

## The Home Minister's Authority in Book Banning: A Legal Contextual Analysis

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### Abstract:

The banning of books by government authorities raises critical questions about the balance between freedom of expression and the protection of public order, morality, and public interest. This issue becomes particularly contentious when decisions to ban books are challenged by authors or publishers, prompting courts to evaluate the legality and reasonableness of such actions. This paper examines the issue of whether the Minister possesses the authority to ban books and explores the implications if an author or publisher challenges such a decision. The study employs a qualitative methodology, analysing relevant literature from both primary and secondary sources on book banning. The findings reveal that under the Printing Presses and Publications Act (PPPA), specifically section 7(1), the Home Minister is empowered to ban books. Notably, no prior court cases have deemed section 7(1) unconstitutional. In one case study, the Home Minister exercised this power to ban a book, prompting the affected party to challenge the decision in court. The analysis shows that courts are tasked with objectively determining whether the Minister's satisfaction that the book's content is "prejudicial to public order," morality, or public interest is reasonable. The High Court may nullify the Minister's decision if it violates principles of natural justice. However, in the Court of Appeal, if the majority of judges conclude that a reasonable Minister could find the book's content and title likely to harm public order, morality, or public interest, the ban may be upheld. In conclusion, the term "prejudicial to public order" plays a pivotal role in the Home Minister's decision-making process regarding book bans.

### Keywords:

Book banning, Home Minister, morality, prejudicial to public order, public interest.