

AS INTRODUCED IN THE RAJYA SABHA
ON THE 4TH FEBRUARY, 2022

Bill No. XXV of 2021

THE INDIAN PENAL CODE (AMENDMENT) BILL, 2021

A

BILL

further to amend the Indian Penal Code, 1860.

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

1. (1) This Act may be called the Indian Penal Code (Amendment) Act, 2021.

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.

2. The section 124A of the Indian Penal Code, 1860 is hereby repealed.

Repealing of section 124A of Act 45 of 1860.

STATEMENT OF OBJECTS AND REASONS

The law of sedition was introduced by Sec. 124A of the IPC as a draconian measure to counter anti-colonial sentiments, and most major leaders of the independence movement - including Gandhi and Tilak - were tried under this provision. Gandhi famously described Sec.124A as the 'prince among the political sections of the Indian Penal Code designed to suppress the liberty of the citizen'. When the Constituent Assembly deliberated on the scope and extent of restrictions that could be placed on free speech, the prominent exclusion from what eventually became Article 19(2) was the word sedition. In the original draft that was up for discussion, the word sedition had been included as one of the grounds for restriction on speech.

The point of the sedition law is essentially that of suppressing free speech and free thought, both of which are unpopular with the government. Where a critic can be silenced by the mere fact that there is a possible life sentence that itself acts as a deterrent. Despite the relatively high standards laid down by the Supreme Court of what actually constitutes sedition, the law enforcement system in our country have continued to ignore precedent.

Freedom of speech and expression within the Indian legal tradition includes within its ambit any form of criticism, dissent and protest. Sedition was a provision in the law enacted by the British for those who "rebelled against the crown". There is no concept of a crown in our country today. The sedition provision is completely untenable with our democratic structure. It is often used to tackle political opponents.

Hence this Bill.

ELAMARAM KAREEM

ANNEXURE

EXTRACT FROM THE INDIAN PENAL CODE, 1860

(Act No. 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, 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. Seditious.

* * * * *

RAJYA SABHA

A

BILL

further to amend the Indian Penal Code, 1860.

(Shri Elamaram Kareem, M.P.)