# IPC Section 298

## IPC Section 298: Uttering Words, etc., with Deliberate Intent to Wound Religious Feelings  
  
Section 298 of the Indian Penal Code (IPC) addresses the offence of uttering words, making sounds, or making gestures with the deliberate intent to wound the religious feelings of any person. This section recognizes the importance of respecting religious sentiments and aims to prevent actions that intentionally cause emotional distress or offense based on religious beliefs. A thorough understanding of Section 298 requires careful examination of its wording, interpretation through judicial pronouncements, and its relationship with other related sections of the IPC.  
  
\*\*The Text of Section 298:\*\*  
  
“Whoever, with the deliberate intention of wounding the religious feelings of any person, utters any word or makes any sound in the hearing of that person or makes any gesture in the sight of that person or places any object in the sight of that person, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.”  
  
\*\*Dissecting the Elements of Section 298:\*\*  
  
1. \*\*"Whoever, with the deliberate intention of":\*\* This phrase emphasizes the crucial role of \*mens rea\* (guilty mind) in establishing an offence under this section. The prosecution must prove beyond a reasonable doubt that the accused acted with the specific and conscious intent to wound the religious feelings of another person. Accidental or unintentional acts, even if they cause offense, do not fall under the purview of this section. The intent must be deliberate and aimed specifically at hurting religious sentiments.  
  
2. \*\*"Wounding the religious feelings of any person":\*\* This element focuses on the emotional and psychological impact of the act on the targeted individual. The words, sounds, gestures, or objects must be such that they would reasonably cause hurt or distress to a person of ordinary sensibilities belonging to that particular religion. The degree of hurt need not be severe, but it should be substantial enough to be considered a wound to their religious feelings. The assessment of whether religious feelings are wounded involves considering the context, the nature of the words or acts, and the religious beliefs and practices of the affected individual.  
  
3. \*\*"Utters any word":\*\* This covers spoken words, including statements, questions, recitations, or any form of verbal communication made with the deliberate intent to wound religious feelings. The words can be directed at a specific individual or a group of people sharing the same religious beliefs.  
  
4. \*\*"Makes any sound":\*\* This extends beyond spoken words to include any audible expression, such as shouting, singing, playing music, or making other noises that are intended to offend religious sensibilities. The sound need not have any specific meaning; its purpose and context are crucial in determining whether it constitutes an offence under this section.  
  
5. \*\*"Makes any gesture":\*\* This element includes any physical action or movement made with the deliberate intention of wounding religious feelings. Examples include offensive hand gestures, facial expressions, or bodily movements that are considered disrespectful or insulting within a particular religious context.  
  
6. \*\*"Places any object in the sight of that person":\*\* This covers the display or placement of objects with the deliberate intention of wounding religious feelings. This could include displaying offensive images, symbols, or objects that are considered sacred or taboo within a particular religion. The placement of the object must be deliberate and intended to cause offense.  
  
7. \*\*"In the hearing of that person" / "In the sight of that person":\*\* These phrases emphasize that the words, sounds, gestures, or objects must be perceived by the person whose religious feelings are intended to be wounded. The act must be directed at or within the sensory perception of the targeted individual for the offence to be established.  
  
\*\*Punishment:\*\*  
  
Section 298 prescribes a punishment of imprisonment of either description for a term which may extend to one year, or with fine, or with both. The court considers the specific circumstances of the case, including the nature of the words or acts, the intent of the accused, the impact on the victim, and any aggravating or mitigating factors, to determine the appropriate punishment.  
  
\*\*Distinction from other related sections:\*\*  
  
\* \*\*Section 153A:\*\* While Section 298 focuses on wounding the religious feelings of an individual, Section 153A deals with promoting enmity between different groups on grounds of religion, race, place of birth, residence, language, etc., and doing acts prejudicial to maintenance of harmony. The key difference is that Section 153A targets actions that incite hatred or disharmony, whereas Section 298 focuses on the direct wounding of an individual's religious feelings.  
  
\* \*\*Section 295:\*\* This section deals with injuring or defiling places of worship with intent to insult the religion of any class. Unlike Section 298, which focuses on wounding religious \*feelings\* through words, sounds, gestures, or objects, Section 295 deals with the physical \*desecration\* of a place of worship.  
  
\* \*\*Section 295A:\*\* This section addresses deliberate and malicious acts intended to outrage religious feelings of any class by insulting its religion or religious beliefs. While both sections aim to protect religious sentiments, Section 298 is specific to acts committed in the presence of the targeted individual, while Section 295A covers a broader range of actions that insult religious beliefs.  
  
\* \*\*Section 296:\*\* This section deals with voluntarily causing disturbance to a religious assembly. Section 298 focuses on the intent to wound the religious feelings of an \*individual\*, whereas Section 296 deals with disrupting a religious \*gathering\*.  
  
\* \*\*Section 297:\*\* This section addresses trespassing on burial places, etc., with the intent to wound the feelings of any person or of insulting the religion of any person. Section 298 covers a wider range of actions, including uttering words, making sounds, and making gestures, whereas Section 297 is specifically related to trespass in sacred places.  
  
  
\*\*Judicial Interpretations:\*\*  
  
Numerous judicial decisions have shaped the understanding and application of Section 298. Courts have emphasized the importance of establishing the deliberate intent to wound religious feelings and have clarified that mere criticism of religious beliefs or practices does not automatically constitute an offence under this section. The judiciary has also highlighted the need to consider the context, the targeted individual's religious beliefs, and the potential impact of the words or actions to determine whether they fall within the purview of this section. Case laws have provided guidance on distinguishing between legitimate expressions of opinion and deliberate attempts to wound religious feelings.  
  
  
\*\*Conclusion:\*\*  
  
Section 298 serves as an important tool for promoting religious tolerance and respect by penalizing acts that intentionally cause emotional distress based on religious beliefs. It acknowledges the sensitivity of religious matters and aims to prevent actions that deliberately target and wound the religious feelings of individuals. Understanding the elements of this section, the judicial interpretations surrounding it, and its distinction from related provisions is vital for ensuring its proper application and upholding the constitutional guarantee of freedom of religion while also maintaining public order and preventing the misuse of this provision to stifle legitimate criticism or debate. The section seeks to strike a balance between protecting religious sentiments and safeguarding freedom of expression, contributing to a society where diverse religious beliefs can coexist peacefully.