

Defilement Then Consecration: Legal Descriptions on Sacrilege in India

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ABSTRACT

The concept of sacrilege defined broadly as the desecration or profanation of objects, texts, persons, or places considered sacred sits at the intersection of religious belief, cultural identity and legal accountability. In a country as religiously diverse and constitutionally secular as India, the regulation of acts considered sacrilegious is both a sensitive and complex matter. This research paper aims to trace and critically analyse the legal treatment of sacrilege in India, with a focus on the transition from the Indian Penal Code, 1860 (IPC) to the Bhartiya Nyaya Sanhita, 2023 (BNS), and the implications of this shift in terms of both substantive law and social impact. Beginning with a doctrinal exploration of sacrilege across major religious traditions: Hinduism, Sikhism, Islam, Christianity, Buddhism, and Jainism. This paper seeks to contextualize what constitutes 'sacredness' and how its violation is perceived within different faith communities. Special attention is paid to regional developments, particularly in Punjab, where sacrilege has become a highly politicized and socially disruptive issue, leading to demands for harsher punishments, including life imprisonment. The paper further examines how the Indian judiciary has interpreted sacrilege-related provisions, especially in light of constitutional principles such as the right to freedom of speech and expression, the right to religious freedom and the secular character of the State.

Keywords: *Desecration, Sacrilege, Substantive law, Right to Freedom, Legal accountability.*

INTRODUCTION

Religion has always held a central place in Indian society, shaping the moral and cultural fabric of its people. The deep reverence attached to religious symbols, texts, places of worship, and practices makes any act of desecration not merely a personal affront but a societal injury.¹ In this context, the concept of sacrilege. The violation or profanation of what is regarded as sacred gains a uniquely potent dimension within Indian jurisprudence. The intersection of devotion and desecration, therefore, is not only a matter of religious sentiment but also a critical legal concern.²

Indian law has grappled with the challenge of protecting religious sentiments while upholding constitutional guarantees of free speech, equality, and secularism. The legal narratives on sacrilege have evolved through a complex interplay of penal provisions, judicial pronouncements, state-specific laws, and public order considerations.³ This evolution reflects broader societal anxieties, political dynamics, and the changing understanding of what constitutes religious offence. Recent incidents involving the alleged desecration of holy scriptures and symbols—particularly in states like, Punjab have reignited debates on the adequacy of existing laws, the scope of religious protection, and the potential misuse of sacrilege laws for political or communal ends.⁴ Moreover, comparative perspectives from different religious traditions within India e.g., Hinduism, Islam, Christianity, Sikhism, Jainism, and Buddhism highlight the diverse theological underpinnings and varying thresholds of what is deemed 'sacrilegious'.⁵

This paper explores how Indian law conceptualizes and penalizes sacrilege, tracing its historical roots and analysing its contemporary relevance. It critically examines the criminalization of sacrilege under provisions like Sections 295 to 298 of the Indian Penal Code, the role of state amendments, and the constitutional tensions these laws invoke.⁶

¹ Fazlur Rahman, *Islam and Modernity: Transformation of an Intellectual Tradition*, University of Chicago Press, Chicago, 1982, p. 44.

² Klaus K. Klostermaier, *A Survey of Hinduism*, 3rd edn. SUNY Press, New York, 2007, p. 410.

³ Peter Harvey, *An Introduction to Buddhism*, 2nd edn., Cambridge University Press, Cambridge, 2012, p. 278.

⁴ P. Ishwara Bhat, *Law and Social Transformation*, Eastern Book Company, Lucknow, 2013, p. 85.

⁵ Nikky-Guninder Kaur Singh, *The Name of My Beloved: Verses of the Sikh Gurus*, HarperOne, New Delhi, 2001, p. 17.

⁶ Ibid.

The Latin word 'sacrilegium',⁷ which combines the words sacer (sacred) and legere (to steal or take away), is where the word "sacrilege" comes from. In the past, it was used to describe the theft of holy items from Roman temples. However, the term's use expanded as religious systems changed. It now broadly refers to any disrespectful or profane treatment of objects that are considered sacred in religious traditions.

Sacrilege used to be considered a sin in religious traditions, but in the modern day, particularly in secular democratic governments, it is now considered a social and legal violation, particularly when it causes public unrest or discord within the community.

Sacrilege is generally understood as;

"Any wilful or negligent act that profanes, defiles, insults, or violates a thing person, object, place, or belief that is considered sacred, divine, or spiritually inviolable by a community or faith group."

This act can occur in physical, verbal, symbolic, or digital form and may directly or indirectly harm the spiritual sentiments of the adherents of that religion.

KEY COMPONENTS OF SACRILEGE

1. SACRED OBJECT OR ENTITY

Sacrilege centres on something that is considered sacred, divine, or spiritually significant, such as texts (such as the Bible, Quran, and Guru Granth Sahib), temples, mosques, gurudwaras, religious ceremonies, artefacts, deities, saints, or even avatars.

2. ACTS OF VIOLATION

A derogatory act or profanity must occur, such as shredding scriptures, damaging houses of worship, spitting on idols, creating insulting cartoons of prophets, or engaging in prohibited behaviour in places of worship.

3. MENS REA

There must be a derogatory deed or use of profanity, such as tearing up scriptures, destroying places of worship, spitting on idols, making offensive cartoons of prophets, or acting in ways that are forbidden there.

4. IMPACT ON RELIGIOUS SENTIMENTS

The harm that sacrilege does to the followers' religious feelings and collective conscience is what makes it so emotionally charged.

DIMENSIONS OF SACRILEGE

1. RELIGIOUS/ SPIRITUAL DIMENSIONS:

For the devout, sacrilege is not merely an insult- it is a moral and cosmic crime, an act that disturbs the spiritual order, incurs divine wrath and demands atonement or punishment. In some traditions e.g., in Sikhism, scriptures are seen as living entities; hence their desecration is akin to bodily assault on divinity.

2. CULTURAL DIMENSION:⁸

In India, religion is intricately woven into culture, tradition and community identity, therefore acts of sacrilege are not isolated offenses but attacks on cultural heritage, often leading to communal tensions or inter-religious strife.

3. LEGAL DIMENSION:

Modern legal systems try to define and regulate sacrilege without appearing to favour any particular religion in India:

- Sections 295–298 of the IPC (now reorganized under BNS, 2023) deal with offences related to hurting religious feelings, defiling places of worship, and malicious acts.
- State-specific laws (e.g., Punjab's sacrilege laws) criminalize desecration of scriptures like Guru Granth Sahib, reflecting regional religious sensitivities.

4. POLITICAL DIMENSION:⁹

Sacrilege often becomes a tool for political mobilization and is used to trigger outrage, consolidate vote banks, or instigate violence. Investigations into sacrilege are often mired in allegations of bias, delays or manipulation.

5. DIGITAL AGE SACRILEGE:

⁷ "Sacrilege", *Oxford English Dictionary Online*, available at <https://www.oed.com/view/Entry/169417>, last visited on July 30, 2025

⁸ Abhinav Chandrachud, "Speech, Offence and Blasphemy in Indian Law", *National Law School of India Review*, Vol. 25, No. 1 (2013) pp. 99–116.

⁹ Paul Dundas, *The Jains*, 2nd edn. Routledge, London, 2002, p. 135.

In the digital era, cyber sacrilege has emerged as offensive memes, doctored images and fake videos that ridicule or distort religious content. Such acts spread rapidly and can cause massive unrest, leading to the need for cyber regulation laws tied with blasphemy and hate speech.

SACRILEGE IN HINDUISM¹⁰

In Hinduism, sacrilege refers to any disrespect, desecration, or profaning of sacred elements such as temples, idols, scriptures, rituals, sacred symbols or persons (like saints or gurus).

Examples;

- Damaging or defiling a temple or idol.
- Mocking or burning scriptures.
- Interrupting a yagna or sacred ritual with intent to insult.
- Wearing shoes or entering intoxicated into sacred premises.

SACRILEGE IN BUDDHISM¹¹:

In Buddhism, sacrilege involves disrespecting the three jewels- the Buddha (The Enlightened One), the Dharma (Teachings), and the Sangha (Monastic community).

Examples

- Destroying Buddha statues or stupas.
- Distorting or misusing the teachings of Buddha.
- Abusing or harming monks or nuns.
- Engaging in violence in sacred monastic spaces.

SACRILEGE IN JAINISM:

Jainism treats sacrilege as any act that violates the principle of non-violence or disrespects Tirthankaras, sacred texts, or Jain temples and monks.

Examples:

- Harming or killing even the tiniest life in a temple.
- Polluting sacred places or misusing them.
- Speaking ill of Tirthankaras or Jain monks.
- Eating non-vegetarian food in or near Jain temples.

SACRILEGE IN SIKHISM:

In Sikhism, sacrilege is called “beadbi”, meaning disrespect or dishonour, especially towards the Guru Granth Sahib or Gurudwaras.

Examples:

- Tearing, burning, or mishandling the Guru Granth Sahib.
- Entering the Gurudwara under the influence of alcohol or drugs.
- Performing unapproved rituals or using the Guru Granth Sahib for personal gain.
- Insulting or misrepresenting Sikh teachings or Gurus.

SACRILEGE IN ISLAM:

In Islam, sacrilege is termed as blasphemy or disrespect against Allah, the Prophet Muhammad, the Quran, Mosques, and Islamic rituals.

Examples:

- Burning or tearing the Quran.
- Depicting or insulting the Prophet.
- Mocking Islamic rituals (like Salah or fasting).
- Desecrating a mosque or holy grave.

LEGISLATIVE PROVISIONS

1. SACRILEGE UNDER INDIAN PENAL CODE (IPC), 1860 (prior to BNS, 2023)

Though the IPC did not use the term ‘sacrilege’, it addressed acts of sacrilege under a group of sections in Chapter 15- Offences Relating to Religion (Sections 295 to 298). These sections were intended to maintain communal harmony and respect for religious beliefs.

Section 295- Injuring or defiling a place of worship with intent to insult the religion¹².

¹⁰ Retrieved from < <https://www.wisdomlib.org/concept/sacrilege>>. Visited on 25th July, 2025 at 10.00 a.m.

¹¹ Retrieved from < <https://snu.edu.in/centres/centre-of-excellence-for-himalayan-studies/research/breaking-the-flow-mahabodhi-temple-sacrilege-has-hit-indias-soft-power/>>, visited on 28th July, 2025 at 3.00 p.m.

SCOPE: Covers physical acts such as:

- Breaking idols,
- Damaging altars, crosses, scriptures, granths
- Defiling sacred spaces (Temples, mosques, Gurudwaras, Churches, Daragh's).

Section 295 aimed at physical desecration that outrages religious sentiments. The punishment prescribed under this section is 2 years imprisonment, or fine, or both.

SECTION 295 A- DELIBERATE AND MALICIOUS ACTS INTENDED TO OUTRAGE RELIGIOUS FEELINGS.¹³

SCOPE:

- Covers non physical acts- like written , spoken , pictorial expressions.
 - Includes blasphemy, offensive books / cartoons/ statements about gods or prophets.
- Essence: Protects religious sentiments from malicious expression.

Important Cases:

Ram ji Lal Modi vs. State of UP¹⁴ : A historic ruling in *Ramji Lal Modi v. State of U.P.* was handed down by the Indian Supreme Court on April 5, 1957. This decision had a big impact on how the constitution's clauses pertaining to freedom of speech and expression were interpreted, especially when it came to the restrictions on statements that would insult religious feelings. The Supreme Court's decision in *Ramji Lal Modi v. State Of U.P.* stands as a pivotal affirmation of the balance between individual freedoms and societal harmony. By upholding Section 295-A IPC, the Court delineated the boundaries of free speech when it intersects with religious sentiments and public order.

The punishment prescribed under this section is of 3 years imprisonment, or fine, or both.

SECTION 296- DISTURBING RELIGIOUS ASSEMBLY¹⁵

SCOPE- Interrupting or disturbing lawful religious worship, ceremonies, or processions. The imprisonment is of one year, or fine, or both.

SECTION 297 : TRESPASSING IN BURIAL PLACES¹⁶

SCOPE: Entry with intent to insult religion, particularly into burial grounds or places set apart for funeral rites. These IPC sections served as civilian safeguards for maintaining communal and religious harmony, especially in multi faith India.

SACRILEGE – UNDER MILITARY LAWS

In the Armed Force Acts {Army, Navy , Air Force}: There are no sections directly titled or devoted to sacrilege. However , acts of religious insult , desecration , or disrespect could be punished as misconduct or indiscipline under broad categories. Being respectful of religious sentiments and symbols is not only an issue of personal faith but also of institutional integrity in the Indian Armed Forces' regimented structure.

THE ARMY ACT, 1950

Section 63 of the Army Act, 1950, which punishes actions detrimental to good order and military discipline, comes into play. Even while the word "sacrilege" isn't used specifically in the Army Act, any act that incites religious fervour

¹² Injuring or defiling place of worship with intent to insult the religion of any class.—

Whoever destroys, damages or defiles any place of worship, or any object held sacred by any class of persons with the intention of thereby insulting the religion of any class of persons or with the knowledge that any class of persons is likely to consider such destruction, damage or defilement as an insult to their religion, shall be punishable with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

¹³ Deliberate and malicious acts, intended to outrage religious feelings of any class by insulting its religion or religious beliefs.—

Whoever, with deliberate and malicious intention of outraging the religious feelings of any class of citizens of India, by words, either spoken or written, or by signs or by visible representations or otherwise, insults or attempts to insult the religion or the religious beliefs of that class, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

¹⁴ 1957 AIR 620 1957 SCR 860

¹⁵ Disturbing religious assembly.—

Whoever voluntarily causes disturbance to any assembly lawfully engaged in the performance of religious worship, or religious ceremonies, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

¹⁶ Trespassing on burial places, etc.—

Whoever, with the intention of wounding the feelings of any person, or of insulting the religion of any person, or with the knowledge that the feelings of any person are likely to be wounded, or that the religion of any person is likely to be insulted thereby, commits any trespass in any place of worship or on any place of sepulchre, or any place set apart from the performance of funeral rites or as a depository for the remains of the dead, or offers any indignity to any human corpse, or causes disturbance to any persons assembled for the performance of funeral ceremonies, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

or community strife may be seen as detrimental to discipline and order, particularly in a force with members from a variety of religious backgrounds. To undermine morale, disrupt unit cohesion, and violate the secular and respectful environment expected within the armed forces, for example, a soldier may be prosecuted under Section 63 if they purposefully insult a sacred object or scripture through words, gestures, or physical actions. Sacrilegious activities within the Army are thus viewed as grave violations of military discipline in addition to being offences against religious beliefs. The military can deal with such delicate issues quickly and internally thanks to Section 63's broad phrasing, which eliminates the need to use civilian criminal statutes like Sections 295–298 of the Indian Penal Code. The seriousness with which sacrilege is regarded in both civil and military situations is highlighted by this dual mechanism, which reflects a common commitment to social harmony and religious reverence.

THE NAVY ACT, 1957¹⁷

The Indian Navy maintains both operational discipline and a code of conduct that respects the country's multicultural fabric as part of its maritime defence system. "Cruel or disgraceful conduct unbecoming the character of an officer" is included in Section 53 of the Navy Act of 1957. This clause covers a wide range of actions that damage the Navy's reputation and compromise the standards that its members are expected to uphold.

THE AIR FORCE ACT, 1950¹⁸

To preserve unit cohesiveness and national integrity, the Indian Air Force rigorously enforces discipline, conduct, and adherence to secularism as a constitutional norm. Any "conduct prejudicial to good order and air force discipline" is punishable under Section 65 of the Air Force Act of 1950. This section functions as a catch-all clause to address behaviours that may not be directly stated elsewhere in the statute but nevertheless violate discipline and the ethical code expected of Air Force personnel, much like its equivalent provisions, Section 63 of the Army Act and Section 53 of the Navy Act.

PUNJAB'S ANTI SACRILEGE LAW

On July 14, 2025, the Punjab Vidhan Sabha received the Punjab Prevention of Offences Against Holy Scripture(s) Bill, 2025, which was overwhelmingly approved on July 15, 2025. With penalties ranging from 10 years to life in prison, fines of up to ₹10 lakh, and stringent procedural requirements like cognisable, non-bailable offences prosecuted by Sessions Courts, its goal was to criminalise sacrilegious activities against significant religious texts.

Following passing, the bill was referred to a Select Committee consisting of 15 members, which was chaired by AAP MLA Inderbir Singh Nijjar. On July 24, 2025, the committee formally held its first meeting. The Committee has six months to present its findings after conducting stakeholder and public discussions, including via email and WhatsApp, until August 31, 2025.¹⁹

¹⁸Other offences relating to aircraft and flying.—

Any person subject to this Act who commits any of the following offences, that is to say,—(a) signs any certificate in relation to an aircraft or aircraft material belonging to the Government without ensuring the accuracy thereof; or (b) being the pilot of an aircraft belonging to the Government, flies it at a height less than such height as may be specified by the Chief of the Air Staff, except while taking off or landing, or in such other circumstances as may be specified by the Chief of the Air Staff; or (c) being the pilot of an aircraft belonging to the Government, flies it so as to cause, or to be likely to cause, unnecessary annoyance to any person; shall, on conviction by court-martial, be liable to suffer imprisonment for a term which may extend to two years or such less punishment as is in this Act mentioned.

¹⁹ Retrieved from , < <https://www.thehindu.com/news/national/punjab/anti-sacrilege-bill-punjab-assembly-july-13-2025/article69810243.ece>,> visited on 24 July, 2025 at 9.00 p.m.