

AS INTRODUCED IN LOK SABHA

**Bill No. 265 of 2019**

THE INDIAN PENAL CODE (AMENDMENT) BILL, 2019

By

SHRI BHARTRUHARI MAHTAB, M.P.

A

BILL

*further to amend the Indian Penal Code, 1860.*

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Indian Penal Code (Amendment) Act, 2019.

Short title and  
commencement.

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

Substitution of  
new section  
for section  
124A.  
Sedition.

2. For section 124A of the Indian Penal Code 1860, the following section shall be substituted, namely:— 45 of 1860.

“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, and thereby generates an inclination to cause harm to public order by violent acts, 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. 5

*Explanation 1.*—The expression “disaffection” includes disloyalty and all feelings of enmity. 10

*Explanation 2.*—Mere casual raising of slogans against the Government established by law in India shall not amount to sedition unless there is direct and imminent incitement to violence.”.

#### STATEMENT OF OBJECTS AND REASONS

The provision of sedition did not find place in the Indian Penal Code when it was enacted in 1860. Subsequently, for purely political reasons, section 124A was inserted in the Code by the British colonial Government. The section was liberally used to stifle free speech and many nationalist leaders, including Bal Gangadhar Tilak and Mahatma Gandhi, were tried under this section, so much so that Pandit Jawaharlal Nehru once described this section as “highly objectionable and obnoxious”.

In such historical backdrop, it was expected that the provisions relating to sedition would not remain in our statute books. However, not only was the provision retained in the statute book, its constitutionality was upheld by the Supreme Court in *Kedarnath versus State of Bihar* (1962). Since then, the provisions have stood firmly in the statute book and have been used a number of times by successive Governments.

The Bill, therefore, seeks to restrict the scope of the definition of sedition to only such cases which bring or attempt to bring into hatred or contempt, or excite or attempt to excite disaffection towards, the Government established by law in India, and thereby generates an inclination to cause harm to public order by violent acts.

The Bill seeks to achieve the above object.

NEW DELHI;  
*October 25, 2019.*

BHARTRUHARI MAHTAB

ANNEXURE

EXTRACT FROM THE INDIAN PENAL CODE, 1860

(45 OF 1860)

\* \* \* \* \*

**124A. Sedition**

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 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.

\* \* \* \* \*

LOK SABHA

---

A

**BILL**

further to amend the Indian Penal Code, 1860.

---

*(Shri Bhartruhari Mahtab, M.P.)*