

AS INTRODUCED IN LOK SABHA

Bill No. 98 of 2017

THE INDIAN PENAL CODE (AMENDMENT) BILL, 2017

By

SHRI P. KARUNAKARAN , M.P.

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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. Section 124A of the Indian Penal Code, 1860 shall be omitted.

Omission of
section 124A.

STATEMENT OF OBJECTS AND REASONS

Section 124A of Indian Penal Code, 1860, more popularly known as the sedition law, has for long been in the period of obsolescence. The scrapping of the law has been long overdue. The law which was framed during the period of British rule in India is no more durable as other laws are available to clamp down the real threat to the nation. Even the Supreme Court has interpreted this section to ensure that it applies only to actions that have a direct and unambiguous connection to violence or public disorder. The sedition law is no more of real use in the democratic framework as it exists in the country. The democratic principles are more mature in handling the criticism against it. The democratic principles stand for free speech which is the essence of any democracy and use the sedition law to suppress the freedom of speech is in itself is not right.

The Bill, therefore, seeks to omit section 124A of the Indian Penal Code, 1860.

Hence this Bill.

NEW DELHI;
July 5, 2016.

P. KARUNAKARAN

ANNEXURE

(EXTRACTS FROM THE INDIAN PENAL CODE, 1860)

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124A. Whoever, by words, either spoken or written, or by sign, 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.

Explanation 1.—The expression "disaffection" includes disloyalty and all feelings of enmity.

Explanation 2.—Comments expressing disapprobation of the measures of the attempt to excite hatred, contempt or disaffection, do not constitute an offence under this section.

Explanation 3.—Comments expressing disapprobation of the administrative or other action of the Government without exciting or attempting to excite hatred, contempt or disaffection, do not constitute an offence under this section.

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(Shri P. Karunakaran, M.P.)