

AS INTRODUCED IN THE RAJYA SABHA
ON THE 4TH AUGUST, 2017

Bill No. XXIV of 2017

THE INDIAN PENAL CODE (AMENDMENT) BILL, 2017

A

BILL

further to amend the Indian Penal Code , 1860

BE it enacted by 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.
(2) It shall come into force with immediate effect.

Short title and
commencement.

Amendment of section 153A.

2. In section 153A of the Indian Penal Code (hereinafter referred to as the Code), after sub-section (2), the following be inserted, namely: 45 of 1860.

‘Offence committed out of bias or prejudice—(3) Whoever commits an offence made punishable under this Code or provokes the commission of such an offence, which is perceived by the victim or any other person, to be motivated by a bias or prejudice based on the victim’s actual or perceived religion, caste, profession, trade, place of residence, choice of attire, appearance or eating habits, shall be punished either with imprisonment which may extend to five years, or the punishment provided for that offence in the Code whichever is higher, and shall also be liable to fine: 5

Provided that where such offence results in the death of a person or a number of persons, the punishment shall extend to life imprisonment and fine.’ 10

Insertion of a new Section 153C.

3. After section 153B of the Code, the following section be inserted namely:

Vigilantism.

‘153C—whoever commits an offence made punishable by the Code, against the body or property of a person, which is committed on the basis of actual or suspected commission of an offence by that person, except when the offence is committed in exercise of right of private defence as provided under this Code, shall be punished either with imprisonment which may extend to three years, or with the punishment for that offence provided under this Code, whichever is higher, or with fine or both: 15

Provided that where such offence results in the death of a person or a number of persons, the punishment shall extend to life imprisonment and fine.’ 20

STATEMENT OF OBJECTS AND REASONS

In recent times, India has seen an alarming rise in incidents of mob-violence, hate crimes and vigilante justice. In all these cases, the *modus operandi* is similar—a group of people identify a victim on the basis of their religion, caste, appearance, attire, eating habits or profession and attack the victim, which sometimes proves to be fatal. Such attacks are either driven by an ideology in which case it takes the shape of a hate crime or it is driven by an urge to take the law in their own hands and punish the victim on mere suspicion of an offence having been committed.

Hate crimes as well as vigilantism are treated as offences in many countries, attracting even stricter penalties than ordinary crimes because they tend to offend public tranquility, create a feeling of disharmony and undermine the faith of people in law and justice machinery of the State. When such offences are directed towards people of a particular community, then it also creates a sense of alienation and negatively impacts the social fabric of the society. Such acts are to be condemned and appropriately punished in order to uphold the civic and fundamental rights of the citizens. There can be no culture of State indifference or impunity in such cases as they speak of a larger malaise rather than one-off disconcerted incidents.

Therefore, there is an urgent need to describe the contours of hate crimes and vigilantism in order to deal with them effectively.

Hence this Bill.

HUSAIN DALWAI

ANNEXURE

EXTRACTS FROM THE INDIAN PENAL CODE

(45 OF 1860)

* * * * *

153A. Promoting enmity between different groups on grounds of religion, race, place of birth, residence, language, etc., and doing acts prejudicial to maintenance of harmony—

(1) Whoever—

(a) by words, either spoken or written, or by signs or by visible representations or otherwise, promotes or attempts to promote, on grounds of religion, race, place of birth, residence, language, caste or community or any other ground whatsoever, disharmony or feelings of enmity, hatred or ill-will between different religious, racial, language or regional groups or castes or communities, or

(b) commits any act which is prejudicial to the maintenance of harmony between different religious, racial, language or regional groups or castes or communities, and which disturbs or is likely to disturb the public tranquility, or

(c) organizes any exercise, movement, drill or other similar activity intending that the participants in such activity shall use or be trained to use criminal force or violence or knowing it to be likely that the participants in such activity will use or be trained to use criminal force or violence, or participants in such activity will use or be trained to use criminal force or violence, or knowing it to be likely that the participants in such activity will use or be trained to use criminal force or violence, against any religious, racial language or regional group or caste or community and such activity for any reason whatsoever causes or is likely to cause fear or alarm or a feeling of insecurity amongst members of such religious, racial, language or regional group or caste or community, shall be punished with imprisonment which may extend to three years, or with fine, or with both.

Offence committed in place of worship, etc.—(2) Whoever commits an offence specified in sub-section (1) in any place of worship or in any assembly engaged in the performance of religious worship or religious ceremonies, shall be punished with imprisonment which may extend to five years and shall also be liable to fine.

* * * * *

RAJYA SABHA

A

BILL

further to amend the Indian Penal Code, 1860

(Shri Husain Dalwai, M.P.)