

The Indian Penal Code 1860

Section 153A - PROMOTING ENMITY BETWEEN DIFFERENT GROUPS ON GROUNDS OF RELIGION, RACE, PLACE OF BIRTH, RESIDENCE, LANGUAGE, ETC., AND

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 tranquillity, 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 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, shall be punished with imprisonment which may extend to three years, or with fine, or with both. (2) Offence committed in place of worship, etc. Whoever commits an offence specified in sub-section (1) in any place of worship or 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. COMMENTS There has to be mens rea on the part of the accused to commit the offence of promoting disharmony amongst different religions. This mens rea or malicious intention can be proved either by evidence or, at times, by writing, itself. The writing can be of such a nature that it may become apparent to the court that any reasonable man or an overage man in the street is likely to get a feeling of enmity or hatred. If such an article is printed and published, then it can be presumed that malicious intent was there thereby inviting the provisions of s. 153A, Indian Penal Code. SECTION 153AA: PUNISHMENT FOR KNOWINGLY CARRYING ARMS IN ANY PROCESSION OR ORGANISING OR HOLDING OR TAKING PART IN ANY MASS DRILL OR MASS TRAINING WITH ARMS Whoever knowingly carries arms in any procession or organizes or holds or takes part in any mass drill or mass training with arms in any public place in contravention of any public notice or order issued or made under section 144-A of the Code of Criminal Procedure, 1973 (2 of 1974) shall be punished with imprisonment for a term which may extend to six months and with fine which may extend to two thousand rupees. Explanation. ""Arms" means articles of any description designed or adapted as weapons for offence or defence and includes fire arms, sharp edged weapons, lathis, dandas and sticks.] Amendment Act, 2005. "Clause 19 is intended to enable the District Magistrate to prohibit mass drill (or training) with arms in public places. A new section 153-AA is, therefore, being added to the Indian Penal Code to prescribe punishment with imprisonment upto six months and fine upto two thousand rupees for the contravention of the prohibitory order. (Notes on Clauses). * Inserted by the code of Criminal Procedure (Amendment) Act, 2005, S.44(a)