

## Annex

Section	Content
74	<p>(1) Where a person is convicted of an offence specified in subsection (2) which is racially or religiously aggravated, the court may sentence the person to 2 times the amount of punishment to which he would otherwise have been liable for that offence.</p> <p>(2) The offence referred to in subsection (1) is as follows:</p> <p style="padding-left: 40px;">(a) an offence under this Code except sections 298 and 298A, and an offence which is punishable with death or imprisonment for life;</p> <p style="padding-left: 40px;">(b) an offence of attempting to commit, abetting the commission of, or being a party to a criminal conspiracy to commit, any offence under paragraph (a).</p> <p>(3) Despite anything to the contrary in the Criminal Procedure Code 2010 —</p> <p style="padding-left: 40px;">(a) a Magistrate’s Court —</p> <p style="padding-left: 80px;">(i) has jurisdiction to try any offence specified in subsection (2), where no imprisonment is prescribed or where twice the maximum term of imprisonment prescribed for the offence does not exceed 5 years; and</p> <p style="padding-left: 80px;">(ii) has power to impose the full punishment provided under subsection (1) in respect of the offence; and</p> <p style="padding-left: 40px;">(b) a District Court —</p> <p style="padding-left: 80px;">(i) has jurisdiction to try any offence specified in subsection (2); and</p> <p style="padding-left: 80px;">(ii) has power to impose the full punishment provided under subsection (1) in respect of the offence.</p> <p>(4) For the purposes of this section, an offence is racially or religiously aggravated if —</p> <p style="padding-left: 40px;">(a) at the time of committing the offence, or immediately before or after committing such offence, the offender demonstrates towards the victim of the offence hostility based on the victim’s membership (or presumed membership) of a racial or religious group; or</p> <p style="padding-left: 40px;">(b) the offence is motivated (wholly or partly) by hostility towards members of a racial or religious group based on their membership of that group.</p> <p>(5) It is immaterial for the purposes of paragraph (a) or (b) of subsection (4) whether or not the offender’s hostility is also based, to any extent, on any other factor not mentioned in that paragraph.</p> <p>(6) In this section —</p> <p>“membership”, in relation to a racial or religious group, includes association with members of that group;</p> <p>“presumed” means presumed by the offender.</p>
267C	(1) This section applies where a person —

	<p>(a) utters any words, or makes any sign or visible representation;</p> <p>(b) places before a person any object;</p> <p>(c) posts, publishes, distributes, sells or offers for sale any document; or</p> <p>(d) communicates any electronic record,</p> <p>containing any incitement to violence, counselling disobedience to the law or to a lawful order of a public servant, or likely to lead to any breach of the peace, and the person does so —</p> <p>(e) intending for violence, disobedience to the law or such lawful order, or breach of the peace to occur; or</p> <p>(f) knowing or having reason to believe that violence, disobedience to the law or such lawful order, or breach of the peace, is likely to occur as a result.</p> <p>(2) This section also applies where a person —</p> <p>(a) makes, prints or otherwise reproduces, imports, possesses or has under the person’s control any document mentioned in subsection (1), for the purpose of posting, publishing, distributing, selling or offering for sale that document; or</p> <p>(b) makes any electronic record mentioned in subsection (1) for the purpose of communicating that electronic record,</p> <p>and the person does so —</p> <p>(c) intending for violence, disobedience to the law or such lawful order, or breach of the peace to occur by the carrying out of the purpose mentioned in paragraph (a) or (b), as the case may be; or</p> <p>(d) knowing or having reason to believe that violence, disobedience to the law or such lawful order, or breach of the peace, is likely to occur by the carrying out of that purpose.</p> <p>(3) The person in subsection (1) or (2) shall be guilty of an offence and shall be punished on conviction with imprisonment for a term which may extend to 5 years, or with fine, or with both.</p> <p>(4) In subsection (1), “counselling disobedience to the law or to a lawful order of a public servant” includes (but is not limited to) providing instruction, advice or information that promotes disobedience to the law or such order.</p>
298	<p>Whoever, with deliberate intention of wounding the racial feelings of any person, utters any word or makes any sound in the hearing of that person, or makes any gesture in the sight of that person, or places any object in the sight of that person, or causes any matter however represented to be seen or heard by that person, shall be punished with imprisonment for a term which may extend to 3 years, or with fine, or with both.</p>
298A	<p>Whoever —</p> <p>(a) by words, either spoken or written, or by signs or by visible representations or otherwise, knowingly promotes or attempts to promote, on grounds of race, disharmony or feelings of enmity, hatred or ill will between different racial groups; or</p>

	<p>(b) commits any act which he knows is prejudicial to the maintenance of harmony between different racial groups and which disturbs or is likely to disturb the public tranquility,</p> <p>shall be punished with imprisonment for a term which may extend to 3 years, or with fine, or with both.</p>
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