

Can Hinduism Take a Joke? Humour, Blasphemy, and the Future of Artistic Expression in Modern India

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Abstract

This study explores the complex relationship between humour, satire, and artistic expression in relation to blasphemy within Hinduism. Moving beyond a rigid definition of blasphemy, the research investigates the "Line of Offense", the blurry boundary between artistic expression intended to amuse or critique, and deliberate acts that cause outrage.

Humour and satire function as powerful tools in Hinduism, with a rich tradition of mocking revered figures and doctrines to spark social discourse and religious critique. The study examines how this "Power of Mockery" has been wielded throughout history, considering the evolving nature of blasphemy and Hindu tolerance for such expressions.

Furthermore, the research delves into the unique role of religion in shaping societal attitudes towards humour and satire. Compared to other religions, Hinduism's approach to blasphemy is analysed, highlighting its emphasis on tolerance and debate. The study concludes by tracing the "Evolution of Blasphemy" within Hinduism, exploring how the concept has been reinterpreted and debated over time.

By examining the complex relationship between humour, artistic expression, and blasphemy in Hinduism, this study aims to shed light on the duality of this ancient religion. Hinduism can be both liberating, offering diverse paths to the divine, and oppressive, enforcing strict social hierarchies and gender norms. This study explores how humour and artistic expression navigate this complex landscape, both reinforcing and challenging the established law.

Keywords: Humour, Artistic Expression, Satire, Blasphemy, Hinduism, Tolerance, Freedom of Expression, Gender, Evolution of Blasphemy, Law.

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Introduction

The Ramayana recounts a satirical tale on infidelity: Indra, the king of the gods, is castrated by sage Gautama for duping his wife, Ahalya. The narrative goes further, describing an unusual punishment—taking away his manhood and then restoring it; but with that of a pig! (Bala Kanda 1.47-48).

This bawdy episode within a revered Hindu scripture raises a critical question: how can a tradition that embraces humour as a tool of satire at the expense of revered deities grapple with contemporary issues of religious sensitivity and artistic expression, particularly when humour serves as a tool for social critique?

The key to navigating this tension might exist in understanding the context and intent behind artistic expression. The Ramayana's narrative, for instance, doesn't mock Indra as a deity, but rather exposes his act of infidelity and the consequent punishment in a tale of veiled satire. Similarly, modern artistic critique should aim to challenge social issues or power structures, not simply offend religious sensibilities.

Humour, wielded thoughtfully, can be a powerful instrument for social commentary. Satire has the potential to expose hypocrisy, spark conversations about social inequalities, and nudge people towards introspection. We see this potential in unreleased, heavily criticised or censored media pieces and legal cases concerning artistic expression in India. But what exactly triggers offence within Hindu society? Why does artistic expression sometimes feel like a corruption of religious sentiment? There's a surprising amount of insecurity at play here.

Understanding Blasphemy in India

The concept of blasphemy, a deliberate act of disrespect towards a deity or religion, ignites heated debates in multicultural societies like India. While some governments contemplate abolishing existing blasphemy laws, often focused on protecting Christianity, others propose extending them to encompass all religions (Coleman, 2006).

What puts the idea of blasphemy at odds with India's rule of law is the fact that the constitution allows its people the right to freedom of speech and expression with reasonable restrictions.

This sparks a crucial question: how do we best strike a balance between freedom of speech, a cornerstone of a vibrant democracy, and respecting the deep-seated religious beliefs of a diverse population? Understanding and defining blasphemy itself presents a significant hurdle. Legal frameworks often dominate discussions, even though blasphemy laws are rarely enforced in Western democracies. This disconnect between the law and its application creates confusion. However, in contemporary India, the picture is far more intricate.

India has no law dedicatedly dealing with blasphemy. But the Indian Penal Code (IPC) has provisions (Sections 154, 295, 295A, 296, 297, and 298, with jail sentences ranging from one year to three years) to tackle insult to a religious group or communal tension and violence.

Lok Sabha MP and Congress leader Shashi Tharoor recently said there was no need for a law against blasphemy in India as the current hate speech laws and Section 295A are pretty adequate. “The existence of a blasphemy law tends to encourage both excessive frivolous litigation and mob misconduct by those who take the law into their own hands” (Kadam, 2022). This, coupled with the proposed Punjab Amendment Bill advocating life imprisonment for sacrilege against specific religious texts, creates a legal tightrope walk for artists and satirists. The line between playful humour and punishable blasphemy remains unclear. Fear of prosecution hangs heavy in the air, stifling artistic expression (Kadam, 2022).

To understand why these blasphemy laws fuel artistic intolerance, we need to delve into India's historical context. Centuries of Muslim rule followed by British colonisation, both marked by religious violence, have left lasting scars on the Hindu psyche (Oberoi, 2001; Metcalf & Habib, 2006). This can lead to a defensive reaction when Hindus perceive attacks on their religion. Even subtle artistic expression, particularly satire, is prone to misinterpretation. The nuance intended by the artist can be lost, causing unintentional offence and inflaming religious tensions.

The rise of Hindu nationalism complicates the issue. This ideology promotes a monolithic and uncritical understanding of Hinduism, making it less accepting of scrutiny or satire (Jaffrelot, 2019). For adherents, Hinduism transcends mere religion; it becomes a fundamental aspect of their identity. Criticism directed at the religion can be perceived as a personal affront, a direct attack on their very essence. This profound entanglement of faith and identity fosters a sense of vulnerability and a compelling need to safeguard their religion at all costs (Jaffrelot, 2019).

A social psychology approach can help in peeling back the layers of outrage, revealing the emotional core linked to social identity.

At the heart of this complex equation lies Social Representations Theory (SRT). As proposed by Serge Moscovici, this theory emphasizes the existence of shared cultural understandings within a group. These shared representations, forming a kind of "canopy" of meaning, encompass religious beliefs and symbols that become central to a group's identity. In India, for many Hindus, the core tenets and practices of Hinduism are deeply intertwined with their sense of self.

This creates a situation where any perceived attack on these sacred symbols or beliefs can be interpreted as a direct assault on the individual's social identity. Social Identity Theory (SIT), developed by Henri Tajfel and John Turner, sheds further light on this dynamic. This theory posits that individuals derive a significant part of their self-worth from the groups they belong to. When a group's core values are challenged, it is perceived as an attack on the group itself. Blasphemy, by denigrating these sacred symbols, can trigger a sense of threat and a need to defend the group's honor. This can lead to feelings of anger, resentment, and even a desire for retribution.

The emotional aspect of social identity plays a crucial role in escalating blasphemy cases. The text by Wagner et al. (2020) highlights the transition from anger to contempt. When a perceived blasphemy is met with initial anger, it can morph into a state of complete disregard for the "outsider" responsible, often fueled by religious extremism. Strict believers may portray those accused of blasphemy, particularly non-believers, as lacking basic human qualities (Holtz & Wagner, 2012). This dehumanisation can pave the way for violence, as the act of blasphemy is seen as not just an offence against the religion but an attack on the very essence of the group's identity.

Another trigger for intolerance is the fear of dilution. Some worry that artistic expression can distort or weaken core Hindu tenets, particularly regarding traditional practices. This fear stems from a sense of insecurity in a rapidly modernising world. As India undergoes rapid social and economic change, some may feel a loss of cultural moorings. Religion becomes a source of certainty and stability in a world that seems to be changing too fast. Criticism of these traditions is seen as a threat to this sense of stability (Coleman, 2006). Furthermore, the potential for

political manipulation cannot be ignored. The text by Drury and Reicher (2000) mentions the role of outsiders in provoking violence. In India, political actors might exploit religious sentiments to further their agendas, manipulating blasphemy accusations for personal gain. This creates a volatile environment where genuine concerns about blasphemy can be weaponized for political purposes.

The roots of this insecurity lie in a complex interplay of factors. Historical trauma from past conflicts creates a sense of vulnerability and a need to protect one's religion. The rapid pace of modernization can lead to a feeling of cultural dislocation, making religion a source of certainty and criticism a threat. Finally, the absence of open discussions about religion and its role in society fosters misunderstanding and mistrust. Without open dialogue, fear and suspicion fester, creating a breeding ground for intolerance.

Indian Film Industry and Screen Narratives on Religion

There's a need to contextualise blasphemy through popular media as these references serve as a powerful tool to explore and illuminate the multifaceted concept of blasphemy, particularly within complex social and religious contexts. By leveraging the widespread consumption and familiarity of films, TV shows, and social media content, these references can make abstract and complex concepts more tangible and relatable bridging the gap between academic discourse and public understanding, making discussions about blasphemy accessible and engaging.

India's film industry flourishes with a vibrant spectrum of religious themes. Hinduism, the dominant faith practised by roughly 78.35% of the population according to the 2011 census, occupies the forefront of these portrayals. The spectrum ranges from reverential films that champion traditional values (Rao & Raghavan, 1996) to those that ignite critical dialogues (Burton, 2013). However, navigating the delicate landscape of religious sensitivities remains a significant hurdle.

Early cinema enthusiastically incorporated Hindu mythology, with Dadasaheb Phalke's "Satyawadi Raja Harishchandra" (1913) establishing the precedent for a multitude of "mythological" films (Wadia, 2008). While these films frequently reinforced established norms, a counter-current eventually emerged.

Symbolic interactionism, a theory emphasising the role of symbols and shared meanings in social interaction (Snow & Morrill, 1995), highlights the importance of religious symbols in India. These symbols hold immense significance in binding communities together through shared understanding. Films that portray these symbols disrespectfully can disrupt this very understanding.

By employing humour, irony, and exaggeration, filmmakers can nudge viewers towards critical reflection without causing a complete breakdown of established social norms. For instance, the 1983 film "Jaane Bhi Do Yaaro" (Let Them Live) utilises clever satire to critique societal hypocrisy and corruption, albeit with a religious twist. The now-iconic scene featuring a comical portrayal of Draupadi from the Mahabharata prepares the audience for the satire, ensuring it is understood as a critique of social ills rather than a mockery of the epic itself. This nuanced approach allows for social critique within the bounds of societal norms.

However, as Monisa Qadri observes in her analysis of Aamir Khan's PK (2016), a society's extensive cinematic exploration of religion doesn't automatically translate to complete tolerance for portrayals that push boundaries.

Directed by Rajkumar Hirani and starring Aamir Khan, PK challenged religious practices, sparking outrage from some Hindu groups who sought a ban (Bhushan, 2015). The film's portrayal was deemed "hurting Hindu sentiments" (hinduexistence.org, 2014). Protests erupted, with vandalism and legal petitions (Rangan, 2015). Interestingly, the Vishwa Hindu Parishad (VHP) objected to "fun of Hinduism" (Rangan, 2015), while the All India Muslim Personal Law Board voiced concerns about "communal harmony" (Rangan, 2015).

PK isn't the first Indian film to spark debate with its critical portrayal of religious practices. The movie's straightforward story, which avoids religious conclusions and focuses on questioning blind faith, has generated strong reactions. Analysts consider PK a significant film for its generation, praising its ability to spark important social discussions about deeply ingrained superstitions in a highly religious society (Pandey, 2014).

According to Qadri, PK wasn't an isolated incident. Deepa Mehta's films, "Fire" and "Water," faced criticism for their "other" portrayal of Hinduism, perhaps due to her outsider perspective (Pandey, 2014; Shekhar, 2014). Notably, the focus of PK's controversy shifted from the

filmmaker to Aamir Khan, specifically targeting his religious background (Shekhar, 2014). This contrasted with films like "Oh My God," where Hindu actors faced less severe protests (Shukla, 2015).

We also cannot underplay the importance of context especially in regard to politics and perception. The intensity of protests against PK might be linked to the contemporary political climate. "Oh My God," with a Hindu protagonist (Paresh Rawal, Akshay Kumar), faced milder reactions, possibly due to Rawal's affiliation with the ruling BJP government (Shukla, 2015). This highlights the interplay between artistic expression and the socio-political landscape.

The case of Haider, a Shakespearean adaptation set in war-torn Kashmir, serves as a stark reminder of the potential for public uproar in India when artistic expression collides with sensitive religious themes. This is particularly true for films that challenge established Hindu norms, even if they are reinterpretations of classic works. Haider's controversial portrayal of religious conflict exemplifies the complex interplay between artistic licence and the social construction of sacred symbols.

Art thrives on stirring emotions, prompting reflection and sparking dialogue. However, when these emotions intersect with deeply held religious or nationalistic beliefs, a rational discussion about the work's artistic merit can become a challenge.

The recent shelving of Dev Patel's "Monkey Man" further underscores this challenge. Despite critical acclaim for its raging action choreography infused with kalaripayattu (a traditional martial art originated from Kerala) and socio-political commentary, the film's path to Indian audiences seems fraught. This highlights a deeper sociological concern: the potential for selective perception and the weaponization of religious iconography to disrupt social discourse.

One key hurdle for "Monkey Man" appears to be the protagonist's association with Hanuman, the revered monkey god. For some viewers, this single element overshadows the film's core message about vigilantism and social justice. This selective focus reveals the power dynamics at play. By fixating on a single symbol, some viewers may be unconsciously resisting the film's critique of the status quo, effectively derailing the intended social commentary. This phenomenon can be understood through the lens of social control theory, where established

norms and dominant ideologies are maintained through the marginalisation of dissent (Venniyoor, 2024).

Similarly, the naming of a central character, Shobita, a sex worker, after Sita, the revered wife of Rama, has sparked controversy. This seemingly incongruous pairing can be interpreted as a deliberate provocation. However, a deeper analysis reveals a potential act of symbolic reappropriation. By drawing a parallel between Sita, who ignited the war against the demon king Ravana, and Shobita, who becomes a catalyst for social justice, the film challenges traditional gender roles and the association of female purity with religious figures. This act of reinterpretation can be viewed through the lens of feminist critical theory, which seeks to challenge patriarchal structures and reclaim female agency within established narratives.

The struggle surrounding "Monkey Man" exposes the delicate balance between artistic expression and cultural sensitivities. Superficial interpretations of religious symbols can easily overshadow a film's powerful message.

Open and nuanced discussions are crucial for audiences to appreciate the film's message beyond isolated elements. Only through fostering critical engagement can audiences move beyond selective perception and engage with the film's social commentary. Whether "Monkey Man" manages to navigate this minefield and spark meaningful conversations about social justice remains to be seen.

Despite its advantages, satire is not a foolproof strategy. The 2023 film "Adipurush" serves as a cautionary tale. The film attempts to balance humour with religious representation within the epic Ramayana narrative. However, its attempt at humour backfires spectacularly. Crass jokes attributed to revered figures like Hanuman and a blatant disregard for the historical context of the story alienate viewers. Lines like "Kapda tere baap ka, tel tere baap ka! Jalegi bhi teri baap ki" (Whose clothes are these? Whose oil is this? It will all burn anyway!) completely disregard the character's essence and the time period the Ramayana is set in (Treta Yuga). This attempt at humour falls flat, bordering on ignorance and ridicule. While the intention might not be malicious, it comes across as insensitive and disrespectful to the religious context.

The line between satire and disrespect blurs, leading to accusations of insensitivity and mockery. This highlights the importance of striking a delicate balance. Satire must be wielded

thoughtfully, with an understanding of cultural and religious nuances, to avoid causing unintended offence (Pillai, 2023).

These popular media references highlight the intricate interplay between religion and other societal forces, such as politics and identity. The backlash against movies with religious satire often reveals deeper underlying tensions. The influence of Hindu nationalism or the specific socio-political climate can shape public outrage, as seen in the varying responses to different films. This method allows for a deeper understanding of how societal and political dynamics interact with religious sensitivities, providing a richer context for analysing blasphemy.

The key seems to be thoughtful consideration and respect. While some films might push boundaries and spark debate, those that succeed in using humour or challenging norms often do so by staying mindful of the cultural and religious background of their stories. This allows viewers to engage with the film's message on a deeper level, fostering conversation and understanding even if they disagree with the portrayal. The tightrope walk between artistic expression and religious sensitivities remains a constant challenge for Indian cinema, but the potential rewards of sparking important conversations make it a worthwhile endeavour.

Legal Challenges and Subjectivity

"Hinduness," a term that was invented by the nationalist Vinayak Damodar Savarkar in his 1923 pamphlet 'Hindutva: Who is a Hindu?'. According to him, hindutva is both orthoprax and orthodox, and its adherents have inspired violence against both Muslims and Christians (Doniger, 2015).

Although India, unlike Pakistan, doesn't have formal blasphemy laws, Section 295(A) of the Indian Penal Code criminalizes acts that offend religious sentiments (Jaffrelot, 2016). The crux of the issue lies in interpreting "religious outrage." Does it encompass only deliberate and malicious insults with the potential to incite violence, or can it be triggered by reasoned critiques or artistic explorations of religious ideas? (Jaffrelot, 2016).

The reality is that Section 295(A) has been used more to target non-Hindus than to prevent violence. The law occupies a murky legal space, making it difficult to prove or disprove "deliberate and malicious intention." This subjectivity has a chilling effect, silencing many writers and publishers in India today.

Case in point, stand-up comedian Munawar Faruqui's arrest in Indore, India, sparked a debate on free speech and artistic expression in the country. Faruqui, along with four others, was arrested in January 2021 following a complaint by the son of a local BJP MLA (Member of Legislative Assembly) alleging the comedian planned to make offensive jokes about Hindu deities and Union Home Minister Amit Shah (BBC, 2021).

Notably, the arrest occurred before Faruqui even took the stage, based solely on the anticipated content of his performance.

This pre-emptive action raised concerns amongst artists and free speech advocates. PEN America, a renowned organization defending free expression, condemned the arrest as a violation of Faruqui's fundamental right. Julie Trébault, Director of PEN America's Artists at Risk Connection, emphasized the importance of comedy and satire in a healthy democracy, highlighting their role in facilitating "the free communication of new ideas and critical thinking."

The arrest also drew attention to the potential clash between humor and religion in India. A statement signed by prominent Indian artists and writers, including Rajmohan Gandhi, Arundhati Roy, and Swara Bhaskar, expressed concern that Faruqui's case sent a chilling message: "humour threatens the powerful" and "humour by a Muslim man in India will not be tolerated by Hindu supremacists."

The statement, spearheaded by the Progressive India Collective alongside Freemuse and PEN America, called for an end to the persecution of Faruqui and others, arguing that artists must have the right to use their art for social commentary "in any real democracy."

Faruqui spent over a month in jail before the Supreme Court granted him interim bail in February 2021. The case continues to highlight the ongoing tension between free speech, religious sensitivities, and the nature of humour itself in India.

This case can be understood through Aristotelian ethics reviewed by Prieto and Altungy; they mention how *Homo Religiosus* and *Homo Ridens* business cards have been exchanged once in a blue moon. Their profile remains different as religious versus laughing persons.

The notion of Homo Ridens (laughing person) may be dated back to Aristotle (384-322 BC). He made clear in his essay *On the Parts of Animals* that men and women are the only animals that laugh (Aristotle 350 BCa, Book I, Section 10), and in his essay *History of Animals* stressed that the first laugh marks the baby's transition to humanness, and the primary evidence of having acquired a soul in the new-born was laughter (Aristotle 350 BCb, Book VII, Section 10).

The concept of Homo Religiosus (religious person) can be traced back to Roman statesman Marcus Tullius Cicero (106-43 BC). In his "Letters to the Friends," he mentions "homines religiosi," which translates to "religious people." These individuals sought to appease mystical figures known as the Sybils.

Humour is therefore, our humanistic origin but also highlights the danger of that very consciousness because the humorist invents ways of seeing the same facts, the same sacred faces, the same rites, and ceremonies hilariously, and the joyful heart of readers, observers, and jesters just sweep. If they are brilliant, their self-esteem is clairvoyant: they are the true rebels.

Unlike democracies, theocracies claim divine justification for their laws. This can stifle humour, as countless comedians throughout history have learned the hard way. There's a belief that seemingly harmless humour can quickly become offensive, especially if it targets sensitive topics. The offensiveness can overshadow any artistic merit the work might have.

The problem can also lie with those in power. Someone wielding religious authority might act with impunity, deeming certain humour inappropriate simply because they can. What's considered offensive can also change rapidly. A joke that might have been unacceptable centuries ago could be considered fair game today, or vice versa, depending on the specific context.

Humour can be a way to challenge authority figures, even those claiming divine right. Just as some might hide their true identity for protection, humour can act as a disguise, masking a potentially critical message in a seemingly harmless joke.

According to humour scholar George Test, satire is defined by four characteristics: aggression, play, laughter, and judgement.

“Aggression” is the notion that satire embodies the spirit of attack. “Play” refers to the fact that humour operates like a riddle that must be solved, often including allusions to silly or strange constructs. “Laughter” captures the mirth anticipated by, and derived from, a satirical message. “Judgment” is the notion that satire presents a valenced, evaluative argument aimed at a target—usually an institution, a policy, a practice, or society as a whole. According to Test, aggression and judgement are the two criteria that distinguish satire from other kinds of humour: “satire ultimately judges, it asserts that some person, group, or attitude is not what it should be.

However restrained, muted, or disguised a playful judgement may be, whatever form it takes, such an act undermines, threatens, and perhaps violates the target, making the act an attack.”

The targets of satire, and the judgments it levels, are broad—aimed at society, systems, and the audience itself. Rachel Caufield (2012) proposes that “most political humour is aimed to entertain the audience by poking fun at outsiders—political candidates, government officials, or public figures. In contrast, satire’s target is broader—it is meant to attack political institutions, society’s foibles, or public vices. Put simply, conventional political humour is often geared at making the audience laugh at others, while satire is designed to make the audience laugh at itself as well as others, therefore allowing the audience to realize a larger set of systemic faults.”

In other words, jokes that mention political topics and people might be satirical, but it’s just as likely that they are not. If a political joke doesn’t critique policies, institutions, or social convention—if it doesn’t make its audience think about how they themselves, as a society, need to do better—then it’s probably not satire, according to this definition (Young, 2019)

Underlying the two criteria of “play” and “laughter” is the broader concept of humour itself.

Digging into the logic and psychology of humour is a bit like trying to track and predict the path of wild squirrel. It’s difficult to impose order and rules onto something whose entire modus operandi violates order and rules. Yet for more than a century some very serious people who have referred to themselves as “humour scholars” have tried to do just this. At the centre of all of the scholarly definitions of humour is the notion that humorous texts are themselves incomplete without active participation by the audience. Henri Bergson, writing in 1911,

emphasised that humour results from two incompatible ideas that the listener recognizes as overlapping in some way. “A situation is invariably comic when it belongs simultaneously to two altogether independent series of events and is capable of being interpreted in two entirely different meanings at the same time,” he wrote.

In the April 2013 issue of *Business Today*, Dhoni as a double entendre was depicted in the form of Vishnu holding the products that he endorsed. Vishwa Hindu Parishad leader Shyam Sunder had filed a petition against him and the magazine in the Anantpur district court, claiming that the portrayal had hurt Hindu sentiments (The Hindu, 2017).

This case compels us to delve into the intricate dynamic between subjective interpretations of the sacred and the regulation of meaning-making around potent religious symbols.

Symbolic Interactionism, a cornerstone of sociological thought pioneered by George Herbert Mead, illuminates the process by which individuals construct meaning through social interaction and the interpretation of symbols. Symbols, in this framework, transcend their material form, becoming vessels laden with cultural significance. A national flag, a handshake, or, in this instance, a cricketer, all morph into potent symbols capable of evoking a myriad of meanings. These meanings are not static entities, but rather dynamic products of our interactions with the symbols themselves and with our fellow human beings.

MS Dhoni, a colossus in the pantheon of Indian cricket, embodies a constellation of meanings for his legions of fans. He is a symbol of athletic excellence, a harbinger of national pride, and perhaps even a figure imbued with a touch of rebellious spirit. By superimposing his image onto the form of Vishnu, a revered figure in the Hindu pantheon, the magazine layered a new and potentially contentious meaning onto the existing symbol of Dhoni. This layering could be interpreted as a playful homage, a scathing commentary on the deification of celebrities in contemporary culture, or even a daring exploration of the boundaries between the human and the divine.

However, Section 295A of the Indian Penal Code, throws a long shadow over this creative endeavour. These laws, ostensibly enacted to safeguard religious sentiments from insult, often become entangled in the quagmire of subjectivity. What one person might perceive as a deliberate act of desecration, another might view as a legitimate artistic expression. The threat

of legal sanction can have a chilling effect, stifling artistic exploration and limiting the ways in which artists can engage with religious symbols. This, in turn, restricts the very process of meaning-making, hindering the potential for new interpretations and the evolution of our understanding of these potent symbols.

"Insults to religion offered unwittingly or carelessly or without any deliberate or malicious intention to outrage the religious feelings of that class do not come within the section," a bench of Supreme Court Justices Dipak Misra, A M Khanwilkar and M M Shantanagoudar said. The bench passed the order on a plea by cricketer MS Dhoni challenging criminal proceedings against him for hurting religious sentiments.

This 2017 Supreme Court clarification, which distinguishes between acts of "deliberate and malicious" intent and respectful artistic expression, offers a glimmer of hope. This distinction allows for a degree of artistic freedom while still providing a measure of protection for believers from acts of intentional insult.

However, the challenge of defining "deliberate and malicious" intent remains. This subjectivity continues to haunt the artists combined with the fear of prosecution can still lead to self-censorship in their work.

The legal weight accorded to wounded religious sensibilities in India became tragically apparent in February 2014. Penguin India, a major publishing house, announced the cessation of production for Wendy Doniger's "The Hindus: An Alternative History." This decision stemmed from a lawsuit filed by Dina Nath Batra, a right-wing Hindu activist. Batra, employing inflammatory rhetoric, denounced Doniger as a "woman consumed by carnal desires" and, despite the former's non-observant Jewish background, accused the author of harbouring "Christian missionary fervour."

He alleged that Doniger's focus on erotic elements within Hindu scripture "grievously offended the religious sentiments of millions of Hindus." What is important to note is that "The Hindus" was eventually republished and continued to remain widely available in India.

Many viewed Penguin's decision as a disturbing capitulation to intimidation by religious extremists. Their concerns were not unfounded. Since the 1990s, a series of well-publicised

cases documented the harassment of scholars whose work dared to challenge traditional Hindu narratives.

Initially, the targets were primarily non-Indian and non-Hindu academics, but the scope of this campaign would eventually broaden. Jeffrey J. Kripal faced censure for suggesting homoerotic undercurrents in the life of 19th-century saint Ramakrishna. Paul B. Courtright's psychoanalytic interpretation of the elephant god Ganesha drew condemnation. James W. Laine's critical study of the mythologized mediaeval king Shivaji sparked outrage.

Even A.K. Ramanujan, whose work simply argued for the existence of multiple interpretations of the epic Ramayana, found himself embroiled in controversy. These incidents, fueled by claims of "wounded religious sentiments," often escalated to violence. Death threats were issued, professors physically assaulted, libraries ransacked, and priceless manuscripts destroyed. Doniger herself narrowly avoided being struck by an egg hurled during a public lecture. The chilling effect of this environment on academic freedom and open discourse in India is undeniable.

The Paradox of Sensuality and Restraint: Unveiling Hinduism's Complex Relationship with Sexuality and Women

Any artist, fearing the misinterpretation of their sensual ideas and work by Hindus might be tempted to dismiss Hinduism as a religion inherently conservative on matters of sexuality.

This fear was most starkly exemplified in 2006, when India witnessed a clash between artistic expression and cultural sensitivities in the case of *Maqbool Fida Husain v. Raj Kumar Pandey*. The renowned artist, Husain, created a painting titled "Bharat Mata" (Mother India) depicting India personified as a nude woman. This artwork, advertised for an online charity auction to aid earthquake victims, sparked a wave of protests and legal action against Husain.

The crux of the legal battle again rested on interpreting Section 292 of the Indian Penal Code (IPC) enacted in 1860. This section prohibits the distribution of obscene materials. The court, faced with a complex situation, had to carefully weigh Husain's right to artistic expression, guaranteed under Article 19(2) of the Indian Constitution established in 1949, against the need to uphold public decency and morality.

The court's erudite judgement, delivered in May 2008, offered a multi-pronged approach. It recognized art as a vital tool for expression in a democracy (1949 Constitution, Article 19, but acknowledged limitations could exist to protect public decency and morality. To define obscenity, the court established criteria: Does the material possess a lascivious nature? Does it appeal to prurient interests? Does it have the potential to corrupt viewers? The court further emphasised evaluating art within the context of contemporary societal norms.

Unveiling the artist's vision was another crucial aspect. The court examined Husain's intent and the underlying message within the painting. Did the artistic merit outweigh any potentially obscene elements? Did Husain's portrayal of Bharat Mata resonate with his artistic vision?

The court, recognizing the importance of a robust democracy, emphasized tolerance for diverse viewpoints. It cautioned against stifling dissent or artistic expression through the criminal justice system. The focus was on promoting a culture of free speech through a liberal interpretation.

While acknowledging that the painting might offend some, the court highlighted the fundamental values enshrined in the Constitution (1949): liberty, equality, and fraternity. It advocated for a society that embraces diverse viewpoints and cautioned against imposing personal beliefs on the interpretation of art.

The court's landmark decision served a dual purpose. It upheld Husain's right to artistic expression in 2008, safeguarding creative freedom. It also highlighted the complexities of navigating cultural sensitivities and the ongoing struggle to balance freedom of speech and public morality.

As much as this ruling was important for establishing a precedent for defending artistic expression in India, shaping future legal battles in this domain, It also makes it crucial to understand what makes Hindus so sensitive regarding the issues of sensuality in the first place, when Hymns like the Suktam dedicated to Surya, the sun god, explicitly acknowledge the erotic life force. This openness towards sexuality finds further expression in the famed Kama Sutra (c. 2nd-4th century CE), a treatise on love, sensuality, and marital fulfilment.

Hinduism with its origins dating back to the Indus Valley Civilization (c. 3300-1300 BCE), presents a fascinatingly complex – and often contradictory – relationship with both sexuality and the role of women.

A history of openness, eclipsed by colonial misconceptions, The Rig Veda, one of the oldest surviving Indo-Aryan texts (c. 1700-1100 BCE), celebrates desire with remarkable candour.

The very architecture of many Hindu temples stands as a testament to this historical acceptance. These structures, adorned with sculptures depicting the union of gods and goddesses visually represent the divine interplay between masculine and feminine energies.

Notably, these depictions were not intended as crude expressions of lust, but rather as symbolic representations of creation and the inherent sensuality woven into the fabric of life.

However, the arrival of the British Raj in the 18th century marked a turning point. Seeking to establish a legal framework for a vast and diverse population, the British found a convenient reference point in the Manusmriti (c. 2nd century BCE – 2nd century CE)]. This text, with its more restrictive view on sexuality and women's roles, resonated with the Victorians' own prudish sensibilities. Consequently, the British narrative around Hinduism emphasized the Manusmriti's perspective, largely ignoring the more liberal aspects reflected in the Rig Veda and the Kama Sutra.

This selective interpretation, projected onto Hinduism as a whole, created a lasting misconception that continues to influence societal views even today. This lasting impact can also be understood through focusing on purity/disgust moral foundation which makes up one of the six core moral foundations that guide our moral judgments (Haidt, 2007)

The concept of purity holds significant weight in Hinduism. Rituals involving cleanliness, both physical and spiritual, are deeply ingrained in the religion. When a Hindu encounters a depiction of their deities in a sexualized context, it can be perceived as a violation of this purity principle. Sexuality, in this context, might be seen as something inherently polluting or degrading to the sacred status of the deities. This perception can trigger feelings of disgust, a core element of the purity foundation.

A more conservative view of sexuality may have become internalised by some segments of the Hindu population. This internalization can be seen as a form of cultural accommodation, where a group adopts certain aspects of the dominant culture to survive or gain acceptance.

This internalised view, coupled with the existing concept of purity in Hinduism, can create a heightened sensitivity and trigger disgust response towards anything perceived as sexually suggestive in relation to their deities.

The truth, however, is far more nuanced. Hinduism encompasses a multitude of perspectives on sexuality. Some adherents might find any sexual depiction of their deities offensive, viewing it as disrespectful to the deeper symbolism enshrined in the imagery. Others might appreciate these depictions as artistic expressions of life's inherent sensuality. This spectrum of views reflects the richness and diversity of the religion.

Adding another layer of complexity is the reverence for women's maternal nature espoused by Swami Vivekananda (1863-1902) and other religious figures. However, these same figures often disapproved of the erotic and advocated for Sita, the epitome of chastity and devotion in the Ramayana as the ideal woman for Indian women to emulate. This emphasis on the ideal of Sita might have had a profound impact, contributing to a downplaying of female sexuality within the broader Hindu framework.

Current Trends and What it means For the Future

Social media platforms have become a breeding ground for blasphemy accusations. Social media has facilitated the rapid spread of misinformation and hate speech, often targeting artists, activists, and those expressing dissenting views (Lou, 2021).

These accusations can be immensely damaging, even if unfounded. The mere threat of legal action or social ostracization can have a chilling effect on free speech.

The rise of the saffronization movement has emboldened some to view themselves as the ultimate arbiters of what constitutes an offense to Hinduism. This creates a dangerous power imbalance. A 2021 study by the Pew Research Center found that 70% of Indians believe religious institutions play a very or somewhat important role in society. The survey also found that Hindus tend to see their religious identity and Indian national identity as closely

intertwined: Nearly two-thirds of Hindus (64%) say it is very important to be Hindu to be “truly” Indian. This deep reverence for religion makes Hindus, the majority population, particularly vulnerable to manipulation by those who weaponize religious sentiments, “especially in recent years under the ruling Bharatiya Janata Party (BJP). Led by Prime Minister Narendra Modi, the BJP is often described as promoting a Hindu nationalist ideology.”

Vir Das's "two Indias" monologue serves as a poignant case study encapsulating the complexities inherent in negotiating the intersection of humor, social commentary, and religious sensitivities. In his scintillating exposition, Das deftly juxtaposes the idyllic imagery of India as a land that venerates women by day with the stark reality of pervasive gender-based violence that festers under the cover of darkness. While intended as a biting critique of societal hypocrisies and entrenched inequalities, Das's incisive remarks proved to be a lightning rod for controversy, eliciting vociferous condemnation from segments of the populace who perceived his words as a denigration of Indian culture and a sacrilege against Hindu beliefs.

The ensuing maelstrom of backlash, comprising both online and offline legal threats, underscores the potency of social media in fomenting discord and exacerbating societal fault lines. The social identity model of deindividuation effects elucidates how individuals, shielded by the cloak of online anonymity and emboldened by the solidarity of group dynamics, may succumb to the allure of mob mentality, forsaking reasoned discourse in favor of impassioned diatribes and ad hominem attacks. In the case of Vir Das, the fusion of political fervor, religious fervency, and digital anonymity coalesced to unleash a torrent of hostility, underscoring the formidable challenges inherent in fostering a climate conducive to respectful dialogue and nuanced discourse.

The current situation raises a crucial question: Will Hinduism be restricted solely to the realm of bhakti (devotion) and rituals, or can it be a tool for social change and critique?

The path forward is India urgently needs to reform its blasphemy laws. A more precise definition of "malicious intent" and "hurt religious sentiments" is essential. The burden of proof should lie with the accuser to demonstrate that the act was intended to cause widespread offence, not just personal outrage. Additionally, promoting media literacy and critical thinking skills can help curb the spread of misinformation and hate speech online.

India's future as a tolerant and progressive democracy hinges on its ability to protect freedom of expression. Striking a balance between protecting genuine religious sensitivities and safeguarding artistic expression and social critique is crucial. Only then can Hinduism, and India itself, continue to evolve and address the challenges of the 21st century.

Conclusion

India's rich tradition of open expression is threatened by the concept of blasphemy and the rise of political and cultural groups seeking to control the narrative. Laws restricting speech based on offense empower these groups and stifle open debate. Devdutt Pattanaik rightfully and brilliantly captured the present status of Hindus on freedom of expression in India, “And so, India becomes Bharat Mata, a goddess, who must be worshipped and adored. She has her priests — usually celibate men of various ‘cultural’ and ‘political’ groups, who see her only as mother, not wife, lover, friend, sister or daughter, or even an individual with opinions of her own.

Thus it is a case of ‘bhagwan’ controlled by ‘bhaktas’. It is but natural that the extreme Right who see State as God are at loggerheads with the extreme Left who reject God as well as State. They polarise people, as they relish ‘tug-of-war’ over ‘churning the milky ocean’ that produces butter for all” (Pattanaik, 2016).

India's rich history of open expression and questioning religious narratives stands in stark contrast to the concept of blasphemy, a relic of a bygone era. Laws restricting speech based on potential offence erode individual freedoms and empower vocal groups to dictate social norms. As the Shreya Singhal case highlights, the line lies between incitement to violence and mere critique. Hate speech, with its clear call to violence, can be addressed through existing legal frameworks. True blasphemy, absent of such incitement, should be relegated to the realm of tolerance and open debate, a space where a vibrant democracy thrives. Even legendary Dadasaheb Phalke Award winning filmmaker Satyajit Ray faced criticism for his film "Devi" (The Goddess), a critique on religious dogmatism. Accused of blasphemy simply for not being Hindu himself (he was Brahma), Ray exemplified in a 1989 interview with French journalist Pierre Andre Boutang the artist's resolve, as he said, “I make the films that I enjoy making that engage my attention, my creativity. That's all I can do” (Shah, 2023). By upholding freedom

of expression, India can ensure its Hindu identity remains one of open inquiry and continuous evolution, just as its diverse mythology has always been.

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