

# Using God's name to sell products illegal: Bombay HC

January 22, 2021

Faith is vulnerable to improper use. And stories of fake sadhus and deceitful sanyasis have long been around. We often come across advertisements on TV and other media selling Yantras claiming special, miraculous and supernatural properties/qualities. Singers and such other celebrities were shown in the ads talking about their experience. Such articles defraud the public in the name of God.

**In news:** Using God's name to sell articles illegal, rules Bombay High Court

**Placing it in syllabus:** Law & Policy

**Dimensions**

- Ruling of the Bombay High Court
- Main Provisions of Maharashtra's Anti-Black Magic Act
- Need for Pan-India anti-superstition law

## Content

### Ruling of the Bombay High Court:

- The Aurangabad bench of the Bombay High Court has declared that advertisement of any article using the name of any God and claiming that it has supernatural qualities, is "illegal"
- Such advertisement falls under ambit of **the Maharashtra Prevention and Eradication of Human Sacrifice and other Inhuman, Evil and Aghori Practices and Black Magic Act, 2013.**

### ***The high court's verdict on the matter :***

- held that telemarketers change the names of companies,

God and Baba to show that each was a different Yantra with supernatural powers.

- **directed the State and Vigilance Officers to register such crimes**, giving reports against persons who make such advertisements and sell such articles.
- directed the State and Central governments to **create separate cells in Mumbai to ensure that no such advertisements were telecast** as advertisement or in the name of programmes in Maharashtra.
- noted that **even some highly educated people were apparently attracted to mantra-tantra and black magic**.  
In such a situation, the Black Magic Act was required to be enacted even in a progressive State like Maharashtra.

The propagation for sale by advertisement of any article, naming it Yantra or otherwise, by attaching the name of any God to such an article or any Baba, with the representation that these articles have special, miraculous and supernatural properties would be illegal henceforth in Maharashtra.

### **What are Superstitions?**

- Superstition is a kind of **blind belief in supernatural powers** that don't have any scientific explanation behind it.
- Such beliefs and practices often **vary from one person to another or from one culture to another**.
- Superstitions can be very silly like a black cat crossing the road symbolizes bad luck, a crow cawing indicates that guests are arriving, drinking milk after eating fish causes skin diseases.
- They can be very serious and brutal criminal issues like the cases of witch-hunting and human-sacrifices.

### **Main Provisions of Maharashtra's Anti-Black Magic Act:**

The official name of the act is **the Maharashtra Prevention and**

## **Eradication of Human Sacrifice and other Inhuman, Evil and Aghori Practices and Black Magic Act, 2013.**

The act is also known as the Anti-Superstition Act, Anti-Jaadu Tona Act or Jadu Tona Andhshradha Virodhi Act.

### ***The salient features of the Act are as follows:***

- The act **criminalises practices related to black magic, human sacrifices, use of magic remedies to cure ailments** and other such acts which may exploit people's superstitions.
- It **provides a clear definition** of what constitutes evil and aghori practices and black magic.
- the **appointment and training of vigilance officers**, to investigate and report these crimes to the local police station. The ranks of these officers are to be greater than the rank of a police inspector.
- The offences punishable under the act are considered to be **cognizable and non-bailable offences**.
- Even **encouraging human sacrifice has been criminalised** in this law. (the human sacrifice is already considered murder in India)
- Each infraction **carries a minimum sentence of six months** and a maximum sentence of seven years, including a **fine ranging from ₹5,000 to ₹50,000**.

### ***The offences under the act include:***

- Assault, torture, forced ingestion of human excreta, forced sexual acts, branding etc. on the pretext of exorcising ghosts from an allegedly possessed person.
- **Claiming a mentally challenged person to be having supernatural powers** and using such a person for personal gain.
- Carrying out or **encouraging inhuman acts or human sacrifice** in quest of some bounty or reward.
- **Accusing a person of practising black magic or being an**

**incarnation of saitan**, blaming him/her of causing diseases or misfortune, and harassing the person.

- **Accusing a person of practising black magic, parading him/her naked** and hindering the person's activities.
- **Preventing a person from seeking medical advice** in case of dog, snake, or scorpion bite, and compelling him/her to take magic remedies.
- **Claiming to perform surgery by fingers (psychic surgery)** and claiming to change the sex of an unborn foetus.
- **Claiming to be related to a person from a previous incarnation** and coaxing them to sexual acts, and claiming to have supernatural power to cure an impotent woman and having sexual relation with the woman.

### **Criticism of the Anti-Black Magic Act**

- Many have **criticised the act as being anti-Hindu**.
- However, the **bill does not mention god or religion**, and that **only targets fraudulent practices**. It is a law that addresses exploitation in the name of religion.
- Data from examining more than 350 FIRs lodged across Maharashtra in the last four years shows that the **accused persons belong to different religions**.

### **Need for Pan-India anti-superstition law:**

There is call for a India-level law to ban black magic and related crimes because of the following reasons:

- Black magic and other superstitious practices are **utterly dehumanising, brutal and exploitative** need to be dealt with by a law that specifically addresses them.
- The present **Indian Penal Code (IPC)** is not equipped to take care of crimes committed on account of black magic and other superstitious practices.
- The anti-superstition **law also makes it possible to curtail activities of fraudulent godmen** before they become too powerful.

- Witch-hunting and broader superstition related crimes **violate basic fundamental rights** guaranteed under Article 14, 15, and 21 of the Indian Constitution.
- Such acts also **violate several provisions of various International legislations** to which India is a signatory, such as the 'Universal Declaration of Human Rights, 1948'

### **Indian Constitutional Provisions relating to Superstitions**

- **Article 51A (h):** It lists "to develop the scientific temper, humanism and the spirit of inquiry and reform" as a fundamental duty for every Indian citizen.
- **Article 25 :** It guarantees the fundamental right of freedom of conscience and free profession, practice and propagation of religion.
- **Article 21:** It guarantees the fundamental right of protection of life and personal liberty. No person shall be deprived of his life or personal liberty except according to procedure established by law.

**Mould your thought:** Why was using God's name to sell products held to be illegal? Does India need a country-wide law to ban such superstitious practices?

#### ***Approach to the answer:***

- Introduction
- Discuss the verdict of Bombay HC
- Give reasons for the enactment of anti-superstition law
- Conclusion