

Bill No. XI of 2022

THE INDIAN PENAL CODE (AMENDMENT) BILL, 2022

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BILL

further to amend the Indian Penal Code, 1860.

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

1. (1) This Act may be called the Indian Penal Code (Amendment) Act, 2022.

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.

45 of 1860. **2.** In the Indian Penal Code, 1860, in clause (a) of Explanation to section 498A, for the words “any wilful conduct”, the following shall be substituted, namely:—

Amendment of section 498A.

“any conduct, whether or not under the influence of voluntary or involuntary intoxication, including liquor, drugs (both addictive and non-addictive), etc.”

STATEMENT OF OBJECTS AND REASONS

1. COVID induced lockdown from March to September, 2020 saw around 13,000 complaints being registered with the National Commission for Women (NCW). This was exacerbated by financial instability and dependence on intoxicants, as a result of which women in households had to bear the brunt of domestic violence. At the same time, it is the responsibility of society as a whole to ensure that women are treated with dignity.

2. Domestic violence within the households is a social menace that is often left unaddressed and left within the contours of the four walls. There needs to be a directive to ensure that there is an institutional framework to address the same. Protection of Women from Domestic Violence Act, 2005 did address the issue at large but still scope remains for expanding the breadth of the legislation within the definitions of the Indian Penal Code, 1860. Under Section 498A of the IPC, any cruelty by the husband or the relative of the husband, inflicted on the wife is liable to attract imprisonment of up to three years, however, by adding the word 'wilfully', it shields violence that can be accrued under the influence of alcohol and similar intoxicants.

3. Considering the trauma that is faced by the women, it is important that involuntary intoxication does not become a justified excuse to inflict cruelty on the women, and therefore, such acts need to be dealt with stringently.

Hence this Bill.

MAHESH PODDAR

ANNEXURE

EXTRACTS FROM THE INDIAN PENAL CODE, 1860

(45 OF 1860)

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498A. Whoever, being the husband or the relative of the husband of a woman, subjects such woman to cruelty shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine.

Husband or relative of husband of a woman subjecting her to cruelty.

Explanation.—For the purposes of this section, “cruelty” means—

(a) any wilful conduct which is of such a nature as is likely to drive the woman to commit suicide or to cause grave injury or danger to life, limb or health (whether mental or physical) of the women; or

(b) harassment of the woman where such harassment is with a view to coercing her or any person related to her to meet any unlawful demand for any property or valuable security or is on account of failure by her or any person related to her to meet such demand.

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RAJYA SABHA

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further to amend the Indian Penal Code, 1860.

(Shri Mahesh Poddar, M.P.)