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FINAL TERM ASSIGNMENT.

What Are The Offences Against Religion?

Offences against religion and offences against public worship form a small group of crimes of great antiquity which have connections, on the one hand, with offences against public order, and on the other with offences of obscenity and indecency. Nevertheless, they do not fit easily into either of these categories of offence and usually receive separate treatment in the standard works on the criminal law. As part of its programme for examining the criminal law with the object of producing a criminal code, the Law Commission has undertaken to review these offences, and the present Working Paper sets out its provisional proposals for reform. At the outset of this Paper it is necessary to emphasise that common law offences, that is, offences the elements of which are

defined by reference to judicial decision rather than legislation, can have no place in a modern codification of the law. Much of the law in this area, in particular the offences of blasphemy and blasphemous libel, is still governed by the common law our review of these offences therefore presupposes that they cannot be left in their present state. Our task is to examine all of them with a view to ascertaining whether they need be retained and, if so, whether it would be satisfactory merely to substitute for the present law new, statutory offences embodying the substance of the common law, or whether an entirely new approach would be desirable. The Paper gives separate consideration to offences against public worship, which are dealt with in Part XII, and offences against religion. Of the latter, the common law offences of blasphemy and its written form of blasphemous libel are the most important and occupy the greater part of this Paper. It should be noted that the law relating to other forms of libel attracting criminal penalties is under separate review.

Blasphemy is a misdemeanour at common at common law punishable by fine and imprisonment. It consists in:

- (i) Scoffingly or irreverently ridiculing or impugning the doctrines of the Christian faith;
- (ii) (ii) in uttering or publishing contumelious reproaches of Jesus Christ; or

- (iii) In profane scoffing at the Holy Scriptures or exposing any part thereof to contempt or ridicule. It is not blasphemy with due gravity and propriety to contend that the Christian religion or any part of its doctrine, or the whole or any part of the Holy Scriptures, is untrue.

I. Injury Place Of Worship:

According to S. 295 P.P.C. injuring or defiling a place of worship, or any object held sacred by any class of persons, with intent to insult the religion of any class of persons (S. 295) punishment up to 2 years and/or fine.

Ingredients:

This section requires two essentials:

(i) Destruction, damage, or defilement of:

(a) any place of worship, or

(b) any object held sacred by a class of persons.

(ii) Such destruction, etc., must have been done:

(a) with the intention of insulting the religion of a class of persons,

(b) with the knowledge that a class of persons is likely to consider such destruction etc, as an insult to their religion.

2. Intend To Ape Religious Feelings:

According to S.295-A P.P.C. deliberate and malicious acts intended to outrage religious feelings of any class by insulting its religion or religious beliefs (S. 295-A) punishment up to 3 years and/or fine

3. Defiling, Of The Holy Qur'an:

According to S. 295-13 P.P.C. whoever, willfully defiles, damages or desecrates a copy of the Holy Quran or of an extract therefrom or use it in any derogatory manner or for any unlawful purpose shall be punishable with imprisonment for life.

4. Use Of Derogatory Remarks:

According to S. 295-C, P.P.C., whoever by words, either spoken or written or by visible representation. or by any imputation. innuendo, or insinuation, directly or indirectly, defiles the sacred name of the Holy Prophet Muhammad. (S.A.W.) be punished with death, or imprisonment for life.

5. Disturbing Religious Assembly:

According to Section 296 P.P.C., voluntarily disturbing a religious assembly lawfully engaged in the performance of religious worship or religious ceremonies, punishment for one year and/or fine.

6. Trespassing On Burial Place:

According to S. 297 P.P.C. trespassing in any place of worship or burial place offering any indignity to a human corpse, with intent to wound the feelings or religion of any person- punishments one year.

7. Uttering Word:

According to Ss. 298, 298-A P.P.C. uttering words or making signs. with the intention of wounding the religious feelings of any person (S.298) punishment as in (5) above, using derogatory remarks in respect by holy messenger (S.298-A) punishment up to 3 years or fine or bot1.