BLOGS

IPC Notes- Offences against Religion

Samridhi M · 20 Apr 2023

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Introduction

India is known for its diversity and secularism, where people of various religions coexist peacefully. However, there are instances where people try to disrupt this harmony by committing offences relating to religion. To prevent such acts and maintain social harmony, the Indian Penal Code (IPC) has provisions under **Sections 295 to 298** that deal with religious offences under IPC.

Section 295 of IPC

The offence of “injuring or defiling a place of worship with intent to insult the religion of any class” is dealt with in **Section 295 of the Indian Penal Code**. This provision makes it a crime to harm or degrade any place of worship or object held sacred by a specific religious group with the goal of offending that community’s religious emotions.

This offence contains the following elements:

1. The accused must have harmed or desecrated a place of worship or any object considered sacred by a religious group.
2. Damage or pollution must have been done on purpose.
3. The goal underlying the conduct has to be to offend the religious emotions of a certain religious group.
4. The accused must have known or should have known that his or her acts would offend the religious sensitivities of a certain religious group.

5. If an individual is found guilty of committing this offence, he or she may face imprisonment for a term of up to two years, a fine, or both.

Section 295A of IPC

Section **295A** prohibits “deliberate and malicious acts intended to outrage religious feelings of any class by insulting its religion or religious beliefs.” This clause criminalizes any conduct designed to offend a community’s or group’s religious sensibilities.

Section 295A of the Indian Penal Code contains the following provisions:

1. Intentional and malicious acts: The act of insult or provocation must be intentional and done with the goal of offending the religious emotions of a certain religious community.
2. Meant to incite religious sentiments: The conduct must be meant to incite religious feelings in any class of Indian residents. Religious sentiments might encompass a person’s religious beliefs, customs, and practises.
3. Insulting a religion or religious beliefs: The conduct must be intended to offend a specific faith or religious beliefs. Words, gestures, or any other kind of communication can be used.
4. Intended against a class: The act must be intended at a specific class of Indian people who practise a specific religion. Religious beliefs, practises, or customs can be used to define the class.

The penalty for violating Section 295A is up to three years in jail, a fine, or both. The offence is non-bailable, which means that the accused is not entitled to bail and must request authorization from the court. The section’s goal is to prevent any form of communal conflict or disturbance that may occur as a result of inflammatory remarks or acts directed towards a certain religion or religious community.

Section 296 of IPC

The offence of disrupting a religious gathering is dealt with under Section 296 of the Indian Penal Code. Anyone who willfully causes a disturbance or disruption during a religious gathering or ritual is charged under this clause. The section’s goal is to ensure the peaceful performance of religious rites and to avoid any interruption to the people’s religious feelings.

The following are the elements of the offence of disrupting a religious gathering under **Section 296** of the Indian Penal Code:

1. The offence can only be committed if there is a religious assembly, which is defined as any gathering or congregation of individuals who have gathered for the purpose of religious worship or ritual.
2. The accused must purposefully make a disturbance: The accused must purposefully produce a disturbance or disruption during the religious gathering. The mere presence of the offender or an unintentional disruption will not be enough to constitute the offence.
3. The accused must cause a disturbance to the assembly: The accused must cause a disturbance to the assembly as a whole, not to any individual.
4. The disruption must occur during the meeting, not before or after. Only while the assembly is in session is the offence committed.
5. The accused must have knowledge of or intend to incite a commotion: The accused must have knowledge of or intend to disrupt the religious assembly. If the disruption is unintended or accidental, the offence will not be committed.

If the foregoing conditions are satisfied, the offence of disrupting a religious assembly is committed under **Section 296 of the Indian Penal Code**. The offence is punished by imprisonment for a term not exceeding one year, a fine, or both.

Section 297 of IPC

The offence of trespassing on burial grounds is addressed under Section 297 of the Indian Penal Code. This clause makes it a crime to access or remain in any site where the deceased are disposed of without valid authorization or consent.

The following are the major components of this offence:

1. Entry or remaining in any location used for the disposal of the dead: A person commits the offence if he or she enters or remains in any place used for the disposal of the dead. This includes cemeteries, burial grounds, cremation sites, and other similar locations.
2. Without lawful authority or permission: The admission or continued presence in such a location must be without lawful authority or permission. This implies that the individual does not have a valid justification or authority to be in the location.

3. Aim to offend anyone's religion or emotions: The offence is compounded if the person entering or remaining in such a location does so with the aim to insult anyone's religion or feelings. This implies that entering a religious burial place with the goal of disrespecting or insulting the faith or beliefs of individuals buried there is a more severe offence.
4. Mischief: The offence is enhanced if the perpetrator commits any mischief while in such a location. This includes destroying or defacing graves or other property, as well as indulging in any other conduct that harms or damages the location or the persons affiliated with it.

Trespassing on burial grounds is punishable by imprisonment for up to three months, a fine, or both under Section 297 of the Indian Penal Code. However, if the offence is done with the aim to offend someone's faith or sensibilities, or to cause damage, the punishment may be more severe, including imprisonment for up to two years, a fine, or both.

In summary, Section 297 of the Indian Penal Code is intended to protect the sanctity and dignity of burial places, as well as to ensure that those who enter or remain in such places do so with lawful authority or permission, and with no intention of disrespecting or insulting any person's religion or feelings.

Section 298 of IPC

Section 298 of the Indian Penal Code criminalises "uttering words, etc., with deliberate intent to wound religious feelings." This clause was included to the IPC to safeguard persons' religious sensibilities and to prevent intentional insult or harm to their religious beliefs.

The ingredients of Section 298 are as follows:

1. Uttering words/sounds: The provision applies to anybody who utters words, produces sounds or gestures, or displays any object with the goal of insulting a certain group or class of people's religious beliefs.
2. Deliberate intent: The words or acts must be done with the deliberate goal of injuring a person's or a group's religious emotions. This section does not cover criticism of religious beliefs or practises that are not intended to offend or hurt religious emotions.
3. Wounding religious sentiments: The words or acts must be such that they are likely to injure a person's or a group's religious sensibilities. The offence is not complete if the individual does not feel insulted or if the words or acts do not have the potential to injure the person's or

group’s religious emotions.

4. Religion or religious beliefs: The offence encompasses all religions and religious beliefs. It makes no difference whether the religion or religious belief is minority or majority.

Section 298 offences are punishable by imprisonment for up to three years, a fine, or both. If the offence is done with the aim to incite a riot, the sentence may be increased to up to five years in jail, a fine, or both.

Section 298 of the Indian Penal Code is an essential clause that protects persons’ religious sensibilities and punishes those who intentionally insult or injure religious beliefs. To promote communal harmony and peace in society, it is important to respect the views and emotions of individuals and communities.

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