Section 295A and 153A of IPC

What is the issue?

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The Supreme Court, in late April 2017, has intervened to spare Mahendra Singh Dhoni the ordeal of facing a criminal trial for allegedly insulting the Hindu religion by being featured in the likeness of a deity on the cover of a business magazine.

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What the court has said?

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- The court quashed a criminal complaint filed under **Section 295A of the IPC,** a provision that makes "deliberate and malicious acts intended to outrage religious feelings" a punishable offence.
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- The court said **there was no deliberate intent** on the part of the cricketer or the magazine to hurt religious sentiments.
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- It drew upon the interpretation given to Section 295A by a Constitution Bench as early as in 1957 that it only "punishes the aggravated form of insult to religion **when it is perpetrated with the deliberate and malicious intention** of outraging the religious feelings of that class".
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What is Section 153A of IPC?

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- Another much misused section is **IPC 153A –** which intends to punish those who **promote enmity between different groups** on grounds of religion, race, place of birth, residence and language, and doing acts prejudicial to the maintenance of harmony.
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- This section has been employed to **harass writers and artists** and cast a chill on free expression.
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- The problem with insult laws, irrespective of the form they assume, is that they are **inherently subjective.**
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- In this respect, Section 295A and 153A resemble our controversial contempt of court law — there is no saying what will scandalise a judge and therefore no saying when and for what contempt may be invoked.
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What is the way forward?

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- Judicial relief does come in the end, but the bitter truth is that the process is the punishment.
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- It is time our **lower courts stop taking reflexive cognisance of trivial cases** filed on the basis that the religious, caste or cultural sensitivities of some group have been offended.
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- These sections need to be read down, their **scope narrowed** in a way that moral vigilantes and those who affect an emotional victimhood can no longer exploit the law to serve their narrow ends.
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Source: The Hindu

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