

## Commentary

### Preventive Measures of Blasphemy and Maintaining Religious Harmony Under New Criminal Law

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#### Introduction

Blasphemy refers to an insult that shows contempt, disrespect or lack of reverence concerning a deity, an object considered sacred, or something considered inviolable. Blasphemy refers to expressing thoughts or words that demonstrate a lack of respect towards God. According to the dictionary of law of Mariam Webster, the term blasphemy is defined as the act of insulting God, demonstrating disrespect for him or a lack of respect for his attributes, as well as showing irreverence towards something revered as sacred or inviolable. Some religions, especially Abrahamic ones, regard blasphemy as a crime, including insulting the Islamic prophet in Islam, speaking the sacred name in Judaism, and blasphemy of God's Holy Spirit is an eternal sin in Christianity. It was also a crime under English common law, and it is still a crime under Italian law. In the early history of the Church, "blasphemy" was considered to show active disrespect to God and to involve the use of profane cursing or mockery of his powers". In the medieval world, those who committed blasphemy were seen as needing discipline. By the 17th century, several historically Christian countries had legislation against blasphemy. Blasphemy was proscribed speech in the U.S. until well into the 20th century. Blasphemy laws were abolished in England and Wales in 2008 and in Ireland in 2020. Scotland repealed its blasphemy laws in 2021. Many other countries have abolished blasphemy laws including Denmark, the Netherlands, Iceland, Norway and New Zealand. As of 2019, 40% of the world's countries still had blasphemy laws on the books, including 18 countries in the Middle East and North Africa, or 90% of countries in that region.

#### Blasphemy in India

Blasphemy is illegal in India under Section 295A of the Indian Penal Code. Section 295A of the Indian Penal Code lays down the punishment for the deliberate and malicious acts that are intended to outrage religious feelings of any class by insulting its religion or religious beliefs. This law prohibits blasphemy against in India. Section 295A is a cognizable, non-bailable, and non-compoundable

offence. Legal experts consider Section 295A a controversial provision. Section 295A, specifically targets those who, with deliberate and malicious intent, insult or attempt to insult the religion or religious beliefs of any class of citizens through words, written or spoken, or through signs or visible representations. The inclusion of Section 295(A) in the legal framework allows for the limitation of freedom of expression in order to preserve social order and prevent the escalation of tensions between different religious communities. By restricting the dissemination of materials or the expression of ideas that are deemed blasphemous, the legislation aims to mitigate the potential for violence and maintain peaceful coexistence among diverse religious groups.

The law aims to maintain religious harmony and prevent incitement of hatred based on religious differences. Violations of Section 295A can result in imprisonment for up to three years, a fine, or both. While the law is intended to protect religious sentiments, it has faced criticism for potentially infringing on freedom of speech and expression. The law is applicable to all religions in India, not just a specific one.

Chapter XVI of Bharatiya Nyaya Sanhita, 2023 is related to the Offences relating to Religion. Section 299 of Bharatiya Nyaya Sanhita, 2023 provides 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 through electronic means 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. In India, laws like Section 299 of Bharatiya Nyaya Sanhita (BNS) aim to prevent deliberate and malicious acts intended to

outrage religious feelings. Section 299 BNS is designed to protect the religious sentiments of various communities in India. By criminalizing deliberate and malicious acts intended to insult

religious beliefs the law aims to prevent communal disharmony. However, despite the presence of such laws, enforcement remains weak and inconsistent. Why does it take public outrage, protests, and sometimes even violence for the legal system to take notice. This recurring inaction exposes the inefficiency of the legal machinery in dealing with such sensitive issues. One of the main concerns for Muslims is the selective enforcement of laws. While India's legal framework appears robust on paper, in practice, there are glaring inconsistencies. When religious figures, especially from minority communities, are insulted, legal proceedings are often slow or non-existent. On the other hand, even the slightest criticism or perceived insult toward certain other religions can lead to immediate legal action. This double standard in law enforcement not only weakens the legal framework but also sows seeds of mistrust between different religious communities. When Muslims feel that their religious figures can be insulted without consequences, it fosters a sense of alienation and insecurity. It leads to a perception that the law does not treat all citizens equally, eroding faith in the judiciary and governance. Section 299 of the Bharatiya Nyaya Sanhita (BNS) addresses the offense of deliberate and malicious acts intended to outrage religious feelings by insulting the religion or religious beliefs of any class of citizens. This provision aims to protect religious sentiments and prevent actions that could lead to communal disharmony. The core of the offense lies in intentionally causing insult or attempting to insult religious beliefs. The offense can be committed through various means, including spoken or written words, visible representations, electronic means, or any other method. The punishment for this offense can include imprisonment for up to three years, a fine, or both. Section 299 applies to a wide range of actions, including hate speech, offensive writings, religiously insensitive social media posts, and public demonstrations aimed at insulting religious beliefs. In essence, Section 299 of the BNS is a crucial provision for maintaining religious harmony and protecting the sentiments of various communities in India.

### Conclusion

There is a need for stronger action and accountability to control the blasphemy. The lack of stringent legal repercussions emboldens individuals to make blasphemous remarks, knowing they will likely face little to no consequences. India, as a secular state, must ensure that the laws are applied fairly and equally to all, without favoritism or bias. Law enforcement agencies and the judiciary must recognize the gravity of blasphemous acts. These are not just random remarks; they have the potential to disrupt communal harmony and inflame religious tensions. Strict penalties must be imposed to serve as a deterrent for future offenders, and the legal machinery must act swiftly in addressing such offences. India's pluralism is its strength, but that strength can only be maintained through mutual respect and understanding between communities. Every citizen, regardless of their faith, has the right

to feel secure in their religious identity. This includes the right to be free from insults and blasphemous remarks against figures held sacred by their religion. All communities residing in India, irrespective of their religion have always contributed to India's rich cultural and social tapestry. From science to art, literature to governance, all have played a key role in the development of this nation. Yet, despite this contribution, their religious sentiments are increasingly being disregarded, and blasphemous actions are becoming disturbingly frequent. As citizens of a secular state, all people of the country irrespective of their religion deserve the protection of their faith and its sacred figures. The failure of the legal machinery to promptly address these violations is deeply troubling and calls for urgent reform. India must ensure that its secular ethos is preserved through fair and equal application of the law, protecting the religious sentiments of all its citizens. However, the state must act to prevent such acts from becoming a recurring part of our national discourse. Only by upholding justice can we maintain the peace and unity that are essential for India's progress.

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