

6. Sacrilege Law for Guru Granth Sahib – History

1. Context

1. The Punjab Assembly unanimously passed the 'Jaagat Jot Sri Guru Granth Sahib Satkar (Amendment) Bill, 2026' aimed at imposing harsher punishment for sacrilege of the Guru Granth Sahib, including life imprisonment.
2. It proposes to amend the 2008 law originally enacted under the Shiromani Akali Dal–Bharatiya Janata Party government.
3. This legislation reflects ongoing tensions between religious sentiments, criminal law, and constitutional principles in Punjab.

2. About Guru Granth Sahib

Nature and Significance

1. The Guru Granth Sahib is the holy scripture of Sikhism serving as the central religious text.
2. It functions as the spiritual guide of the Sikh community providing moral, ethical, and theological guidance.
3. The scripture contains 1,430 pages with hymns and writings in various languages including Punjabi, Sanskrit, Persian, and regional dialects.

Compilation History

1. Originally compiled by Guru Arjan Dev, the fifth Sikh Guru, in 1604 at Amritsar.
2. Guru Arjan Dev included compositions of previous Sikh Gurus along with writings of Hindu and Muslim saints reflecting Sikhism's inclusive philosophy.
3. Later finalized and given its present form by Guru Gobind Singh, the tenth and last human Guru, in 1708.
4. Guru Gobind Singh added compositions of his father Guru Tegh Bahadur before declaring it the eternal Guru.

Status in Sikhism

1. Considered the eternal Guru after Guru Gobind Singh ended the line of human Gurus.
2. Holds the highest spiritual authority in Sikhism guiding all religious and spiritual matters.
3. Sikhs bow before the Guru Granth Sahib and treat it with utmost reverence as a living Guru.
4. It is ceremonially installed in Gurdwaras and treated with elaborate protocols of respect.

3. Understanding Sacrilege

Legal Definition

1. The Bill defines sacrilege as any wilful and deliberate act intended to desecrate the Guru Granth Sahib.
2. Physical acts include physical damage, defacing, burning, tearing pages, or theft of the saroops (physical copies) of Guru Granth Sahib or any part thereof.
3. Non-physical acts include sacrilege through words either spoken or written, signs, visible representations, or electronic means.
4. The intent element requires that actions be intended to hurt religious sentiments of persons professing the Sikh faith.

4. Key Features of the Amendment

Punishment Structure

Basic Sacrilege Offence

1. Anyone committing sacrilege of the Guru Granth Sahib can face imprisonment of not less than seven years minimum sentence.
2. Maximum punishment may extend to 20 years imprisonment providing judicial discretion based on offense severity.
3. Financial penalty ranges from ₹2 lakh to ₹10 lakh along with imprisonment.

Aggravated Offence with Conspiracy

1. In cases involving criminal conspiracy with the intent to disrupt peace or communal harmony, punishment is substantially enhanced.
2. Minimum punishment is ten years imprisonment ensuring serious consequences.
3. Maximum punishment extends to life imprisonment for gravest cases.
4. Financial penalties range from ₹5 lakh to ₹25 lakh reflecting greater culpability.

Nature of Offence

1. All offences under the law will be cognizable meaning police can arrest without warrant.
2. They are non-bailable requiring accused to seek bail from magistrate or court rather than automatic release.
3. Offences are non-compoundable meaning parties cannot settle outside court even with victim consent.
4. Those aiding or abetting sacrilege will be treated as equally culpable as principal offenders.

Investigation Protocol

1. The offence shall be investigated by senior police officer not below the rank of Deputy Superintendent of Police or Assistant Commissioner of Police.
2. This ensures that experienced officers handle sensitive cases reducing chances of procedural errors or communal escalation.

5. Rationale for Amendment

Government Justification

1. The State government argues that recent incidents of sacrilege have attempted to disturb peace and communal harmony in Punjab.
2. Multiple incidents over past years have triggered violent protests and law and order challenges.
3. The amendment seeks to deter such acts by ensuring stringent punishment including life imprisonment for those found guilty.
4. Deterrence theory suggests that severe punishment prevents potential offenders from committing crimes.

6. Concerns and Criticisms

Against Secular Ethos

1. In 2016, the SAD-BJP government passed two amendment bills: The Indian Penal Code (Punjab Amendment) Bill, 2016, and The Code of Criminal Procedure (Punjab Amendment) Bill, 2016.
2. These bills prescribed life imprisonment for desecration of the Guru Granth Sahib specifically.
3. The Centre returned these bills asserting that all religions must be treated equally under India's secular framework.
4. Singling out one religious text for special protection through enhanced punishment violates constitutional secularism requiring state neutrality toward all religions.

Legally Vulnerable

1. Critics argue that the amendment departs from the original purpose of the 2008 Act.
2. The 2008 Act was aimed at regulating the printing, publication, and distribution of the Guru Granth Sahib to preserve its sanctity and prevent unauthorized or substandard reproductions.
3. Expanding the statute to include stringent criminal penalties such as life imprisonment fundamentally changes its nature.
4. This expansion may make the law legally vulnerable to constitutional challenge on grounds of legislative competence and proportionality.

Conflict with Central Law

1. Although States have legislative competence on criminal law under State List Entry 1 (public order) and Concurrent List Entry 1 (criminal law).
2. States cannot prescribe punishments exceeding limits set by central laws like the Bharatiya Nyaya Sanhita (BNS) which replaced Indian Penal Code.

3. Offences like sacrilege under Section 295A of IPC now Section 299 of BNS carry a maximum of three years' imprisonment.
4. Any State law prescribing life imprisonment for similar offence creates direct conflict with central legislation.
5. Under Article 254 of Constitution, Central law prevails over inconsistent State law in Concurrent List subjects making such amendments legally untenable.

Law and Order Concerns

1. Incidents of sacrilege often trigger immediate protests and demonstrations by Sikh community members.
2. These protests can escalate into violence including arson, highway blockades, and clashes with police.
3. Such situations disturb public order requiring heavy police deployment and potentially leading to casualties.
4. Harsh punishments alone may not prevent incidents if underlying causes like religious intolerance or political instigation remain unaddressed.

Political Implications

1. Sacrilege incidents are frequently invoked in electoral narratives particularly in Punjab politics.
2. Political parties compete to demonstrate commitment to Sikh religious sentiments through legislative action.
3. This leads to political polarization with each party attempting to outbid others on religious protection measures.
4. Politicization of religious issues undermines rational policy-making and constitutional governance.

Communal Harmony Threats

1. Acts of sacrilege, whether deliberate or accidental, can strain inter-community relations in Punjab's multi-religious society.
2. They pose serious threat to social harmony creating suspicion and hostility between communities.
3. Retaliatory actions or revenge attacks against perceived offenders or their communities worsen communal tensions.

7. Way Forward

Speedy Investigation and Judicial Process

1. Ensuring time-bound investigation prevents prolonged uncertainty and rumors from spreading.
2. Fast-track courts or special benches can be designated for sacrilege cases ensuring swift trials.
3. This enhances accountability and prevents escalation of tensions caused by delayed justice.
4. Quick resolution provides closure to aggrieved community while ensuring due process for accused.

Depoliticization of Religious Issues

1. Religious matters should be kept free from political interference and electoral opportunism.
2. Political parties must avoid exploiting religious sentiments for vote-bank politics.
3. Cross-party consensus on handling sensitive religious issues can maintain public trust and prevent polarization.

Community Engagement and Interfaith Dialogue

1. Promoting regular dialogue among different religious communities fosters mutual respect and understanding.
2. Community leaders including religious heads can play bridge-building role.
3. Educational programs highlighting shared values across religions reduce prejudice and misconceptions.
4. These efforts reduce risk of conflict and create social resilience against provocations.

Strict but Balanced Legal Framework

1. Laws should be strict enough to deter genuine cases of sacrilege demonstrating state commitment to protecting religious sentiments.

2. Simultaneously, they must ensure compliance with constitutional rights particularly Article 19 guaranteeing freedom of expression.
3. Proportionality principle requires that punishment matches offense severity without excessive harshness.
4. Legal provisions should clearly define offenses preventing misuse for settling personal scores or silencing dissent.

Awareness Against Misinformation

1. Spreading awareness about responsible use of social media can prevent false rumors about sacrilege incidents.
2. Official communication channels should promptly clarify facts during sensitive situations.
3. Media literacy programs help citizens verify information before reacting emotionally.
4. This curbs unnecessary unrest caused by fake news or exaggerated reports.

Uniform Application Across Religions

1. To maintain constitutional secularism, protection against sacrilege should be uniform across all religions.
2. This addresses criticism that Punjab law privileges one religion over others.
3. Uniform framework prevents perception of discrimination while adequately protecting all religious sentiments.

8. Sacrilege and Constitutional Framework

Freedom of Religion (Article 25)

1. Article 25 guarantees individuals the freedom to profess, practice, and propagate religion subject to public order, morality, and health.
2. Acts of sacrilege violate this constitutional spirit by deliberately hurting religious beliefs and practices of others.
3. Protection against sacrilege can be justified as necessary to ensure that one person's freedom doesn't infringe upon another's religious rights.

Freedom of Expression vs Reasonable Restrictions (Article 19)

1. Article 19(1)(a) ensures freedom of speech and expression as fundamental right.
2. However, Article 19(2) permits reasonable restrictions on grounds including public order, morality, decency, and relations with foreign states.
3. Sacrilegious acts may be restricted if they incite violence, disturb public order, or violate community morality.
4. The challenge lies in balancing free expression with protection of religious sentiments without excessive censorship.

Right to Equality (Article 14)

1. Article 14 ensures equal protection of laws without discrimination.
2. Laws against sacrilege must be applied uniformly across all religions avoiding preferential treatment.
3. Differential treatment of sacrilege against different religious texts violates equality principle.
4. State law providing enhanced protection to one religious text creates constitutional vulnerability under Article 14.

Federal Structure and Legislative Competence

1. Article 254 governs cases where State and Central laws conflict on Concurrent List subjects.
2. When conflict exists, Central law prevails and State law becomes void to extent of repugnancy.
3. Punjab's attempt to prescribe life imprisonment when Central law limits it to three years creates clear conflict.

9. Conclusion

The Punjab Assembly's sacrilege amendment reflects genuine community concerns about protecting religious sentiments and deterring offenses. However, the legislation faces significant

constitutional and legal challenges including conflict with Central law, violation of secular principles, and federalism issues. Effective approach requires balancing religious sensitivities with constitutional values through uniform application, proportionate punishment, and depoliticization. Swift justice, interfaith dialogue, and awareness campaigns may prove more effective than harsh punishments alone in preventing sacrilege and maintaining communal harmony.

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