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IMPACT OF MEDIA IN BLASPHEMY: FROM THE PRINT PUBLIC SPHERE TO THE PLATFORM ECONOMY IN INDIA

AUTHORED BY - ANJU R V

Abstract

Blasphemy is an offence that cannot exist without the media. Defined in Indian law as the deliberate and malicious communication of insult or irreverence directed at that which a class of persons holds sacred, its actus reus is entirely communicative, and its effects are mediated through the audiences it reaches. This study examines the mutually constitutive relationship between media and blasphemy in India across three media revolutions. In the print era, the colonial draftsmen expressly recognised "the power of publications," and the Rangila Rasul pamphlet controversy of the 1920s directly precipitated the enactment of Section 295A in 1927 — an enactment that, as the historical scholarship demonstrates, did not prevent religious violence but encouraged violent display and educated religious publics in the uses of legal complaint. In the broadcast era, the live televised debate produced a new scene of accusation, exemplified by controversies in which remarks about the Prophet Muhammad made on national television were condemned by Muslim scholars and defended by Hindu scholars as legitimate opinion, heightening inter-community tension. In the digital era, the platform economy has transformed the offence's scale and mechanics: organised WhatsApp networks circulate misinformation that culminates in mob violence, video content is processed more superficially and shared more readily than text, meme-based provocations such as the Kali meme controversy have driven platform suspensions and constitutional litigation, and vigilante attacks on minority worshippers are filmed and circulated as spectacles while the victims are themselves charged under the religious-offence provisions. The study evaluates the legal framework governing this nexus — the constitutional guarantee of free speech, the religious-offence provisions of the Indian Penal Code and the Bharatiya Nyaya Sanhita, 2023, and the intermediary regime of the Information Technology Rules, 2021.

Keywords: Blasphemy; media; Section 295A; social media; misinformation; mob violence; freedom of speech; religious offence; India

INTRODUCTION

Blasphemy is an offence which has no possibility of existing without the media; according to Indian law, its actus reus is completely communicative — that is, "words, whether spoken or written, or by signs or by visible representations" — and the essential aspect of the offence is the effect which this communication has on the religious feelings of an audience. It can therefore be said that the history of blasphemy law is, in a significant way, a history of the media: every change in the media environment has altered both the number of cases of religious offence and the law's ability to regulate them. The colonial legislators were fully aware of this. The 1927 amendment to the Penal Code, which introduced Section 295A, deliberately changed the aim of the law from religion itself to the hurt feelings of believers, "explicitly acknowledging the power of publications", the provision arising out of a pamphlet controversy in which the printed public sphere had shown that it could influence crowds.¹

Since that time, the Indian media environment has experienced three more revolutions—print media, broadcast television, and then networked social media platforms—each of which has altered the way media interacts with blasphemy. The academic work that underpins this study identifies the key dynamics: in practice, controversies concerning religious offence in South Asia are created, handled and brought to court through media organisations and platforms; outrage is a phenomenon saturated with media coverage, ; and the digital world has transformed outrage from a local issue into a global one².

Print Media and the Colonial Public Sphere

The Indian blasphemy law originated in the context of printed material. The pamphlet *Rangila Rasul*, published in Lahore in the 1920s and considered offensive to the Prophet Muhammad, sparked a controversy that grew from communal unrest into legal action and eventually reached the Central Legislative Assembly, where Section 295A was passed in 1927. This situation revealed the inadequacy of the old law in dealing with publications: since the prosecution failed, the legislature reacted by introducing a new provision that specifically extended the criminal law to include publications. Thus, print was the original form of the offence and the colonial lawmakers designed the law with its characteristics in mind—such as attributable authorship, limited circulation, and a slow temporal development.³

¹ Raj Pal v. King-Emperor AIR 1927 Lah. 590

² Sharma, A., & Waseem. (2024). BLASPHEMY LEGISLATION IN INDIA: SPOTLIGHT ON PUNJAB'S NEW LAW AND ITS IMPLICATIONS. NUJS Journal of Regulatory Studies., 9(2).

³ Nash, D. B. (2020). Blasphemy through British (post) colonial eyes. The Indian Criminal Code (pp. 66–82)

In India, after it gained its independence, the system established during the print era continued to apply: Section 295A and the other related provisions remained in force to regulate the press, and the courts interpreted them narrowly — a prosecution could only succeed if there was evidence of deliberate and malicious intent. At the same time, however, the medium was changing, and this had an effect on the nature of blasphemy.

Broadcast Media: The Televised Controversy

The coming of broadcast television — and especially the 24-hour news debate format — has turned the studio into a place where accusations of blasphemy frequently occur. The typical example is the Nupur Sharma affair.⁴ When a spokesperson of the ruling party made remarks about the Prophet Muhammad at the end of May 2022 during a televised debate, this triggered at once a widespread controversy and intensified the tensions between the Hindu and Muslim communities. This incident clearly illustrated the way in which a modern media controversy works: Muslim scholars declared the remarks to be completely inappropriate and a breach of the respect due to the Prophet, while Hindu scholars maintained that no disrespect had taken place and that the speaker had simply been putting forward her own independent views within the context of the television debate. The subsequent legal action and political crisis centered on the line separating freedom of speech, freedom of expression, and freedom of religion — a boundary that the media event had made inevitable. There are three important differences between the televised controversy and its print counterpart from a legal standpoint. The first is that the audience is both large and immediate; the second is that the remark is made live, without the editorial delay that print used to allow; and the third is that the debate format encourages polarization, ensuring that the most inflammatory statement receives the most screen time. The way in which the law has responded — by bringing complaints under Section 295A and the corresponding provisions of the Bharatiya Nyaya Sanhita — is much the same as it was when it dealt with printed pamphlets, but the psychological effect of the medium is different in that the audience perceives the remark as an event rather than as a text, and this in turn increases the sense of outrage.⁵

⁴ Nupur Sharma v. Union of India 2022 SCC 1553

⁵ Sharma, A., & Waseem. (2024). BLASPHEMY LEGISLATION IN INDIA: SPOTLIGHT ON PUNJAB'S NEW LAW AND ITS IMPLICATIONS. NUJS Journal of Regulatory Studies., 9(2).

Social Media and the Platform Revolution

⁶A. Virality and Misinformation

The shift brought about by digital technology in the media landscape has changed the extent, speed, and way in which religious offence occurs more dramatically than in any previous period. The existing body of research on social media in India shows what happens. False information is created and spread via organised WhatsApp networks or other social media networks. Systematic research into misinformation on WhatsApp that is connected with mob violence throughout India follows the journey of rumours from message to massacre, and mob lynchings point to false information that was through WhatsApp, Facebook, and Twitter as the immediate cause of the widespread panic which ends in people being killed. People in India are highly susceptible to misinformation and it is difficult to correct this even when educational interventions are targeted. Experimental media psychology also provides an additional structural insight: video content is processed in a more superficial way than text or audio, so people are more likely to believe and to share it — this modalities effect has clear consequences for the spread of offensive images of deities and prophets

B. Meme culture and the response of online platforms

The meme has emerged as a distinctive vehicle of religious offence. The Kali meme controversy of 2015 is the paradigm: after outrage erupted over a meme depicting the goddess Kali, the Government of India intervened and secured the permanent suspension of the Twitter accounts of the content creator and of the chief executive of Atheist Republic, whose "blasphemous art project" combined gods and religious icons of various religions in depictions deemed obscene. The Atheist Republic Facebook page remains banned in India — Pakistan being the only other country to ban it — and the incident was cited in a public-interest litigation before the Supreme Court as grounds to regulate content shared on online platforms. Blasphemy controversies have thus become a direct driver of platform regulation in India, foreshadowing the intermediary regime that followed

C. The Technological Frontier

The next area to consider is synthetic media. Since deepfakes and harmful bots are now capable of producing images of deities, prophets, and religious figures that cannot be told apart from genuine ones, serious difficulties have arisen concerning attribution, detection, and mens rea

⁶ Aditya Singh Deshwal v. Union of India & Ors. W.P.(CRL) No. 43/2022

— when speech is generated by a machine, the concept of "deliberate and malicious intention" becomes questionable. The laws enacted in India were drawn up before such technologies existed, and the legal framework that resulted from the invalidation of Section 66A is not well-suited to deal with these issues; indeed, the growing body of academic work on online defamation and on platform liability is already being put to the test by these developments ⁷

V. The legal framework that regulates media comments on religion

The legal framework governing the treatment of religious matters by the Indian media consists of three elements. The first of these is the constitutional provision for freedom of speech and expression as stated in Article 19(1)(a), with reasonable restrictions allowed, the courts having consistently required that penal laws which limit speech be interpreted narrowly. The second element is the substantive criminal law: Section 295A of the Indian Penal Code — which has now been replaced by Section 299 of the Bharatiya Nyaya Sanhita, 2023 — criminalising deliberate and malicious acts intended to offend religious feelings, together with the provisions concerning communal harmony in Section 153A (now Section 196) and the offence relating to wounding feelings under Section 298 (now Section 302). The third element is the regime specific to technology: the Information Technology Act, where Section 66A was declared invalid in *Shreya Singhal v. Union of India*⁸ on the grounds of vagueness and arbitrariness following its routine misapplication against citizens who were posting ordinary social media content and the safe-harbour provision in Section 79, as clarified by the Information Technology Rules, 2021, according to which intermediaries lose their immunity if they fail to meet the due-diligence requirements.

The overall impact on media discourse is a chilling effect that has been well documented. Since the *Shreya Singhal* decision, regulation has shifted towards executive-led control, and academic research cautions that the system set up to monitor online speech puts civil liberties at risk in general in 2021. India has no statutory definition of hate speech, which means enforcement is arbitrary and leaves any defining law open to the same fate as Section 66A. Both journalists and regular users have to live in the shadow of complaints made under the religious-offence provisions: the most recent major case, *Imran Pratapgadhi v. State of Gujarat*,⁹ stemmed from a poem that was recited at a public event and then posted on social media, and it led to a first information report being filed under Sections 196, 197, 299, 302 and

⁷ *Shreya Singhal v. Union of India* is (2015) 5 SCC 1

⁸ *ibid*

⁹ 2025 INSC 410

57 of the BNS — the Supreme Court dismissed the case, stating that the poem referred neither to a religion nor a community and did not promote hatred or violence, and it issued a warning about the chilling effect of vague criminal charges, as well as directing the police to carry out a preliminary inquiry before filing any first information reports in cases involving speech¹⁰

VI. The Media's Dual Role: That of Witness and That of an Accelerant

The ethnographic evidence from India also includes media — especially smartphones and social media sites — which now act both as witnesses to and as factors that intensify blasphemy-related violence. According to Mukherjee's idea of "mobile witnessing", vigilante violence in India is carried out for the purpose of being seen and is spread through WhatsApp: the attacks are filmed with the intention of sharing them, and the various groups coordinate the actions. The camera does not just record the offence; it gives the event a status, draws people into it, and creates the legal consequences that follow.¹¹

Conclusion

In India, media and blasphemy are closely linked: the concept of an offence is based on communication, and every new phase in the media has changed what the offence actually means. During the print era, Section 295A was introduced along with the paradox of outrage being caused by the law; in the broadcast era, there emerged controversies that were televised so that the accusations and defences could be seen by a large audience; and in the current platform era, we have seen virality, the spread of misinformation, provocation driven by memes, and the shift of decision-making from the courts to private intermediaries. The way the law has responded has been a constant back-and-forth between yielding and restricting — this included the yield in 1927 in the face of organised agitation, the restriction of the incitement threshold in the Shreya Singhal case, and the procedural oversight introduced by Imran Pratapgadhi. The international standard provides the necessary guidance: criminal punishment should only be applied in cases of incitement to discrimination, hostility, or violence, as determined by the Rabat Plan of Action's criteria of context, speaker, intent, content and form, the extent of the audience, and the likelihood of harm. As for the media themselves, the lesson

¹⁰ Thakkar, R. (2025). Legal Responses to Online Hate Speech in India: Evaluating Section 66A and the Supreme Court's Judgment in *Shreya Singhal v. Union of India*. *Studies in Law and Justice*, 4(3), 26–30

¹¹ Sundar, S. S., Molina, M. D., & Cho, E. (2021). Seeing Is Believing: Is Video Modality More Powerful in Spreading Fake News via Online Messaging Apps? *Journal of Computer-Mediated Communication*, 26(6), 301–319

from comparative experience is that the way they cover an issue has an impact on how it is enforced; a responsible media environment — one that reports on religious offences without making them worse — is therefore not just an ethical goal but a fundamental requirement for the lawful and peaceful regulation of blasphemy in India.

