

Bill No. V of 2010

THE INDIAN PENAL CODE (AMENDMENT) BILL, 2010

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BILL

further to amend the Indian Penal Code, 1860.

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

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| | 1. (1) This Act may be called the Indian Penal Code (Amendment) Act, 2010. | Short title and commencement. |
| | (2) It shall come into force with immediate effect. | |
| 45 of 1860.
5 | 2. In section 166 of the Indian Penal Code, 1860 (hereinafter referred to as the principal Act), for the words “which may extend to one year, or with fine, or with both”, the words “which may extend to two years, or with fine, or with both” shall be substituted. | Amendment of section 166. |
| | 3. In section 167 of the principal Act for the words “which may extend to three years, or with fine, or with both”, the words “which may extend to six years, or with fine, or with both” shall be substituted. | Amendment of section 167. |
| 10 | 4. In section 168 of the principal Act for the words “which may extend to one year, or with fine, or with both”, the words “which may extend to two years, or with fine, or with both” shall be substituted. | Amendment of section 168. |

Amendment of section 169.	5. In section 169 of the principal Act for the words “which may extend to two years, or with fine, or with both; and the property, if purchased, shall be confiscated”, the words “which may extend to four years, or with fine, or with both; and the property, if purchased, shall be confiscated” shall be substituted.	
Amendment of section 170.	6. In section 170 of the principal Act for the words “which may extend to two years, or with fine, or with both”, the words “which may extend to four years, or with fine, or with both” shall be substituted.	5
Amendment of section 171.	7. In section 171 of the principal Act for the words “which may extend to three months, or with fine which may extend to two hundred rupees, or with both”, the words “which may extend to six months, or with fine which may extend to four hundred rupees, or with both” shall be substituted.	10

STATEMENT OF OBJECTS AND REASONS

Public servants are entrusted with the duty of working for the public good, and vested with powers to fulfill that duty. Unfortunately, though, there have been increasing instances wherein public servants have actively misused their positions of power to either serve their personal purpose or subvert the procedure of law in favour of the wrong-doer. This has shaken the people's faith in the entire executive and judicial system. Indeed, it goes against the fundamental right to equality, right to freedom, right to freedom from exploitation and right to constitutional remedies provided by the Constitution to each citizen of India.

Hence, there is an urgent need to make public servants accountable for their actions and to instill confidence among the people. It is, therefore, necessary that the law should act as a deterrent, ensuring exemplary punishment for errant public servants, whether police or civil.

In this backdrop, it is felt that there is a need to amend the Indian Penal Code suitably.

Hence this Bill.

PRAKASH JAVADEKAR

ANNEXURE

EXTRACTS FROM THE INDIAN PENAL CODE, 1860

CHAPTER IX

OF OFFENCES BY OR RELATING TO PUBLIC SERVANTS

166. Public servant disobeying law, with intent to cause injury to any person—Whoever, being a public servant, knowingly disobeys any direction of the law as to the way in which he is to conduct himself as such public servant, intending to cause, or knowing it to be likely that he will, by such disobedience, cause injury to any person, shall be punished with simple imprisonment for a term which may extend to one year, or with fine, or with both.

167. Public servant framing an incorrect document with intent to cause injury—Whoever, being a public servant, and being, as such public servant, charged with the preparation or translation of any document or electronic record, frames, prepares or translates that document or electronic record in a manner which he knows or believes to be incorrect, intending thereby to cause or knowing it to be likely that he may thereby cause injury to any person, shall be punished with imprisonment of either description for a term which may extend to three year, or with fine, or with both.

168. Public servant unlawfully engaging in trade—Whoever, being a public servant, and being legally bound as such public servant not to engage in trade, engages in trade, shall be punished with simple imprisonment for a term which may extend to one year, or with fine, or with both.

169. Public servant unlawfully buying or bidding for property—Whoever, being a public servant, and being legally bound as such public servant, not to purchase or bid for certain property, purchases or bids for that property, either in his own name or in the name of another, or jointly, or in shares with others, shall be punished with simple imprisonment for a term which may extend to two years, or with fine, or with both; and the property, if purchased, shall be confiscated.

170. Personating a public servant—Whoever pretends to hold any particular office as a public servant, knowing that he does not hold such office or falsely personates any other person holding such office, and in such assumed character does or attempts to do any act under colour of such office, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

171. Wearing garb or carrying token used by public servant with fraudulent intent—Whoever, not belonging, to a certain class of public servants, wears any garb or carries any token resembling any garb or token used by that class of public servants, with the intention that it may be believed, or with the knowledge that it is likely to be believed, that he belongs to that class of public servants, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine which may extend to two hundred rupees, or with both.

RAJYA SABHA

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further to amend the Indian Penal Code, 1860.

(Shri Prakash Javadekar, M.P.)