

Bill No. 49 of 2019

THE INDIAN PENAL CODE (AMENDMENT) BILL, 2019

By

SHRI SHRIRANG APPA BARNE, M.P.

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BILL

further to amend the Indian Penal Code, 1860.

BE it enacted by Parliament in the Seventieth year of the Republic of India as follows:—

1. (1) This Act may be called the Indian Penal Code (Amendment) Act, 2019.

Short title and commencement.

(2) It shall come into force at once.

45 of 1860.

2. In the Indian Penal Code, 1860 for section 304A, the following section shall be substituted namely:—

Substitution of new section for section 304A.

“304A. Whoever causes the death of any person by doing any rash or negligent act not amounting to culpable homicide, shall be punished with imprisonment of either description for a term which may extend to seven years or with fine which shall not be less than seventy-five thousand rupees or with both:

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Provided that if any person by doing any rash or negligent driving causes injury to another person and rushes that person so injured to a nearby hospital or assists the person in getting immediate medical attention but, the person so injured subsequently dies, the punishment shall be reduced and decided on case to case basis.”.

STATEMENT OF OBJECTS AND REASONS

In our country over a lakh people die every year as a result of road accidents. This problem has compounded in the metropolitan cities where violation of traffic rules are blatant. Rash driving is a regular nuisance and is responsible for fatal accidents which take place daily. It is sometimes seen that many people especially, young boys drive vehicles without caring for their own or anybody else's life. Not a single day passes when we do not hear of some accident on road. After accident of a vehicle, it is a routine feature where the driver of a vehicle speeds away in such a manner that nobody can even take note of the number of the vehicle, leaving the injured unattended or to die on the road. The Government is carrying out awareness campaigns that if the injured is shifted timely to a hospital and the driver or owner of the vehicle who shifted the injured to the hospital is given some relief, then the life of so many people could be saved.

There is a considerable anger in public about the rising number of casualties in road accidents. Presently such offences are tried as general crime under Indian Penal Code, 1860 and punishment provide for such act is not proportionate to the gravity of the offence committed. In the absence of any stringent legal framework, the persons responsible for rash and negligent driving are let off easily.

Therefore, it is proposed that section 304A of the Indian Penal Code, 1860 may be amended suitably so that drivers be given some relief in punishment for shifting the injured to the hospital besides preventing cases of rash and negligent driving.

Hence this Bill.

NEW DELHI;
June 4, 2019.

SHRIRANG APPA BARNE

ANNEXURE

EXTRACT FROM THE INDIAN PENAL CODE, 1860

(45 OF 1860)

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304A. Whoever causes the death of any person by doing any rash or negligent act not amounting to culpable homicide, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both. Causing death by negligence.

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further to amend the Indian Penal Code, 1860.

(Shri Shrirang Appa Barne, M.P.)