BLOGS

IPC Notes- Cases on Offences Against Religion in India

Samridhi M · 21 Apr 2023

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Introduction

The Indian Penal Code is India's fundamental criminal code, and it contains several clauses pertaining to religious crimes. In recent years, there has been an increase in instances involving religious violations in India, prompting discussions and debates about the efficacy of the judicial system in dealing with such acts.

This is the second in a series of posts about religious crimes in India under the IPC. This post will go into the numerous case laws pertaining to religious violations in India and analyze the legal precedents established by these cases.

Cases on Offences Against Religion under IPC

The Supreme Court ruled in ***Ramji Lal Modi v. State of UP*** that **Section 295A** is legally legitimate and necessary to protect public order. As a result, it is a justifiable limitation on freedom of speech and expression under **Article 19(2)** of the Indian Constitution of 1950.

A hut was utilized as a place of worship by adherents of a certain faith in ***Joseph v. State of Kerala***. By court order, 'A' seized custody of the Hindu God pictures and was prosecuted under **Section 295**. The High Court ruled that 'A' had the freedom to do whatever he wanted and had not intended to harm religious beliefs or sacred objects, thus he was found not guilty.

'Disturbance' refers to any aggressive interference with the funeral proceedings. The mother of 'A' died in the case of ***Basir-ul-Huq v. State of West Bengal***. He and others assisted in transporting the body to the cremation sites. Meanwhile, the accused filed a police report alleging that 'A' had strangled his mother to death. Following that, he arrived on the cremation grounds

with police and disrupted the ceremonies. However, it was discovered that A's mother died naturally. 'A' filed a **Section 297** complaint against the accused. The defendant was found guilty and sentenced to three months in jail.

In ***Sheo Shankar v. Emperor***, the accused destroyed a sacred thread worn by another person because he was not allowed to accessorize it since he belonged to the shudra caste. While it was not an insult because it was done by another Hindu and the shudra are not compelled to wear the holy thread, the Court concluded that this clause would apply if the same conduct was done by a Mohammedan, Christian, or atheist.

Uttering, statements, and so on with the intention of offending someone's religious sensitivities is an important clause. In the case of ***Chakra Behra v. Balkrushna Mohapatra***, it was determined that anybody who made words or generated noises in the hearing of another with the intent to damage, insult, or wound their religious sensibilities would face a year in prison, a fine, or both.

Misuse of Sections

The IPC is a comprehensive criminal law system that defines and punishes numerous sorts of criminal offences in India. There are numerous provisions in the IPC that deal particularly with religious offences. These provisions are meant to preserve religious emotions and to avoid the development of animosity amongst the country's many religious communities. However, there have been instances in recent years of these clauses being abused to suppress free expression and muzzle critical voices. This has sparked a rising discussion in India about the need to find a balance between respecting religious feelings and upholding the right to free expression.

A spate of **Bollywood celebrities** have been charged under the provision, and in 2016, stand-up comedian Kiku Sharda was detained for allegedly impersonating Dera Sacha Sauda founder Gurmeet Ram Rahim Singh on his show.

Salman Khan was accused of hurting Muslim emotions in September 2014 when a model walked the runway wearing a T-shirt with an Arabic phrase imprinted on it during a fashion show sponsored by his NGO, Being Human, and a police complaint was made against him.

A lawsuit was also **filed against actor Aamir Khan for infringing on religious emotions** in his film 'PK' by dressed as Lord Shiva and pushing a rickshaw on which two burqa-clad ladies sat.

Important Questions on Offences Against Religion

1. What constitutes outraging religious sentiments under Section 295A?
2. Elaborate on the following cases: (i) Rangila Rasool case (ii) Ramji Lal Modi v State of Uttar Pradesh (iii) Ramlal Puri v State of Madhya Pradesh

Also Read: IPC Notes- Offences against Religion [Part I]