

Rep. by Act. 38 of 1978, S. 2 & Sch. I

THE CRIMINAL LAW (AMENDMENT) ACT, 1972

No. 31 OF 1972

[14th June, 1972]

An Act further to amend the Indian Penal Code, the Code of Criminal Procedure, 1898 and the Unlawful Activities (Prevention) Act, 1967.

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

1. This Act may be called the Criminal Law (Amendment) Act, 1972. Short title.

In the Indian Penal Code,—

Amend.
ment of
Act 45 of
1860.

(a) in sub-section (1) of section 153A,—

(i) in clause (b), the word "or" shall be inserted at the end;

(ii) after clause (b), the following clause shall be inserted, namely:—

"(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 participates in such activity intending to 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,";

(b) after section 153A, the following section shall be inserted, namely:—

"153B. (1) Whoever, by words either spoken or written or by signs or by visible representations or otherwise,—

(a) makes or publishes any imputation that any class of persons cannot, by reason of their being members of any religious, racial, language or regional group or caste or community, bear true faith and allegiance to the Constitution of India as by law established or uphold the sovereignty and integrity of India, or

(b) asserts, counsels, advises, propagates or publishes that any class of persons shall, by reason of their being members of any religious, racial, language or regional group or caste or community, be denied or deprived of their rights as citizens of India, or

(c) makes or publishes any assertion, counsel, plea or appeal concerning the obligation of any class of persons, by reason of their being members of any religious, racial, language or regional group or caste or community, and such assertion, counsel, plea or appeal causes or is likely to cause disharmony or feelings of enmity or hatred or ill-will between such members and other persons,

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

(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."

3. In the Code of Criminal Procedure, 1898,—

(a) in sub-section (1) of section 99A,—

(i) after the words "seditious or obscene matter", the words "or any matter which is prejudicial to national integration" shall be inserted;

(ii) after the words, figures and letter "or section 153A", the words, figures and letter "or section 153B" shall be inserted;

(b) in sub-section (1) of section 106, after the word, figures and letter "section 153A", the word, figures and letter, "section 153B" shall be inserted;

(c) in sub-clause (b) of clause (i) of section 108, after the word, figures and letter "section 153A", the words, figures and letter "or section 153B" shall be inserted;

Imputations, assertions prejudicial to national integration.

Amendment of Act 5 of 1898.

Repealed

(d) in section 196, after the words, figures and letter "or section 153A," the words, figures and letter "or section 153B," shall be inserted;

(e) in Schedule II, after the entries relating to section 153A, the following entries shall be inserted, namely:—

1	2	3	4	5	6	7	8
153B(1)	Imputations, assertions prejudicial to national integration.	May arrest] without warrant.	Warrant	Not bail-able.	Not com-pound-able.	Imprison-ment of either descrip-tion for three years or fine or both.	Presi-dency Magis-trate or Magis-trate of the first class.
153B(2)	Imputations, assertions prejudicial to national integration in place of pub-lic worship, etc.	Ditto	Ditto	Ditto	Ditto	Impri-son-ment of either descrip-tion for five years and fine.	Ditto".

4. In the Unlawful Activities (Prevention) Act, 1967, for clause (g) of section 2. the following clause shall be substituted, namely:—

Amend-ment of Act 37 of 1967.

'(g) "unlawful association" means any association—

(i) which has for its object any unlawful activity, or which encourages or aids persons to undertake any unlawful activity, or of which the members undertake such activity; or

(ii) which has for its object any activity which is punish-able under section 153A or section 153B of the Indian Penal Code, or which encourages or aids persons to undertake any such activity, or of which the members undertake any such activity;

Provided that nothing contained in sub-clause (ii) shall apply to the State of Jammu and Kashmir.'