

Bill No. 13 of 2022

THE CRIMINAL LAW (AMENDMENT) BILL, 2022

By

SHRI SRINIVAS KESINENI, M.P.

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BILL

*further to amend the Indian Penal Code, 1860 and the Code of Criminal
Procedure Code, 1973.*

BE it enacted by Parliament in the Seventy-third Year of the Republic
of India as follows:—

CHAPTER I

PRILIMINARY

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1. (1) This Act may be called the Criminal Law (Amendment)
Act, 2022.

(2) It shall come into force on such date as the Central
Government may, by notification in the Official Gazette, appoint.

Short title
and
commencement.

CHAPTER II

AMENDMENT TO THE INDIAN PENAL CODE, 1860

Amendment of
section 124A.

2. In section 124A of the Indian Penal Code, 1860, for the words "shall be punished with imprisonment for life, to which fine may be added, or with imprisonment which may extend to three years, to which fine may be added, or with fine", the words "shall be punished with imprisonment which may extend to three years, or with fine which may extend upto rupees fifty thousand, or with both" shall be substituted.

45 of 1860.

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CHAPTER III

AMENDMENT TO THE CODE OF CRIMINAL PROCEDURE, 1973

Amendment of
the first
schedule.

3. In the First Schedule to the Code of Criminal Procedure, 1973, under the heading "I – OFFENCES UNDER THE INDIAN PENAL CODE", for the entries relating to section 124A, the following entries shall be substituted, namely:—

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2 of 1974.

1	2	3	4	5	6	15
124A	Sedition	Imprisonment which may extend to 3 years or with fine which may extend upto rupees fifty thousand or with both.	Non-Cognizable	Bailable	Court of Session.	20
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STATEMENT OF OBJECTS AND REASONS

In India, the first reference to sedition was made by Macaulay in the Draft Penal Code, 1837. Through an error of omission, the section on sedition was omitted from the Indian Penal Code, 1860. The error, however, was rectified through a Special Act XVII, 1870 and sedition was added as an offence under section 124A of IPC, 1860. Thereafter, sedition has remained an offence on the Indian statute books.

Post-independence, the Constituent Assembly vehemently opposed the inclusion of sedition under the list of reasonable restrictions to the "Right to Freedom" (Article 13 under the draft Constitution) and succeeded. Further our first Prime Minister, Shri Jawaharlal Nehru, when introducing the first amendment to the Constitution, referred to sedition and stated:

"Now so far as I am concerned that particular section is highly objectionable and obnoxious and it should have no place both for practical and historical reasons, if you like, in any body of laws that we might pass. The sooner we get rid of it the better. We might deal with that matter in other ways, in more limited ways, as every other country does but that particular thing, as it is, should have no place, because all of us have had enough experience of it in a variety of ways and apart from the logic of the situation, our urges are against it."

The Indian Penal Code, 1860, apart from sedition under section 124A, has provisions enlisted in chapters VI, VII, VIII and others to check activities inciting war against India or causing disruption of public order. The objective of the Unlawful Activities Prevention Act (UAPA), 1967 had been to enable the State authorities to deal with "activities directed against the integrity and sovereignty of India". In the light of this, sedition loses its relevance in the present day and context. Even the British abolished it from their statute books in 2009.

Presently in India, the use of sedition has been on the rise. According to the Crime in India report, incidents of sedition have increased from 35 in 2016 to 73 in 2020. However, the conviction rate under sedition is a meagre four per cent in 2020. The increasing trend of cases, as well as the negligible conviction rate, is a grave sign of misuse of the provision of sedition to curtail disapprobation and dissent against the Government. Given such a scenario, the end objective would be the abolition of sedition itself. Though abolition of sedition is desirable, it may not be currently feasible to achieve this.

So, in the view of protecting the interests of a stable and healthy democracy, it is felt necessary to dilute the stringency of section 124A of the Indian Penal Code, 1860 by making sedition a bailable and non-cognizable offence. Moreover, through this bill, it is also proposed to omit the provision of imprisonment for life under sedition.

Hence this Bill.

NEW DELHI;
26 November, 2021.

SRINIVAS KESINENI

ANNEXURE

EXTRACT FROM THE INDIAN PENAL CODE, 1860
(45 OF 1860)

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Sedition.

124A. Whoever, by words, either spoken or written, or by signs, or by visible representation, or otherwise, brings or attempts to bring into hatred or contempt, or excites or attempts to excite disaffection towards the Government established by law in India, shall be punished with imprisonment for life, to which fine may be added, or with imprisonment which may extend to three years, to which fine may be added, or with fine.

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EXTRACT FROM THE CODE OF CRIMINAL PROCEDURE, 1973
(2 OF 1974)

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THE FIRST SCHEDULE

CHAPTER VI.—OFFENCES AGAINST THE STATE

Section	Offence	Punishment	Cognizable or non-cognizable	Bailable or non-bailable	By what court triable
124A	Sedition	Imprisonment for life and fine, or imprisonment for 3 years and fine or fine.	Cognizable	Non-bailable	Court of Session.

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further to amend the Indian Penal Code, 1860 and the Code of Criminal Procedure
Code, 1973.

(Shri Srinivas Kesineni, M.P.)