

**Bill No. 261 of 2022**

THE INDIAN PENAL CODE (AMENDMENT) BILL, 2022

By

SHRI RAHUL SHEWALE, 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.

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

Insertion of  
section 440A.

2. After section 440 of the Indian Penal Code, 1860, the following section shall be inserted, namely:— 45 of 1860.

Mischief by  
stone pelting.

“440A. Whoever commits mischief of stone pelting on any person or property (public or private) shall be punished with imprisonment for a term which shall not be less than one year but which may extend to ten years and with fine which shall not be less than rupees fifty thousand but which may extend upto rupees one lakh: 5

Provided that in case of public property owned by or in the possession of,—

(a) the Central Government; or

(b) any State Government; or

(c) any local authority; or 10

(d) any corporation established by, or under, a Central, Provincial or State Act; or

(e) a company as defined in section 2(20) of the Companies Act, 2013 (18 of 2013),

the person committing mischief by stone pelting shall be punished with rigorous imprisonment for a term which shall not be less than two years but which may extend upto ten years and with fine: 15

Provided further that a person committing mischief of stone pelting on security personnel, police force, healthcare workers, rallies and religious functions shall be punished with rigorous imprisonment for a term which shall not be less than two years but which may extend to ten years and with fine:

Provided also that if the person fails to pay the fine imposed for the damage done the same shall be recovered as an arrear of land revenue. 20

*Explanation.*— For the purpose of this section,—

(a) "public property" means any property, whether immovable or movable (including any machinery) which is owned by, or in the possession of, or under the control of the State or Central Government; 25

(b) "private property" refers to the ownership of property by private parties essentially anyone or anything other than the Government. Private property may consist of real estate, buildings, movable property, objects; and

(c) “stone pelting” — refers to criminal assault in the form of stone throwing by individuals or mob who pelt, bombard or throw stones at security personnel, police forces, healthcare workers, rallies and religious functions/procession or any property." 30

## STATEMENT OF OBJECTS AND REASONS

Although India does not have any law directly dealing with stone-pelting, there are other provisions of the Indian Penal Code that tackle this crime. These are Section 120B, 121, 141, 142, 143, 321 to 336, 350 and 427. Section 120B talks about punishment for criminal conspiracy, which may extend to six months and a fine. Section 121 talks about waging war against the Government of India, which can be punishable by life. Section 141 and 142 talk about unlawful assembly and Section 143 about its punishment, which may extend up to six months or a fine or both. Section 321 to Section 326 deal with voluntarily causing hurt and grievous hurt, which may attract a punishment of up to seven years along with a fine depending on the gravity of the injury. Section 350 talks about criminal force, which is punishable with imprisonment which may extend to three months or a fine or both. Section 427 talks about mischief causing damage to the amount of Rs. 50 or upwards shall be punishable for a term which may extend to two years. However, Section 326 was inserted with an amendment and two provisions relating to acid attacks were inserted, but stone-pelting is still to be taken care of. While the Indian Penal Code mentions action against rioting and violent activities, it does not include stone pelting or compensation for damages for stone pelting.

Hence this Bill.

NEW DELHI;

RAHUL SHEWALE

21 November, 2022.

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*(Shri Rahul Shewale, M.P.)*