

**Bill No. LIII of 2019**

THE CRIMINAL LAWS (AMENDMENT) BILL, 2019

A

BILL

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

BE it enacted by Parliament in the Seventieth year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

- 5       **1.** (1) This Act may be called the Criminal Laws (Amendment) Act, 2019.  
(2) It shall come into force with immediate effect.

Short title and commencement.

CHAPTER II

AMENDMENT TO THE INDIAN PENAL CODE, 1860

- 15 of 1860.       **2.** In the Indian Penal Code, (hereinafter referred to as the Penal Code), after section  
10 153B, the following new section shall be inserted, namely:—

Insertion of new section 153C.

"153C. Whoever on grounds of religion, race, caste or community, sex, gender identity, sexual orientation, place of birth, residence, language disability or tribe—

Prohibiting incitement to hatred.

- 15               (a) uses gravely threatening words either spoken or written, signs, visible representations within the hearing or sight of a person with the intention to cause or knowledge that it is likely to cause, fear or alarm; or

(b) advocates hatred by words either spoken or written, signs, visible representations, that causes or is likely to cause incitement to violence;

shall be punishable with imprisonment of either description for a term which may extend to three years, or with fine, or with both."

Insertion of new section 505A.

3. In the Penal Code, after section 505 the following new section shall be inserted, namely:— 5

Causing fear, alarm, or provocation of violence in certain cases.

"505 A. Whoever on grounds of religion, race, caste or community, sex, gender, sexual orientation, place of birth, residence, language, disability or tribe, intentionally or knowingly uses, in public, words, statements containing rumour or alarming news or displays any writing, sign, or other visible representation which is or is likely to be gravely threatening, or derogatory; 10

(i) within the hearing or sight of a person, causing fear or alarm; or

(ii) with the intent to provoke or knowledge that it is likely to provoke the use of violence,

against that person or another, 15

shall be punished with imprisonment for a term which may extend to three years or with fine, or with both".

CHAPTER III

AMENDMENTS TO THE CODE OF CRIMINAL PROCEDURE, 1973

Amendment of First Schedule to the Code of Criminal Procedure, 1973.

4. In the First Schedule to the Code of Criminal Procedure, 1973 under the heading "I.—OFFENCES UNDER THE INDIAN PENAL CODE", 20 2 of 1974.

(i) after the entries relating to section 153B, the following entry shall be inserted namely:—

1	2	3	4	5	6
153C	Prohibiting incitement to hatred	Imprisonment for three years, and/or fine, or both	Cognizable	Non bailable	Magistrate of the first class

(ii) after the entry relating to section 505, the following entry shall be inserted, namely:— 30

1	2	3	4	5	6
505A	Causing fear, alarm, or provocation of violence in certain cases	Imprisonment for three-year and/or with fine, or both	Cognizable	Non bailable	any Magistrate

## STATEMENT OF OBJECTS AND REASONS

Article 20(2) of the International Covenant on Civil and Political Rights (ICCPR), of which India is a signatory, requires states to prohibit hate speech. Advocacy of national, racial or religious hatred that constitutes incitement of discrimination or hostility is prohibited by law. Under the common law system, such speech had been treated, 'outside the realm of protected discourse'.

Hate speech has the potential of provoking individuals or society to commit acts of terrorism, genocides, ethnic cleansing etc. and has real and devastating effects on people's lives and risks their health and safety.

However, in the Indian Penal Code, 1860 there is no water tight compartment to deal with the various acts relating to hate speech, which generally overlap with each other. The provisions of hate speech fall under the categories of Offences Relating to Religion, Offences Against Public Tranquility and Criminal Intimidation, Insult and Annoyance. Section 124A penalises sedition, 153A penalises promoting enmity among groups on various grounds and doing acts prejudicial to maintenance of harmony, section 153B penalises imputation assertions prejudicial to national integration, and section 295A penalises malicious acts intended to outrage religious feelings which supplement section 298 which relates to uttering words with intent to wound the religious feelings. Section 505 deals with statements conducing to public mischief.

The Law Commission in its 267th report noting the above recommended that new provisions in IPC are required to be incorporated to address the issues elaborately and recommended insertion of new section 153C (Prohibiting incitement to hatred) and section 505A (Causing fear, alarm, or provocation of violence in certain cases).

Therefore, it is proposed that the provision relating to hate speech be added so as to fill the lacuna in the existing criminal laws and provide for effective enforcement of human Rights.

Hence, this Bill.

HUSAIN DALWAI

RAJYA SABHA

---

A

BILL

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

---

*(Shri Husain Dalwai, M.P.)*