

**Bill No. 74 of 2016**

THE INDIAN PENAL CODE (AMENDMENT) BILL, 2016

By

PROF. SAUGATA ROY, M.P.

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BILL

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

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

1. (1) This Act may be called the Indian Penal Code (Amendment) Act, 2016.

Short title and commencement.

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

Substitution of  
new section  
for section  
124A.

2. For section 124A of the Indian Penal Code 45 of 1860, the following section shall be substituted, namely:—

Sedition.

"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 principles of democracy, secularism or national unity enshrined in the Constitution of India or when such words or actions directly results in the use of violence or incitement of violence and results in the commission of a grievous offence 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.

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

*Explanation 2.*—Comments expressing disapprobation of the measures of the Government with a view to obtain their alteration by lawful means, without exciting or attempting 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.

#### STATEMENT OF OBJECTS AND REASONS

The offence of sedition in the Indian Penal Code, 1860 has been a subject of controversy for a long time. Many of our freedom fighters were charged under this including Bal Gangadhar Tilak, Annie Besant and Mahatama Gandhi. Recently, a few students of Jawaharlal Nehru University, Delhi were arrested reportedly on the charge of sedition, which has been opposed by many. The need is to amend section 124A of the Indian Penal Code, 1860 in the interest of democracy and freedom of expression as enshrined in article 19 of the Constitution of India.

Hence this Bill.

NEW DELHI;  
*March 2, 2016.*

SAUGATA ROY

ANNEXURE

EXTRACT FROM THE INDIAN PENAL CODE, 1860

(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, one 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.

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

*Explanation 2.*—Comments expressing disapprobation of the measures of the Government with a view to obtain their alteration by lawful means, without exciting or attempting 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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*(Prof. Saugata Roy, M.P.)*