

Bill No. 39 of 2023

THE CRIMINAL LAWS (AMENDMENT)
BILL, 2023

By

DR. NISHIKANT DUBEY, M.P.

A

BILL

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

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

CHAPTER I

PRELIMINARY

5 1. (1) This Act may be called the Criminal Laws (Amendment)
Act, 2023.

(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

AMENDMENTS TO THE INDIAN PENAL CODE, 1860

Insertion of new section 52B.	2. In Chapter II of the Indian Penal Code, 1860 (hereinafter in this Chapter referred to as the Penal Code), after section 52A, the following section shall be inserted, namely:—	45 of 1860 5
Social boycott.	<p>“52 B. The words “Social boycott” refer to any action or gesture, oral or written, by a member of a community or a caste panchayat, such as those mentioned, but not restricted to, in the descriptions hereinafter following, namely:</p> <p><i>First.</i>—The prevention or obstruction, or attempt to prevent or obstruct any person from partaking or observing any social, religious or traditional custom or usage or ceremony or from taking part in any social, religious or community functions, procession, assembly or meeting;</p> <p><i>Second.</i>—The refusal or denial or attempt to refuse or deny any person the right to perform marriage, funeral or any other religious or customary rites and ceremonies as the persons of his community ordinarily perform;</p> <p><i>Third.</i>—The act or attempt to commit or cause social ostracism on any grounds;</p> <p><i>Fourth.</i>—The refusal or purposeful exclusion of any person from engaging in the society by hampering social or commercial ties of such person with his community, thereby affecting his right to life and personal liberty;</p> <p><i>Fifth.</i>—The prevention or obstruction, or attempt to prevent or obstruct any person from accessing any place ordinarily used or intended to be used for any religious, charitable or public purpose that is either established or maintained wholly or partly by the person’s own community, for and on behalf of the community using the funds contributed by such community and is normally available for use to or by any other person of his community;</p> <p><i>Sixth.</i>—The prevention or obstruction, or attempt to prevent or obstruct any person from accessing any school, educational institution, medical institution, cemetery, burial ground or any other place used by, or intended to be used by, or for the benefit of his community;</p> <p><i>Seventh.</i>—The prevention or obstruction, or attempt to prevent or obstruct any person from enjoying any benefit under a charitable trust or waqf created for the benefit of his community;</p> <p><i>Eighth.</i>—The act of inciting or provoking or encouraging any person, directly or indirectly to sever social, religious, professional or business relations with other persons of his community;</p> <p><i>Ninth.</i>—The prevention or obstruction, or attempt to prevent or obstruct any person of belonging to his community from enjoying human rights;</p> <p><i>Tenth.</i>—The discrimination or act of discriminating against a person by his community on the basis of morality, political inclination, sexuality, gender expression or any other basis;</p>	10 15 20 25 30 35 40

Eleventh.—The expulsion, directly or indirectly, of any person from his community;

Twelfth.—Any other similar acts.”

3. After section 298 of the Penal Code, the following Chapter, shall be inserted, namely:—

Insertion of new sections 298A and B.

CHAPTER XVA

OFFENCES RELATING TO SOCIAL BOYCOTT

298A. Whoever imposes, or causes to impose any kind of social boycott on a person, shall, on conviction, be punished with imprisonment for not less than three years, but which may extend to seven years, or with fine which may extend to five lakhs rupees, or with both.

Imposing social boycott on a person or group of persons.

298B. Whoever gathers, congregates, assembles, or participates in a meeting of a caste panchayat, at any time and at any place, with the view or intent to deliberate on the issue of imposing social boycott on any person, shall, on conviction be punished with imprisonment for not less than three years, but which may extend to seven years or with fine which may extend to five lakhs rupees, or with both.

Deliberating on the issue of imposing social boycott.

CHAPTER III

AMENDMENT TO THE CODE OF CRIMINAL PROCEDURE, 1973

2 of 1974 20 4. In the First Schedule to the Code of Criminal Procedure, 1973, under the heading “1. OFFENCES UNDER THE INDIAN PENAL CODE”, after entries related to section 298, the following entries shall be inserted, namely:—

Amendment of First Schedule.

	1	2	3	4	5	6
	CHAPTER XVA.— OFFENCES RELATING TO SOCIAL BOYCOTT					
25	“298A	Imposing social boycott on a person or group of persons.	Imprisonment for not less than three years, but which may extend to seven years, or with fine which may extend to five lakhs rupees, or with both.	Cognizable	Bailable	Magistrate of the first class
30						
35	298B	Deliberating on the issue of imposing social boycott.	Imprisonment for not less than three years, but which may extend to seven years, or with fine which may extend to five lakhs rupees, or with both.	Ditto	Ditto	Ditto
40						

STATEMENT OF OBJECTS AND REASONS

Article 21 of the Constitution guarantees the life and personal liberty to all persons. It also guarantees the right to such persons to live a dignified life. The bare text of the article reads as, “No person shall be deprived of his life or personal liberty except according to a procedure established by law”. Despite a constitutional obligation on the state to protect the fundamental rights of its citizens, India witnesses a parallel system; one that imposes harsh socio-economic extra judicial punishments on persons and communities that in their orthodox and conservative views, transgress certain social mores or diktats.

Social boycotts imposed by “caste panchayats” result in deprivation of basic human rights and ostracisation of those who are boycotted. This is done through planned and systematic social exclusion from not just religious ceremonies and gatherings, but also by placing restrictions on physical and social mobility, imposition of physical and social segregation and isolation, denial of employment, and even goes to the extent of halting sale of necessities of life, such as food and water. In a free and fair society, there must be no space or opportunity given for such extrajudicial actions that hamper an individual, or a community’s right to life and personal liberty. The existence of social boycotts to this very day, has led to psychological, physiological and economic impact and trauma on marginalised communities. It is necessary to criminalize such actions that go against the spirit of our Constitution.

Hence this Bill.

NEW DELHI;
January 16, 2023.

NISHIKANT DUBEY

LOK SABHA

A

BILL

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

(Dr. Nishikant Dubey, M.P.)