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## Punjab Assembly Passes Bills to Curb Sacrilege

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The Punjab Assembly unanimously passed a Bill which proposes life imprisonment for the desecration of Guru Granth Sahib, Gita, Quran and Bible in Punjab.

- The Indian Penal Code (Punjab Amendment) Bill, 2018, seeks to amend Indian Penal Code (IPC) by inserting Section 295AA.
- Under the existing Section 295A, punishment is for a maximum of three years imprisonment with or without fine.
- It also enhances the punishment under section 295 IPC (Injuring or defiling place of worship with intent to insult the religion of any class) from two to ten years of imprisonment.

### Background

- In March, 2016, the then government had passed The Indian Penal Code (Punjab Amendment) Bill, 2016, and The Code of Criminal Procedure (Punjab Amendment) Bill, 2016, recommending life sentence for **desecration of Guru Granth Sahib only**.
- The Centre had returned the Bill saying all religions needed to be **treated equally** as per the secular nature of the Constitution and that it could not single out religion to propose life imprisonment for defiling Guru Granth Sahib.
- The Centre had asked the Punjab government to **either withdraw the Bill or include all religions** in the proposed amendment if it wanted the Bill to be looked at afresh.
- As a result, the Punjab Assembly withdrew the 2016 Bill, and passed the new Bill proposing life imprisonment for desecration of **religious scriptures of all the four religions**.
- The new Bill **retains all the earlier amendment** proposed in 2016 Bill.

### Section 295(A) of Indian Penal Code

- It says that 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 that class, shall be punished with imprisonment of either description for a term which may extend to [three years], or with fine, or with both.
- It seeks to preserve harmony in a multi-religious society by sanctioning penal action against those attempting to disturb the peace.
- In 1957, even a five-judge bench of the Supreme Court upheld its constitutionality.

## Concerns

- However, IPC already has several other provisions to deal with those attempting to breach communal harmony, it may be wise to consider watering down or doing away with Section 295A altogether.
- Section 295, which has been the Indian version of anti-blasphemy law since its introduction during the colonial rule, continues even after blasphemy being abolished in the UK.
- It has chilling effect on freedom of speech and expression.
- Section 295A deters even honest attempts to fight against superstition and prejudices, the broad ambit of the offence had sometimes even put the government and courts in difficult situations.
- The wide ambit of Section 295A has not spared even pure artistic and literary expressions and has often startled even the votaries of the provision with unintended consequences. The biggest example of which is imposition of this section on MF Hussein's Paintings.

## Way Forward

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- These sections of the IPC are a big impediment to reasoned debate in India. Free speech, when exercised by individuals, challenges the orthodoxies of minds and empowers the progress of societies.
- Free speech is the engine of democracies. Article 19-1(a) of the Constitution guarantees a fundamental right that "all citizens shall have the right to freedom of speech and expression." Moreover, the framers of the Constitution chose not to make blasphemy a restriction on free speech.
- Recently, India has witnessed a wave of violence in the name of religion. A challenging task, therefore, for opinion makers, legislators, social workers and writers is to curtail the role of religion in society.
- The proposed law seeks to do two things. One, it arms religious forces that seek to curb free speech in Indian society, enabling them to threaten and harass individuals in the name of so-called hurt religious sentiments.

- Two, it gives more muscle to the police and politicians to harass critics for political purposes, thereby undermining the secular morality of the Constitution.
- Holy scriptures of various religions need to be examined, critiqued and challenged so that the followers of those religions can move on a path of enlightenment, away from religion into the embrace of science and rational thinking.
- The recent announcement by the PM on Independence Day to send an Indian into space by 2022 is a bold step to inject among Indian minds an attitude to look forward.