

Bill No. 140 of 2022.

THE INDIAN PENAL CODE (AMENDMENT) BILL, 2022

By

SHRI V.K. SREEKANDAN, M.P.

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BILL

further to amend the Indian Penal Code, 1860.

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

1. (1) This Act may be called the Indian Penal Code (Amendment) Act, 2022.

Short title and
commencement.

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

Omission of section 124A.	2. Section 124A of the Indian Penal Code, 1860 (hereafter referred to as the Code) shall be omitted.	45 of 1860.
Amendment of section 153B.	3. In section 153B of the Code, in sub-section (1), after clause (c), the following clause shall be inserted, namely,— “ (d) brings or attempts to bring into hatred or contempt or excites or attempts to excite disaffection towards the State, and such acts if cause or is likely to cause serious law and order problems.”.	5

STATEMENT OF OBJECTS AND REASONS

Section 124A is a part of the Indian Penal Code, 1860 (IPC) a colonial law. The police at the behest of their masters have been using the broad definition of sedition to book anyone who criticized the government in strong and strident language. There are about 13,000 persons languishing in jails booked under section of 124A of the IPC. Last year the Chief Justice of India himself voiced “what could be an unprecedented judicial criticism of the way the sedition law was being used by the government to crush liberties, sedition or section 124A of the Indian Penal Code was prone to misuse by the government”. A panel of experts constituted by the government has recommended amendments to the sedition law. The panel was largely of the view that if sedition could be dropped and included as a subset in a wider range of crimes committed against the State; a person cannot be made to languish in jail for writing a newspaper article. It has to be seen if that article led to serious law and order problems, mere presumption is not sufficient. The Hon’ble Supreme Court very recently has suspended pending criminal trials and court proceedings under section 124A of IPC. This order of the Hon’ble Supreme Court would act as a powerful message against the rampant misuse of the sedition law by governments to silence dissent and violate personal liberty.

The Bill, therefore, seeks to omit section 124A of the Indian Penal Code, 1860 with a view to prevent the misuse of it.

Hence this Bill.

NEW DELHI;
July 5, 2022

V.K. SREEKANDAN

ANNEXURE

EXTRACTS 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.

Explanation 1.—The expression “disaffection” includes disloyalty and all feelings of enmity.

Explanation 2.—Comments expressing disapprobation of the measures of the Government with a view to obtain their alteration by lawful means, without exciting or attempting to excite hatred, contempt or disaffection, do not constitute an offence under this section.

Explanation 3.—Comments expressing disapprobation of the administrative or other action of the Government without exciting or attempting to excite hatred, contempt or disaffection, do not constitute an offence under this section.

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Imputations,
assertions prejudicial to national
integration.

153B. (1) Whoever, by words either spoken or written or by signs or by visible representations or otherwise,—

(a) makes or publishes any imputation that any class of persons cannot, by reason of their being members of any religious, racial, language or regional group or caste or community, bear true faith and allegiance to the Constitution of India as by law established or uphold the sovereignty and integrity of India, or

(b) asserts, counsels, advises, propagates or publishes that any class of persons shall, by reason of their being members of any religious, racial, language or regional group or caste or community, be denied, or deprived of their rights as citizens of India, or

(c) makes or publishes and assertion, counsel, plea or appeal concerning the obligation of any class of persons, by reason of their being members of any religious, racial, language or regional group or caste or community, and such assertion, counsel, plea or appeal causes or is likely to cause disharmony or feelings of enmity or hatred or ill-will between such members and other persons, shall be punished with imprisonment which may extend to three years, or with fine, or with both.

(2) Whoever commits an offence specified in sub-section (1) in any place of worship or in any assembly engaged in the performance of religious worship or religious ceremonies, shall be punished with imprisonment which may extend to five years and shall also be liable to fine.

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BILL

further to amend the Indian Penal Code, 1860.

(Shri V.K. Sreekandan, M.P.)