

AS INTRODUCED IN THE RAJYA SABHA  
ON 5TH AUGUST, 2011

**Bill No. II of 2011**

THE INDIAN PENAL CODE (AMENDMENT) BILL, 2011

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**BILL**

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

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

**1.** (1) This Act may be called the Indian Penal Code (Amendment) Act, 2011.

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.

5 **2.** In the Indian Penal Code, 1860, section 124A shall be omitted.

Omission of  
section 124A of  
Act 45 of 1860.

## STATEMENT OF OBJECTS AND REASONS

The Indian Penal Code was enacted in 1860 by the colonial Government of the British. The Act among others had penal sections to handle the law and order related to sedition against the British India before Independence of the India in 1947. Till then several freedom fighters were tried under the Sedition under the Indian Penal Code whom the nation reveres as great persons. The amendment history of the Sedition section 124A was that the British Crown after taking over the East India Company after the Sepoy Mutiny in 1857, inserted the clause 124A by Act 4 of 1898.

The very section 124A which was used by the British to oppress any opinion, criticism, argument on any matter related to the rule of British in India, and imposed on every Indian given the wider scope of the section on sedition such as that “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”, still remains and has been use in the Republic of India for the last 61 years.

India was under threat by internal and external forces to destabilise the unity and integrity of the nation for which several specialised laws were enacted and are under use. In the recent times, the section 124A has been brought under wide misuse and applied on individuals and organisations, despite the existence of specialised laws, merely for democratic expression of dissatisfaction towards the Government as specified under the section. In several fora and platforms, opinion has been expressed against the continuation of the section 124A lest it shall be misused keeping in view the low tolerance levels that have been visible in the recent times to lawful criticism. Such criticisms are essential for India to grow as a nation and bring in rule of law and equality among its citizens. Such existence of section 124A will be an affront to the fundamental rights and especially to freedom of speech under article 19 enjoined under the Constitution of India.

In view of the adverse affect of the section on individuals and organisations that work for the unity, integrity, equitable development of India and the citizens of the nation, it is felt necessary to delete section 124A from the Indian Penal Code, 1860.

Hence, this Bill.

D. RAJA

*ANNEXURE*

EXTRACT FROM THE INDIAN PENAL CODE, 1860

(Act No. 45 of 1860)

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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.

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RAJYA SABHA

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**BILL**

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*(Shri D. Raja, M.P.)*