story.

maddened Kulwant inflicts on him with his own dagger (initially convinced that his lack of sexual drive was attributable to his dalliance with some other woman and taking that as a grievous insult), seems to trouble Ishar Singh. However, as the story draws to a close it emerges that he has resigned all his virility, all his manly appetites, and indeed his very life as it steadily trickles out of his wound, to the horrible memory of that dead girl whom he had carried off in order to rape. Always animal-like in his thoughts and deeds, it seems that some last vestige of humanity in Ishar Singh finally allows him to feel human and thus truly encounter horror as a human being must.

The story is admittedly explicit in its employment of sexual metaphors and swear words – but arguably quite realistically so as two earthy and equally dissolute characters meet in the privacy of their room to fornicate. Manto explained in his defense and also in his eventual writings on the trial that the choice of language, the sequence of events, the narrative style, and the overt theme were all necessary in order to make the story realistic. They were neither meant to titillate nor the main purpose and focus of writing. In other words, while many of the aforementioned aspects of the story were consciously and deliberately sexual, the underlying intent was not (Jalal 2013: 152-157). Though apparently revolving around a point of sexual psychology, according to Manto, the story contained a subtle message for humans – that even when they reach the ultimate limits of cruelty, barbarity and animalistic behaviour, they still don't completely lose their humanity. Had Ishar Singh completely lost his humanity he would not have reacted so strongly to the corpse of the young girl so as to lose his virility (Manto 1995a: 390). Manto further quizzes as to how a depiction of loss of virility due to the acute psychological shock caused by a macabre recollection could be deemed as sexually arousing? (Manto 1995a: 374).

### The Judges' Window – Legally Permissible Art; Socially Acceptable Creativity

The judges, however, were not convinced. According to the Order dated 16 January, 1950 by the Magistrate First Class who conducted the trial of Manto as well as the editor and publisher of the story: "I have read this story closely and found that it contains a filthy style of language and impolite swear words. I have also felt that this story has several libido inducing aspects and sexual insinuations. In order to determine whether a story is obscene or not it is imperative to set a benchmark to determine obscenity ..." (Manto 1995a:385).<sup>10</sup>

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10      This is the writer's translation of Manto's Urdu version of the Order.



While identifying a benchmark, the Magistrate states that all Indian Courts have been following the standard set in an 1868 English case.<sup>11</sup> The judgment defined as obscene any impugned materials that may inspire any such people who can access such materials and whose minds are vulnerable to such influences, to immoral and depraved actions (Jalal 2013: 158). The Magistrate goes on to underline the importance of social context while legally determining what was pornographic (Manto 1995a: 385). He then surmises: “... Those things that may be regarded as harmful to a Pakistani’s morality may be deemed as innocuous to a Frenchman’s morals. Every society has its own moral standards and those things that define one society’s morals can be considered immoral by another society’s morals ... therefore, whether the short story under discussion is obscene or not can only be determined against the backdrop of Pakistan’s established moral standards and also on the basis of the impact that such a writing may have on the minds of those that constitute this society ... furthermore the standard proposed ... is not a complete and comprehensive standard. It is after all, as it says, a standard. There can be additional standards as well. For instance, these include a tendency (which exists in the impugned materials) that hurts the moral sensibilities of the readers – this standard too depends on the moral standards of the readers.” (Manto 1995a: 385-386).

So it emerges that there is an ‘established’ Pakistani moral standard which in turn is to be the benchmark for legally determining obscenity. The question, however, still remains as to whether there is really such a thing and if so then how does one identify it? The learned Magistrate continues: “As mentioned earlier, the term ‘obscenity’ used in the penal code has a technical significance that has to be assessed by the court. Expert testimony is also necessary to the extent of determining established standards of literature for sophistication of expression, vulgarity, moral/immoral worth and the inclinations it inspires in the readers’ minds. Thereafter, on the basis of all this, it is for the court to determine whether something meets the requirements of ‘obscenity’ or not” (Manto 1995a: 386-387).

### Capturing Obscenity: Multiple Methodologies; Diverse Definitions

Once the trial started and the prosecution and defense witnesses were asked to testify, problems soon arose as the vast cast of prosecution and defense witnesses divulged, not surprisingly, highly variant views about what was imagined to be an ‘established’ Pakistani moral standard as also the actual artistic merit and moral value of *Thanda Gosht*. The Magistrate acknowledged that the defense witnesses – all literary and academic luminaries – were of the view that a realistic portrayal of life could not be considered obscene, and

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11 Regina v Hicklin, L. R. 3 Q. B. 360 (1868).

further that while certain words and the sequence of events in the story may be thought vulgar in isolation, they were necessitated by the demands of realism and *per se* the plot and the story were neither obscene nor did they incite licentious behaviour. Nevertheless, despite claiming the existence of an objective standard, the Magistrate fairly subjectively found *Thanda Gosht* capable of corrupting morals and in violation of the country's ethical standards and went on to convict and sentence the accused.

It soon transpired that not just writers and intellectuals but even the exalted judges could be completely at odds when it came to the prescribed process and modus of capturing obscenity based on some hypothetical objective standard, as also the very nature of such a standard.<sup>12</sup> The verdict was appealed and the conviction overturned by the Sessions Court. The Sessions Judge disagreed with the Magistrate on whether such matters could at all be resolved by expert testimonies. Scrutinizing the trial record he found it only natural that some witnesses found *Thanda Gosht* obscene while others did not – after all, different types of readers would always have different views on what is moral and what is not and what counts as obscene and what doesn't. Hence, what was required, in his opinion, was a single standard in order to reach a resolution. The Sessions Judge agreed with the Magistrate that different societies have different moral standards. However, he felt that while identifying such a standard for Pakistan and declaring it to be based on the Quran, the Magistrate had erred. In the Sessions Judge's view that may well be the societal aspiration but it was surely not its reality. He then advocated that while searching for a society's moral standard, one ought to examine society in its actuality rather than in terms of its aspirations – hence the need to focus on the 'is' rather than the 'ought.'

In a sense the Session Judge's perspective is not dissimilar to Manto's who had maintained all along that as a writer all he did was to provide verbal snapshots of the actual state of society. The Judge then went on to point out and discuss various prevalent social practices

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12 In a separate subsequent trial for obscenity, the Magistrate treated Manto with great respect and courtesy. Though he convicted and fined him Rs. 500, upon Manto mishearing the fine as Rs. 25 he smiled and immediately reduced it to that amount. He then requested Manto to meet him the following day at a coffee house and there he informed him with great affection: "Manto sahib, I look upon you as a great short story writer of this age. The sole reason I sought this audience with you is that I did not want you to leave with the impression that I am not a great fan of yours." An astonished Manto asked him that if he was such a big fan of his then why he was fined. Upon this the judge smiled and responded that he would explain in a year's time. In a subsequent essay Manto addressed the judge and said that many months had since passed and only a few remained and that he awaited the revelation from the learned Magistrate who had come across as a man of his word. We don't know whether Manto ever received a reply or whether the Magistrate could not quite come up with a persuasive standard for convicting obscenity (Manto 1995e: 578-581).

that he regarded more objectionable than the impugned short story. This was not to say that he approved of the story for he said that he didn't; however, importantly, he said that he did not find it more obscene or more objectionable than various other things that routinely carried on and were tolerated in society (Manto 1995a: 397-402), (Jalal 2013: 158-159).<sup>13</sup> In other words, Manto's output was no more obscene than the society he wrote about – it met the low moral standard that the society actually adhered to. This may be considered a rather backhanded compliment but the outcome was gratifyingly real for Manto's appeal was successful.

### The Judges' Window – The Law, and not the Littérateurs, decides what Literature is and what it is not

However, Manto's trials and tribulations were not over yet. The State appealed and the Lahore High Court was less sympathetic. According to Justice Muhammad Munir in the now infamous case of *Crown v Minto*: "In its outline the story is perfectly innocuous though it is a question whether what is narrated is a likely sexual phenomenon. It is the details of the story and the words used by Ishar Singh in his conversation with Kulwant Kaur that are alleged by the prosecution to be obscene. Some of the expressions used are extremely vulgar while others are crude metaphors having reference to the performance of the sexual act. The most objectionable scene, however, is that where on his second visit to Kulwant Kaur, Ishar Singh attempts to prepare her and himself for the sexual act. The technique of a debauch is described there in plain terms. The passage is full of references to Kulwant Kaur's naked body and describes in full details what he did to her in order to bring her to the pitch of a "boiling kettle." These preliminaries are described by a metaphor "phaintna" and the culminating act by "patta phainkna."<sup>14</sup> Judged by every standard of decency, this passage is definitely obscene."<sup>15</sup>

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13 In this regard, it is significant to note the support for Manto during his trials from diverse quarters, including those who regularly read and admired him as well as those who did not but who believed that trying him for obscenity was a travesty and/or that his freedom of expression ought to be inviolable. At the same time, his abandonment and isolation by several literary peers and ideological comrades for political and literary as well as petty parochial reasons further embittered Manto's days and nights and forced him to simultaneously face his legal battles as well as several additional open fronts (Jalal 2013:159-176).

14 Manto uses common terms employed by card players in order to describe the sexual act. "Phaintna" or shuffling a pack of cards is meant to symbolize sexual foreplay while "Patta phainkna" or actually playing a card by placing it on the table (though "phainkna" is actually a more casual act and denotes throwing or flinging) is meant to symbolize sexual intercourse itself.

15 *Crown v. Saadat Hassan Minto*, P L D 384 (1952) (Pak), at 387.

Having denounced the story as reprehensible by ‘every standard of decency,’ it is interesting that the Judge then feels compelled to acknowledge that morality is a subjective and comparative phenomenon. However, his argument is eventually circular as once again he ends up discovering a universal standard of morality. In his words: “It is true that morality and obscenity are comparative terms and what is obscene or immoral in one society may be considered to be quite decent and moral in another. But while considering the question whether certain words or representations are obscene or not, one has to apply standards that are current in the society in which those words have been uttered or representations made. In the present state of society in this country or anywhere else in the civilized world, there can be no doubt that a description of the acts preparatory to sexual intercourse, however graphic or lifelike that description may be, would be considered obscene.”<sup>16</sup>

Justice Munir is also dismissive of the value of the opinions of men of literature and knowledge in the quest for identifying society’s moral standard – their differences of opinion on what constitutes obscenity deemed by him as surprising. The significance of broader social context, though initially highlighted, is ultimately held subservient to the narrow domains of legal definitions; the requirements of artistic realism discarded as sufficient justification for employment of particular language and terminology in creative output; a legal test laid down in an English case in the mid-nineteenth century held to be perfectly relevant to the living social reality of Pakistan in the 1950s; and, finally, received legal doctrine decisively elevated over and above sociological and artistic perspectives and imperatives: “It is regrettable that this issue should have been made in the Trial Court the subject of controversy between men of literature and surprising that there should have existed a difference of opinion between them in regard to the story in question being obscene. Whatever conception of art and literature those who considered the publication in question to be innocuous may have, it becomes necessary to remind them that they are completely mistaken in their conception of “obscenity” as used in law. Since the case of *Reg v. Hicklin* 1868 L R 3 Q B 360, one test of obscenity has always been whether the tendency of the matter charged is to deprave and corrupt those whose minds are open to immoral influences and into whose hands a publication of this sort may fall and that the motive, or intention in publishing the work does not prevent it from being obscene if the descriptions in it are in themselves obscene.”<sup>17</sup>

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16      *Crown v. Saadat Hassan Minto*, P L D 384 (1952) (Pak), at 387.

17      *Crown v. Saadat Hassan Minto*, P L D 384 (1952) (Pak), at 388.

He then highlights words and passages which he finds fully capable of corrupting the morals of the public and declares the actual intent of the writer to be of no consequence: “The passage in the story, to which special reference has been made earlier in this judgment, is full of grossly indecent and sexual details of a sexual episode and would undoubtedly suggest to the minds of the young of either sex, and even to persons of more advanced years, thoughts of lewd and libidinous situations. It is utterly irrelevant what the intention of the author in writing the story was; what matters in such cases is the tendency and not the intention. Were it otherwise, a girl parading the symmetry, outline and development of her body by walking along the Mall in a state of nudity would not be guilty of any obscene act if her intention in so doing were to display the physical advantages of the cult of nudism. But, in the instance given, can there be two opinions whether her act would or would not be obscene?”<sup>18</sup>

Through the course of this and his earlier trials, Manto – who frequently represented himself and advocated his case in court – made several persuasive and thought-provoking arguments in his defence. We are fortunate that he has recorded these in detail, as also his diverse impressions of the entire experience of being put on trial. He pleaded that he sought to merely portray the myriad real faces of society – regardless of whether they were hideous or comely – and nothing more and nothing less. He asserted his freedom of choice to pick his themes and characters as a creative writer – if he chose to write about what was ugly, then that was a choice that needed to be unassailable or else the world would see nothing in art and literature but an unrealistic and highly sanitized and monotonous sameness. He exhorted that surely the writer’s underlying intent and not his eventual output is what really mattered; nowhere in his impugned stories was there any intent to titillate or arouse. All his twists of plot, his specific use of language, and his particular description of events were integral to the stories that he told and the characters that he portrayed. He implored that if certain very natural and realistic themes were to be proscribed as being inherently obscene then that would be a huge disservice to both life and to art. He pointed out that there would always be those who would see obscenity where it did not even remotely exist, and thus the fault lay with their tainted gaze and not in the artist’s art.

Implicit of course in all of this was Manto’s zealous commitment to meaningfully employ art to provoke and disturb, but not just for the sake of it, as he stressed time and again. Instead, a deep desire to shock and shame society – a brutal and rapacious society as he

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18 Crown v. Saadat Hassan Minto, P L D 384 (1952) (Pak), at 388.

often encountered and perceived – to mend its ways, always permeated his motivations. All of Manto’s aforementioned arguments – philosophical, sociological, psychological and literary – and his particular defense of his choice of certain words and phrases as well as his cogent references to shifting social and cultural attitudes to the works of such literary greats as Maupassant, Flaubert and Joyce, were eventually silenced by the terse and curt verdict of the law. A verdict of law which also contains a blanket indictment of Pakistan’s literary luminaries. “... We find all the respondents guilty and since very perverted notions of decency in literature seem to prevail in some literary circles of Pakistan, of which Minto is a member, we sentence each of the respondents to pay a fine of R. 300 each or to undergo rigorous imprisonment for one month.”<sup>19</sup>

It is perhaps not ironical that the same Justice Munir was to subsequently import a purely abstract philosophical concept from Austrian legal realist Hans Kelsen in order to legally justify a military coup d’état in the 1950s, and thereby earn perpetual infamy – for his unadulterated scorn for opinions and processes civilian and democratic may have had its seeds in these early judicial musings. So how should those judges, who judged Manto and other socially and politically inconvenient voices, be judged in turn? According to one sarcastic perspective: “We are the judges, you can’t judge us. There were other writers who we put on trial but in the end we came around to accepting them, even celebrating them. We put Faiz Ahmed Faiz on trial but for his extra-curricular activities, not his poetry. We beat the hell out of a poet called Habib Jalib for his poetry. But now we can’t have a dinner party or political rally without shouting their verses. Even those who wear a taj<sup>20</sup> and sit on a takht<sup>21</sup> keep threatening: *hum dekhenge*.<sup>22</sup> We can live happily ever after with cuddly revolutionaries” (Hanif 2012).

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19 Crown v. Saadat Hassan Minto, P L D 384 (1952) (Pak), at 389.

20 Taj is the Urdu word for crown.

21 Takht is the Urdu word for throne.

22 *Hum Dekhenge* literally means ‘We Shall See.’ The reference is to a famous revolutionary poem by the highly renowned Urdu Poet Faiz Ahmed Faiz. The poem – which has the title and carries the refrain *hum dekhenge* – conveys the hopefully defiant voice of the downtrodden who declare that they stay confident of seeing a day when fortunes will change and despotism will be defeated. The sarcasm in this passage is directed at certain powerful Pakistani politicians who routinely co-opt such revolutionary lines in their political speeches. The irony of course is that these lines are meant to inspire the toppling of despots in power, and yet they are at times employed by the very people against whom they are meant to be directed.

### Manto's Continuing Resonance

It is apparent that artistic and political dissent can only temporarily be curtailed through legal sanction. Manto remains as relevant and thought-provoking today as during his lifetime – and so does Justice Munir, but for all the wrong reasons. There are still many who accuse Manto of being a writer of indifferent talent who essentially sought attention by being provocative and obscene. As with his other retorts to such criticism, Manto's response to this allegation, while having traces of his characteristic wit and satire, is profound and ultimately socially constructive.

To conclude in Manto's own thoughtful words: "It is not too difficult to answer the question as to why today's writers primarily focus on sexual matters – we live in an age of strange paradoxes – women are more proximate now and also afar – at places one encounters utter nudity and at other places they remain covered from head to toe; one comes across women in male guises as well as men dressed as women ... the world is undergoing a great change – eastern civilization is being deconstructed as well as reconstructed; western civilization is being exposed as well as being adopted – there is a kind of chaos everywhere ... in this cacophony you find us writers wielding our pens and grappling with this issue and that ... if you see excessive discussion of the male-female relationship in our writing that is only to be expected – countries can be politically fragmented, religions can be set apart based on differences in their core beliefs, adjacent pieces of land can be demarcated by laws. However, no politics, religion or law can separate women and men.

Efforts have been made in every age to bridge the gap between women and men – every century and each epoch has witnessed attempts to bolster or demolish the wavering wall separating women and men – those who consider this pornography ought to be ashamed at the crudeness of their thought process; and those who judge it on the crucible of morals ought to know that morals are like rust carelessly allowed to accumulate on the razor edge of society.

The thought that new literature has spawned sexual issues is fallacious; in fact it is sexuality that has generated the new literature – when you and I see our reflection in this new literature we become indignant for reality is always bitter in essence, even if sugar coated.

You may find our writings harsh and acrid but that is because you have been accustomed to sweeteners. How did humanity gain from that – after all, the leaves of the Neem tree are bitter but at least they cleanse the blood" (Manto 1995d: 688-689).

And while Manto spent a lifetime attempting to cleanse the lifeblood of the diseased society that surrounded him, instead of artistic freedom all that his adopted and free new country's laws could rather comically, and ultimately tragically, offer him was: "We sentence each of the respondents to pay a fine of Rs. 300 each or to undergo rigorous imprisonment for one month." This was also deeply symptomatic of the emerging chasms between Pakistani society and its various laws; between diverse social aspirations and a progressively bureaucratic state; and, between liberal popular notions of the acceptable and meritorious and the coalescing hegemony of dogma, intolerance and state power – chasms that were to deepen in the coming decades.

## Conclusion

Manto's closely felt, highly impressionistic and deeply moving accounts of his trials and his spirited fight for freedom of creative expression are a continuation of the long and great tradition of literary fiction as well as literary essays dealing with contemporary realities that has endeavored to explore and unravel the complex phenomenon of official authority and its frequently despotic manifestations. All too often such accounts have left a far more resonant and lasting impact than other disciplinary narratives looking at the same themes. There may be several reasons for this. The foremost could be the fact that truly evocative fictional accounts or non-fiction literary narratives by writers of fiction discard the neutral staidness of other analytical approaches for a more flexible style – a style much better suited for an empathetic and humanistic treatment of the plight of those who live under the sway of despotic authority. An additional reason could be that the realms of fiction and literary expression better endow the writer with the creative omnipotence of giving voice to multiple perspectives as well as their respective points of conviction, contradiction and vacillation – may it be the architects of despotism and all their front men, henchmen, collaborators, and supporters or their various detractors, critics, and ultimate victims. As a result, such accounts possess the power and ability to truly demystify and deconstruct authority and thereby show it for what it truly is – embedded as it may be in myriad theories, assumptions, justifications and legal constructs that prop up its structure and expedite its operation, and manifest as it may be in its equally numerous modes and methods of belittling, alienating and exploiting those on whom it is exercised.

This essay illustrates the above by essentially exploring how a probing and ever-rebellious fiction writer such as Manto looks at the law and its complex dynamics of officialdom, power structures and legalized coercion – all the time while the law also scrutinizes him and unsuccessfully tries to fit him and his work into one of its prescribed categories and



definitions. At times, it takes a highly sensitive and astute external observer like Manto, endowed also with a unique set of personal experiences that equipped him with that vital insider's perspective, to fully capture and comprehend the enigma of a system that takes pride in its complexity – even its unintelligibility – to the lay person. Such a system and its specialist functionaries may envision themselves as a self-contained and complete reality – and also one that is both actually dominant and is deemed worthy of being dominant. It is a uniquely perceptive onlooker like Manto – at times watching from afar and at other times temporarily embroiled and caught up in the mesh of such a system – who possesses the requisite panoramic view, the critical sense, and also the social empathy to fully appreciate what the system's juggernaut stands for and how it treats those that stumble onto its path.

Often times such a writer speaks a very different language and conceptualizes the world in a very different manner from the languages and conceptualizations of those who characterize the system. This creates an unavoidable conflict. At the same time, it provides an invaluable independent gauge for assessing the form and meaning of the language that prevails within the system – a language that may be deemed unassailable and superior both because of the insularity of the system, and also because the system overwhelmingly dominates other systems and normative frameworks in society. Live as we do in times when in various parts of the world such domination of coercive authorities has only escalated since the days when Manto wrote, his thoughtful and critical writings carry even more meaning than before.

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