

Bill No. XLVI of 2011

THE INDIAN PENAL CODE (AMENDMENT) BILL, 2011

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BILL

further to amend the Indian Penal Code, 1860.

Be it enacted by Parliament in the Sixty-second Year of the Republic of India as follows:—

1. (1) This Act may be called the Indian Penal Code (Amendment) Act, 2011.

Short title and
commencement.

(2) It shall come into force at once.

45 of 1860.

2. In section 279 of the Indian Penal Code, 1860 (hereinafter referred to as the principal Act), for the words “which may extend to six months, or with fine, which may extend to one thousand rupees or with both”, the words “which may extend to three years, or with fine, which may extend to ten thousand rupees or with both” shall be substituted.

Amendment
of section
279.

3. In section 284 of the principal Act for the words,

Amendment of
section 284.

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“which may extend to six months, or with fine, which may extend to one thousand rupees or with both”, the words “which may extend to five years, or with fine, which may extend to twenty thousand rupees or with both” shall be substituted.

Amendment of section 304A. **4.** In section 304A of the principal Act for the words “any rash or negligent act”, the words “any rash or negligent act, except by any act of rash and negligent driving of motor vehicle,” shall be substituted.

Insertion of new section 304C. **5.** After section 304B of the principal Act, the following new section shall be inserted, namely:—

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Death due to rash and negligent driving. **“304C.** Whoever drives any motor vehicle, or rides, on any public place in a rash or negligent manner or drives or rides the motor vehicle under the influence of liquor so as to endanger human life, and causes death by his rash and negligent act, shall be committing the offence of murder and shall be punished with death or imprisonment for life and shall also be liable to fine which shall not be less than rupees one lakh. 10

Explanation: For the purpose of this section, the terms ‘motor vehicle’ and ‘public place’ shall have the same meanings as is assigned to them under the Motor Vehicles Act, 1988.”.

59 of 1988.

STATEMENT OF OBJECTS AND REASONS

The urbanization has resulted in rapid rise in the number of vehicles on the roads in our country. The high growth rate of public vehicles as well as private vehicles has made roads very unsafe for pedestrians and other road users. The problem is compounded by the people indulging in rash and negligent driving under the influence of liquor. In our country, lakhs of people die every year as a result of road accidents. This menace has assumed worrying proportions particularly in the metropolitan cities. The incidents of violating traffic signals and instructions, road rage, drunken driving etc., are very common and rising day by day.

There is considerable anger in the public about the rising number of road accidents. Under the present penal provisions, such offences are tried as general crimes 279, 284 and 304A of Indian Penal Code and punishment provided under sections for such acts 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. Similar is the case with those indulging in drunken driving. Person indulging in rash and negligent driving or drunken driving knowingly endanger the lives of fellow road users and therefore need to be treated harshly. Therefore, it is high time that a stringent law, which may act as a deterrent for such offences is brought forward by amending the Indian Penal Code, 1860.

Hence, this Bill.

NARENDRA KUMAR KASHYAP

ANNEXURE

EXTRACTS FROM THE INDIAN PENAL CODE

(ACT NO. 45 OF 1860)

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Rash driving
or riding on a
public way.

279. Whoever drives any vehicle, or rides, on any public way in a manner so rash or negligent as to endanger human life, or to be likely to cause hurt or injury to any other person, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

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Negligent
conduct with
respect to
poisonous
substance.

284. Whoever does, with any poisonous substance, any act in a manner so rash or negligent as to endanger human life, or to be likely to cause hurt or injury to any person, or knowingly or negligently omits to take such order with any poisonous substance in his possession as is sufficient to guard against probable danger to human life from such poisonous substance, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

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Causing death
by negligence.

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.

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RAJYA SABHA

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BILL

further to amend the Indian Penal Code, 1860.

(Shri Narendra Kumar Kashyap, M.P.)