

Section 153 A and 295 A of IPC

Why in news?

The Supreme Court refused to grant bail to Delhi-based defence analyst Abhijit Iyer-Mitra over his allegedly objectionable remarks about Odisha's Konark Sun Temple.

What was the offence committed by Abhijit Iyer-Mitra?

- Recently during Journalist Abhijit visit to Orissa's Sun Temple, he had posted a satirical video and allegedly made derogatory comments over the state's food and culture.
- So he was arrested by Orissa Police with the assistance of Delhi Police.
- He was arrested on charges of outraging religious sentiments of the people.
- The Odisha assembly had also adopted a privilege motion against him for his alleged derogatory remarks.

What were the charges levelled against him?

- Mr. Iyer-Mitra's was arrested in New Delhi under the two sections of the Indian Penal Code — 153A and 295A .
- It was on the charges of promoting enmity between different groups on grounds of religion.
- The incident shows that some penal provisions are handy tools of harassment.

What does these sections say?

- Sec 153 A deals with promoting enmity between different groups on grounds of religion, race, place of birth, residence, language, etc., and doing acts prejudicial to maintenance of harmony.
- Under this section the person shall be punished with imprisonment which may extend to five years and shall also be liable to fine.
- Sec 295 A states that injuring or defiling place of worship with intent to insult the religion of any class.
- The person can be punished with an imprisonment of either description for a term which may extend to two years, or with fine, or with both.

What does this incident denote?

- The entire episode flags a larger concern.
- The provisions of IPC used here must be invoked only under serious circumstances such as a grave threat to public order and tranquillity.
- However they are being misused in a routine manner.
- When the onus is on the prosecution to show there was criminal intent either to provoke disharmony or deliberately offend religious sensibilities, it is simply wrong to invoke these sections for everything that someone finds objectionable.

What can be done in this regard?

- Our society and government should understand that irreverence is not a crime.
- To such actions just a response would suffice where as the use of prosecution and arrest are unjustifiable.
- Such an attitude will only make for an intolerant society consisting of easily offended individuals.
- In a mature democracy, the casual resort to criminal prosecution for perceived insults to either a religion or a class of society need to be actively discouraged.

Source: The Hindu