

297. Trespassing on burial place, 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 is likely to be insulted thereby.

commits any trespass in any place of worship or on any place of sepulture, or any place set apart for 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 person 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.

COMMENTS

Indignity shown to human corpse--Feelings of relations of deceased injured--Case falls under S. 297, P.P.C. 1980 SCMR 391. Word 'Or' does not mean 'and'. 1980 SCMR 391. Construction/scope. 1980 SCMR 391

298. Uttering words, etc, with deliberate intent to wound religious feelings. 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.

COMMENTS

Section 298 of the Code is attracted against a person who utters any words or makes any sound within the hearing of a person with intention of wounding the religious faith of that person. Provision of S. 298, PPC, would be attracted to the case where the accused has spoken, few words against the religion and has snatched the religious books from the complainant, who was Imam Masjid and was reading those book while sitting in the mosque. PLD 2005 Lah. 631.

32[298-A. Use of derogatory remarks, etc., in respect of holy personages. 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 any wife (Ummul Mumineen), or members of the family (Ahle-bait), of the Holy Prophet (peace be upon him), or any of the righteous Caliphs (Khulafa-e-Raashideen) or companions (Sahaaba) of the Holy Prophet

(peace be upon him) shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

COMMENT

Authority taking action under a valid law, the question of denial of fundamental rights would not arise. 1993 SCMR 1718

33[298-B. Misuse of epithets, descriptions and titles, etc., reserved for certain holy personages or places. (1) Any person of the Qadiani group or the Lahori group (who call themselves 'Ahmadis' or by any other name) who by words, either spoken or written, or by visible representation-

- (a) refers to, or addresses, any person, other than a Caliph or companion of the Holy Prophet Muhammad (Peace be upon him), as 'Ameer-ul-Mumineen', 'Khalifat-ul-Mumineen', 'Khalifat-ul-Muslimeen', 'Sahaabi' or 'Razi Allah Anho';
- (b) refers to, or addresses, any person, other than a wife of the Holy Prophet Muhammad (Peace be upon him), as Ummul-Mumineen;
- (c) refers to, or addresses, any person, other than a member of the family (Ahle-bait) of the Holy Prophet Muhammad (Peace be upon him), as Ahle-bait; or
- (d) refers to, or names, or calls, his place of worship as Masjid;

shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

(2) Any person of the Qadiani group or Lahori group (who call themselves 'Ahmadis' or by any other name) who by words, either spoken or written, or by visible representation, refers to the mode or form of call to prayers followed by his faith as 'Azan' or recites Azan as used by the Muslims, shall be punished with imprisonment or either description for a term which may extend to three years and shall also be liable to fine.

COMMENT

Not scheduled offence.-- Offences committed under Ss. 298-B and 298-C being not scheduled offences, provision of S. 6, A.T.A. not applicable. PLD 2000 Lah. 364.

298-C. Person of Quadiani group, etc., calling himself a Muslim or preaching or propagating his faith. Any person of the Quadiani group or the Lahori group (who call themselves 'Ahmadis' or by any other name), who, directly or indirectly, poses himself as a Muslims, or calls, or refers to, his faith as Islam, or preaches or propagates his faith, or invites others to accept his faith, by words, either spoken or written, or by visible representations or in any manner whatsoever outrages the religious feelings of Muslims. shall be punished with imprisonment of either description for a term which may extend to three years and shall also be liable to fine.]

COMMENTS

Scope. Simple meaning of word 'pose' as used in Section 298-C is to assume the role of or to pretend to be what in fact one is not. Expression 'when a Qadiyani poses himself as Muslim' means when he acts as Muslim or he assumes the role of a Muslim. *PLD 1988 Quetta 22*

34[CHAPTER XVI

OF OFFENCES AFFECTING THE HUMAN BODY

Of Offences Affecting Life

299. Definitions.- In this Chapter, unless there is anything repugnant in the subject or context,-

- (a) "adult" means a person who has attained the age of eighteen years;³⁵

COMMENTS

Adult. -- Accused sixteen years of age, not adult. *2000 P.Cr.L.J.*

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34. Ss. 299 to 338-H Subs. by Cr. Law (Second Amendment) Ord. 1990, which is still in force by virtue of Cr. Law (Fifth Amdt.) Ord., XVII of 1992, PLD 1993 Cent. St. 70, Ord. XCIX of 1995 etc. Finally Act II of 1997.

35. Words "or, being a male, the age of sixteen years, or has attained puberty, whichever is earlier;" have no mention in the later Ordinance No. XCIX of 1995. Now in Act II of 1997.