

**Bill No. 275 of 2022**

THE CRIMINAL LAWS (AMENDMENT) BILL, 2022

By

SHRI M.K. RAGHAVAN, M.P.

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BILL

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

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

CHAPTER I

PRELIMINARY

5      1. (1) This Act may be called the Criminal Law (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.

## CHAPTER II

## AMENDMENT TO THE INDIAN PENAL CODE, 1860

Amendment of  
section 353.

2. In section 353 of the Indian Penal Code, 1860, for the words "which may extend to two years", the words, "which shall not be less than one month but which may extend upto one year" shall be substituted.

45 of 1860.

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## CHAPTER III

AMENDMENT TO THE CODE ON CRIMINAL  
PROCEDURE, 1973

3. In the First Schedule to the Code of Criminal Procedure under the heading "I-OFFENCES UNDER THE INDIAN PENAL CODE", for the entries relating to section 353, the following entries relating to section 353, the following entries shall be substituted, namely:—

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1	2	3	4	5	6
"353	Assault or use of Criminal force to deter a public servant from discharge of his duty.	Imprisonment for a term which shall not be less than one month but which may extend upto one year, or fine or with both.	Non-cognizable	Bailable	Any Magistrate"

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## STATEMENT OF OBJECTS AND REASONS

Over the years, section 353 of the Indian Penal Code has remained a controversial one. The veiled nature of this section provided being misused in most of the instances. Public servants often misuse this section as a form of privilege. There have been countless incidences whereby many have become victim of this section. It's with the belief that no common man walks to the door of any public office with the intention of causing any harm to the working of officials that this bill is being introduced. Public servants are not a vestige of the elite and coveted civil services, rather they are merely an agent of our citizens. Hence, it's our duty to protect the citizens.

The Bill, therefore, seeks to amend the Indian Penal Code, 1860 and the Code of Criminal Procedure, 1973 with a view to make the offence of assault or use of Criminal force to deter a public servant from discharge of his duty as "non-cognizable" and "bailable".

The Bill seeks to achieve the above objectives.

NEW DELHI;  
*November 21, 2022*

M.K. RAGHAVAN

ANNEXURE

EXTRACTS FROM THE INDIAN PENAL CODE, 1860

(45 OF 1860)

\* \* \* \* \*

Assault or  
criminal force  
to deter public  
servant from  
discharge of his  
duty.

**353.** Whoever assaults or uses criminal force to any person being a public servant in the execution of his duty as such public servant, or with intent to prevent or deter that person from discharging his duty as such public servant, or in consequence of anything done or attempted to be done by such person to the lawful discharge of his duty as such public servant, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

\* \* \* \* \*

EXTRACTS FROM THE CODE OF CRIMINAL PROCEDURE, 1973

(2 OF 1974)

\* \* \* \* \*

<b>353.</b>	Assault or use of Criminal force to deter a public servant from discharge of his duty.	Imprisonment for 2 years, or fine, or both.	Cognizable	[Non- bailable]	Ditto.
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*(Shri M.K. Raghavan, M.P.)*