

CRIMINAL LIABILITY OF RELIGIOUS CONMEN AND CULT LEADERS UNDER THE INDIAN CRIMINAL LAWS

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ABSTRACT

This paper talks about the peculiar issue of the people named godmen and conman and their notorious activities which they practice and mostly go unnoticed or unpunished due to the filthy riches and blind beliefs of the large mass of people. We have suggested our thoughts and ideas in this paper and have also brought in the topic of their liability under the topic of cheating in the Indian penal code. The paper talks about the deeds and crimes of these so-called saints and how they can be irradiated from society.

INTRODUCTION

Godman is usually used as a non-literary term for a type of Guru who is charismatic. These people (gurus, imams, or fathers) tend to have a high-profile presence in society. They are capable of capturing the attention of society and the public at large. They claim to possess godly power to heal mental health or physical health, they also claim to have the ability to see or influence future events and the ability to read minds.

If we look at the development of these Godmen's fame historically, we can observe that it began with the Guru-Shishya parampara. The ideal means to transmit knowledge was through the relationship between the Guru and the Shisya, which was seen as a reflection of the Guru's sincerity and the Student's respect, commitment, devotion, and obedience. The guru's knowledge is finally attained by the learner. However, in later times, some Godmen hailed from recognized spiritual schools, but frequently they were not members of any particular religious institution.

Despite the democratic approach used in India, modern India appears to be a developed nation with advanced scientific infrastructure, it yet holds onto superstitions like belief in Godmen. Saying that "godmen are holy men with unholy acts" is accurate.

While the Western approach stands on scientific proof and documentation, the Indian approach begins and ends with unanswered questions and mystics. However, in current times, we have seen fraudsters, scamsters, and rapists masquerading as religious gurus. They have palaces, a fleet of cars, all kinds of luxuries, gold, diamonds, and a mass of land. Some of them have their own militia, as we saw in a recent case where this 'murderer' godman resorted to human fortification. Most of these godmen are charged with human trafficking, rape, drug dealing, sex trade, murders, money laundering, political lobbying, etc.

Lately, there has been an increase in these Godmen. They are not only holding places in Government offices but also in corporate board meetings. They are not spiritual gurus but amazing con artists who promote falsehood, deception, and religiosity in the name of god.

In this paper, we'll examine the laws that govern godmen under the Indian Penal Code, cases involving these gurus, and the steps the government needs to take.

WHAT ARE THE LAWS PERTAINING TO THESE CONMEN/GODMEN?

These charlatans and godmen are typically charged with offenses under sections 415 and 416 of the Indian penal code and punished accordingly under sections 417, 418, 419, and 420. According to the Indian Penal Code, cheating is a criminal offense. By utilizing dishonest means, it is done to benefit or obtain an advantage over another individual. A person who intentionally misleads someone is aware that doing so would put them in an unfair situation. Section 420 of the IPC allows for the punishment of cheating as an offense.

According to Section 415 of the Indian Penal Code, cheating is defined as the fraudulent or dishonest deception of a person in order to get them to provide something to someone else or give their assent to keep something. A person is said to have cheated if they fraudulently, dishonestlyⁱ, or intentionally persuaded another person to do or refrain from doing something that they would not have done otherwise and that action resulted in harm to the other person's body, mind, reputation, or property. Section 415 only defines the person's guilty state of mind and this guilty and dishonest state of mind can be punished under sections 417, 418, 419, and 420 of the Indian penal code, only If the defence is able to prove the cheating and fraudulent behaviour of the party.

There must be an intention to deliver a certain amount of the item to the cheated party or even an intentional inducement to deliver such an item with fraudulent consent.

Cheating is defined in this section as any dishonest concealing of information that can lead a person to take a course of action that he otherwise would not have taken.

Section 416 of the Indian penal code states that a person may commit the act of cheating by impersonating himself as someone else or substituting themselves in another person's place. This is largely relatable and valid in the case of these godmen and imams as they usually fraudulently and dishonestly deceive innocent people especially women to pertain to their whims and wishes.

Under this section, cheating can be done through the prevention of being some other person or knowingly substituting one person. The conmen and godmen usually impersonate

themselves as people of special powers and beliefs and directly gifted humans with godly powers and ideas.

PUNISHMENTS UNDER THE INDIAN PENAL CODE FOR CHEATING

Section 417 of the Indian penal code states that whoever cheats would be liable to punishment with imprisonment of one year or a fine or both.

The conmen and godmen promise people to provide better jobs or other desires in return for activities like sexual intercourse or bribery. Such crimes are punished under this section of the Indian penal code.

Section 418 of the Indian penal code states that if a person cheats with the knowledge that they may/would cause harm or loss to a person, shall be imprisoned or fined for a time period of 3 years. It is the abuse of trust that is met with severe punishment. Even if the person is in a contract, he must make sure to obey the legal rules of the contract and not provide false information.

Section 419 of the Indian Penal Code states that if a person cheats by impersonating themselves as others they would be liable for imprisonment of 3 years or a fine. It is an offense of general character, under which a person may pretend to be anyone other than what he really is.

Section 420 of the Indian Penal Code provides punishment for the people who are accused of damaging or altering any property or valuable security which resulted from the deceiving. This also includes fraudulently forging signatures for transfer of general power of attorney or other documents like wills, sale deeds, etc.

WHO ARE CONMEN/ GODMEN AND WHAT PROBLEMS DO THEY CAUSE IN THIS SOCIETY?

The many religions that the Indian population reads mention both males and females who are

capable of doing incredible wonders. Put on a pedestal by hapless herds in search of a savior were people who were superior to others in every way. Cults are unquestionably places where people can find comfort and community. But in India, where there is a vast network of these gurus and babas—often with strong political connections—this type of demigod thrives because even the evil ones may get awayⁱⁱ.

In India, we frequently use the term "godmen" to describe gurus or self-styled spiritual leaders who have a sizable following. Some have been embroiled in disputes or scandals involving their beliefs, wealth, or conduct. It's vital to remember that not all spiritual leaders are charlatans, but there have been cases where people have taken advantage of the beliefs of their followers for their own gain.ⁱⁱⁱ

VARIOUS ISSUES ENGENDERED BY VARIOUS GODMEN IN INDIA INCLUDE

Some godmen demand large monetary contributions or donations from their followers in exchange for what they promise will be spiritual blessings or rewards. This may result in financial hardship and the exploitation of the weak. Some godmen manipulate their followers' emotions to make them reliant on their teachings and leadership. This may lead to followers acting against their own interests or blindly obeying commands. There have been instances of godmen abusing their power to carry out immoral or illegal behaviors, such as sexual exploitation, harassment, and abuse of followers. The progress of society and the educational system may suffer as a result. Some godmen's influence can result in the development of cult-like followings, dividing families and communities. This can encourage a "us versus them" mindset. In certain instances, godmen encourage alternative spiritual practices that challenge long-standing beliefs and cultural norms, resulting in societal conflicts and confusion. Some godmen work without adequate supervision, which enables them to avoid facing the moral and legal repercussions of their decisions. It's crucial to understand that not all gurus or spiritual authorities are involved in these matters. Many offer sincere advice and assistance to their followers. People must exercise caution and weigh any promises or claims made by spiritual leaders carefully.

Some godmen encourage superstitious practices and beliefs, which impede scientific inquiry and advancement.

WHY DO PEOPLE HAVE SUCH STRONG RELIGIOUS BELIEFS IN GODMEN?

Godmen are mostly based on mentalism. These religious leaders operate a business—a business of hope. This is a result of politicians' lack of support for their constituents. Such people in need are taken advantage of by godmen, who will make fake promises to fix their issues. In Punjab and Haryana, we can see Deras^{iv}(organizations) where we can see a guru giving his followers Seekh (advice). Now that Gurdwaras exist in Punjab, one would wonder whether deras are still necessary. Numerous lower-caste Hindus became linked with the Sikhs at the time due to prejudice. Although the religion of Sikhism preached equality, Dalit Sikhs continue to experience this type of prejudice, and these Deras give their adherents a sense of acceptance.

In Dera Sacha Sauda, a dera run by Ram Rahim Singh there they all share a common surname "insaan." Sharing a single surname makes everyone feel "accepted" in the deras and ensures that they will not experience any discrimination in a society where one's surname discloses one's social standing. Therefore, these Deras derive support from the marginalized sections of society. **Author Vineetha Nangia** writes about these babas' power of orientation “They are great orators and good at the art of conning. They show concern, try and help their weak followers”^v.

In India, people don't place much value on mental health. 90% of Indians experience stress, and 80% of them don't feel comfortable talking about their mental health issues to a doctor^{vi}. In such a scenario **Manohar Bhatia** has quoted “Today a Godman is not just the miracle maker; he is also the distress reliever - a psychologist, the family consultant, and the spiritual guide.”^{vii} The most common thing these folks do is seek assistance from purported godmen. In the Kumare documentary, the utilization of the **placebo effect** was evident. A placebo therapy is one in which it appears as though you are receiving "real" medical care when you are not. These so-called Godmen will provide you with the most ridiculous solution to your

issue, and people willfully accept it.

The Archaeological Survey of India excavated a location for 1000 tonnes of gold in 2013^{viii}. This came to light after a self-described godman allegedly told a Union Minister that the fort is made out of 1,000 tonnes of gold. This is a great example of politicians following Baba's advice. The reason these politicians follow the advice of such babas is because these babas have a high number of followers. Politicians are more concerned with votes; they usually strike a deal with these babas.

CASES RELATED TO THE GODMEN

Swami Premananda, a notorious 'godman' who founded his ashrams in Tiruchy, was originally from Sri Lanka. He gathered a sizable following, which led to his fortune in Tamil Nadu. He received two consecutive life sentences for the 1997 rape of 13 girls. His ashram had branches in the UK, Belgium, Switzerland, and many other nations by the time he was found guilty. On February 21, 2011, he passed away in Cuddalore Central Prison.^{ix}

Asaram Bapu: a very well-known preacher of the "One Supreme Conscious" and purported adherent of "Advaita Vedanta," was detained in 2013 for a case of sexual assault on a minor. He was detained by the police on suspicion of rape, criminal intimidation, and wrongful incarceration. 2008 saw a public outcry after two young boys died at his Motera Ashram in Gandhinagar, Gujarat. When a 16-year-old girl accused Asaram of sexually assaulting her in Jaipur, he was taken into custody. At the time of his conviction, he reportedly ran 400 ashrams both domestically and internationally.^x

Ram Rahim Singh: Following violence started by Dera Sacha Sauda sect members after their leader Gurmeet Ram Rahim Singh was found guilty in a rape case, at least 30 people killed and hundreds were hurt. Unfortunately, Ram Rahim is not an exception.^{xi}

Father George Padayattil: Three 9-year-old girls were raped by Father George Padayattil, a 68-year-old Syro Malabar Church Christian priest who serves as the vicar of Holy Cross Church in Chendamangalam in the Ernakulam region.

Khandaker Rahman: A court heard about the arrest of an Islamic preacher who was accused of raping a little girl 15 years later after she recognized him on YouTube. Before searching online for Khandaker Rahman, 64, the victim only knew her alleged assailant as "The Imam," Swansea Crown Court heard.

Imam Sharaafuddin: Imam Sharaafuddin was detained by the Kerala Police after being accused of raping a 13-year-old girl inside a Madarsa. The Muslim preacher repeatedly sexually assaulted the young girl and intimidated her into keeping quiet.

Mohammed Hanif Khan: While serving as the Imam of the mosque on Capper Street in Stoke on Trent, Mohammed Hanif Khan sexually molested the youngster, who was 12 years old at the time.

Swami Shraddhananda: Shakereh Namazie, the granddaughter of the Dewan of Mysore, Sir Mirza Ismail, was buried alive on May 28, 1991, in the backyard of her home by her husband Shraddhanand alias Murali Manohar Misra after he had laced her morning tea with sedatives. He had been longing to take her property, therefore he did the crime to usurp it.^{xii} He gradually moved all of Shakereh's assets into his name after they were married using powers of attorney. He had successfully lured Shakereh to provide these properties as he made her that he was a man with special powers and god-like features. He had even married her with the promise of providing a male child as her heir. He was sentenced to murder for up to 14 years in Sagar jail, Madhya Pradesh.

Through mind games, these fake godsmen have wrecked society's innocent lives. People completely trusted these Godmen to fix their issues in the hopes that they would, but they were duped by them instead. When the government attempted to retaliate against such individuals, their sizable following reacted violently which we could notice in the case of Ram- Rahim. There are more cases like this that need to be brought to light, but because of these Godmen's political influence and power, they never make it to the police.

WHAT STEPS CAN THE GOVERNMENT TAKE TO MINIMIZE CONMEN AND ENFORCE STRINGENT LAWS?

1. Actively combat superstitions:

Karnataka adopted an anti-superstition law^{xiii} in 2020 that was based on the "Maharashtra Act." Even so, the Central Government hasn't given it any thought. The government must encourage everyone to study science. Andhashraddha Nirmoolan Samhiti^{xiv} is one of the NGOs aiming to promote science. Rajkamal Srivastav has been organizing workshops, seminars, and activities to scientifically explain the marvels in Uttar Pradesh. Rajkamal is also a resource person for the Council of Science and Technology in Uttar Pradesh.

2. Remove Root Cause:

As a form of punishment, we can keep locking up these Godmen, but unless we deal with the root cause, more Conmen will continue to flourish, deceive, and plunder helpless people. Even while not all godmen are bad, caution must be taken and irrational belief should not be supported. Because prevention is always superior to treatment, we must stop the rise of these fictitious con artists operating under the guise of Godmen. In a peculiar and terrible crime that the police suspect may have been related to the occult, two young women were fatally shot inside their three-story home in the Andhra Pradesh district of Chittoor on Sunday, according to the parents of the victims. The parents said they could bring both back to life if given a day when the police showed up at the residence after being called by friends of the family.^{xv}

As long as they are not accepted in society and aren't made much aware, such Godmen will always be able to take advantage of vulnerable individuals (such as SC and ST members of society). Therefore, it is essential to inform and sensitize the general people.

3. Transparency of their power:

The government must make sure that the activities of these godmen are kept under power and that they do not get the authority to control the lives and incidents of other people. Most politicians blindly believe and fund these babas and imams as a vote bank.

4. Media Control:

Because of the media's emphasis on sensational news, bogus godmen may be accidentally promoted by receiving excessive attention^{xvi}. By doing so, they may get more supporters and maintain their authority. The news that the media spreads about them should first be under control. Instead, they need to focus more on the fake godmen and stop promoting them and show their true characters on television so that people don't blindly believe these fake godmen.

CONCLUSION

In conclusion, the idea of Godmen was created with good intentions. However, a few evildoers abused this concept and began harming the lives of helpless members of society. In India, Godmen first emerged through the guru shishya parampara, in which the guru was revered and worshipped as God in exchange for giving students Shiksha; however, these imposters have wrecked this paramapara due to their own self-interest.

ENDNOTES

ⁱ Sundar Singh, (1904) PR No.25 of 1904

ⁱⁱ<https://madrascourier.com/opinion/on-gurus-godmen-conmen/>

ⁱⁱⁱhttps://www.thehindu.com/opinion/lead/India%E2%80%99s-godman-syndrome/article62119696.ece/amp/#aoh=16916302497694&referrer=https%3A%2F%2Fwww.google.com&_tf=From%20%251%24s

⁴[https://en.wikipedia.org/wiki/Dera_\(organization\)#:~:text=Deras%20in%20Punjab%2C%20before%20the,Sufi%20were%20known%20as%20khanqahs.](https://en.wikipedia.org/wiki/Dera_(organization)#:~:text=Deras%20in%20Punjab%2C%20before%20the,Sufi%20were%20known%20as%20khanqahs.)

^v<https://timesofindia.indiatimes.com/blogs/O-zone/why-do-people-follow-godmen/?source=app&frmapp=yes>

^{vi}<https://www.hindustantimes.com/punjab/90-pgi-doctors-stressed-most-of-them-don-t-ask-for-help-reveals-study/story-tXoIWzNIoXtxOPf1ZLZjxN.html>

^{vii}<https://timesofindia.indiatimes.com/readersblog/manufocus/the-weird-world-of-babas-4691/>

^{viii}<https://economictimes.indiatimes.com/news/politics-and-nation/archaeological-survey-of-india-starts-digging-after-seer-dreams-of-gold/articleshow/24350724.cms?from=mdr>

^{ix} Sri Premananda Trust v. District Collector (1997) Madras High Court

^x Saint Shri Asaram Babu v. State of Rajasthan (2013)

^{xi} Sant Gurmeet Ram Rahim Singh v. Central bureau of investigation (2007)

^{xii} Swami Shraddhananda v State of Karnataka(20 May, 2005), SC No. 212/1994.

^{xiii}<https://www.clearias.com/anti-superstition-laws/>

^{xiv}<https://antisuperstition.org/>

^{xv}<https://www.indiatoday.in/crime/story/andhra-pradesh-mother-sacrifices-daughters-will-come-alive-sat-yuga-starts-monday-1762435-2021-01-25>

^{xvi}<https://www.thehindu.com/opinion/op-ed/will-india-get-over-its-obsession-with-godmen/article19847535.ece>