

AS INTRODUCED IN THE RAJYA SABHA
ON THE 29TH DECEMBER, 2017

Bill No. XLV of 2017

THE INDIAN PENAL CODE (AMENDMENT) BILL, 2017

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BILL

further to amend the Indian Penal Code, 1860.

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

1. (1) This Act may be called the Indian Penal Code (Amendment) Act, 2017.

Short title and
commencement.

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

45 of 1860.

2. After section 141 of the Indian Penal Code, 1860, the following proviso shall be inserted, namely:—

Amendment
of section 141.

“Provided that nothing in this section shall apply to peaceful protest on public roads or streets.”

STATEMENT OF OBJECTS AND REASONS

Section 141 of the Indian Penal Code, 1860 declares an assembly of five or more persons as unlawful for various purposes including holding public meetings by the road side. The Division Bench of Kerala High Court has banned holding public meetings beside public roads and directed the police, public works department and local self-Government not to grant permissions to hold such meetings and asked the police to take legal action against violation.

The Constitution also allows the State to impose reasonable restrictions on the fundamental rights. But it also explains the concrete conditions in which such restrictions can be imposed. The Constitution states that such restrictions can be imposed only in the interest of the sovereignty and integrity of India, the security of the State, friendly relations with foreign countries, public order, decency or morality or in relation to contempt of court or defamation or incitement of an offence.

The Bill proposes to protect the fundamental rights of the citizens from any infringement due to State intervention.

Hence this Bill.

K.K. RAGESH

ANNEXURE

EXTRACT FROM THE INDIAN PENAL CODE, 1860

(45 OF 1860)

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141. An assembly of five or more persons is designated an “unlawful assembly”, if the common object of the persons composing that assembly is— Unlawful Assembly.

First—To overawe by criminal force, or show of criminal force, the Central or any State Government or Parliament or the Legislature of any State, or any public servant in the exercise of the lawful power of such public servant; or

Second—To resist the execution of any law, or of any legal process; or

Third—To commit any mischief or criminal trespass, or other offence; or

Fourth—By means of criminal force, or show of criminal force, to any person, to take or obtain possession of any property, or to deprive any person of the enjoyment of a right of way, or of the use of water or other incorporeal right of which he is in possession or enjoyment, or to enforce any right or supposed right; or

Fifth—By means of criminal force, or show of criminal force, to compel any person to do what he is not legally bound to do, or to omit to do what he is legally entitled to do.

Explanation.—An assembly which was not unlawful when it assembled, may subsequently become an unlawful assembly.

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RAJYA SABHA

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further to amend the Indian Penal Code, 1860.

(Shri K.K. Ragesh, M.P.)