

Bill No. V of 2023

THE INDIAN PENAL CODE (AMENDMENT) BILL, 2023

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BILL

further to amend the Indian Penal Code, 1860.

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

1. (1) This Act may be called the Indian Penal Code (Amendment) Act, 2023.

Short title and commencement.

5 (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

45 of 1860.

2. After section 24 of the Indian Penal Code (hereinafter referred to as the Code), the following new section shall be inserted, namely:—

Insertion of Section 24A.

10 **"24A.** Whoever commits an act with the intention of causing death or with the intention of causing such bodily injury as is likely to cause death to a woman or a group of women because of their sex or gender, and such act results in death of the woman or a group of women, commits the offence of "femicide".

"Femicide"

Insertion of section 300A.

3. After section 300 of the Code, the following new section shall be inserted, namely:—

Murder amounting to femicide.

"300A. Except in the cases excepted under sections 299 and 300, murder shall amount to femicide, if the act by which the death caused, is done with the intention of causing death of the woman or a group of women, or—

2ndly.—If it is done with the intention of causing such bodily injury as the offender knows to be likely to cause the death of a woman or a group of women to whom the harm is caused by an intimate or non-intimate partner, or— 5

3rdly.—If it is done with the intention of causing bodily injury to any woman or a group of women and the bodily injury intended to be inflicted is sufficient in the ordinary course of nature to cause death, for bringing dishonor upon the family name or prestige, or— 10

4thly.—If the person commits sexual violation in a way that the person knows that it is so imminently dangerous that it will, in all probability, cause death, or such bodily injury resulting in death, and commits such act with the intention to establish superiority or ownership over a woman or a group of women." 15

Insertion of section 302A.

4. After section 302 of the Code, the following new section shall be inserted, namely:—

Punishment for femicide.

"302A. Whoever attempts to commit or commits femicide shall be punished with rigorous imprisonment for life, and shall also be liable to pay a fine amounting to not less than ten lakh rupees.".

STATEMENT OF OBJECTS AND REASONS

The data from the National Crime Records Bureau shows that the rate of crime against women (number of incidents per 1 lakh population) has increased from 56.5 per cent in 2020 to 64.5 per cent in 2021. The data encompasses all crimes committed against women but does not specifically indicate the number of deaths caused. The murder of women is never really understood as the complex gendered factors behind such violence and aggression is not taken into cognizance.

2. Recent murders have drawn public attention to the increasing gender-based violence in India. This is in the backdrop of India's continued commitment to the UN Declaration on ending violence against women that includes the threat of such acts or even coercion occurring in both public and private life.

3. The Indian Penal Code, 1860 does not define femicide nor does it provide enhanced punishment for crimes motivated by gendered stereotypes, emanating from discrimination towards women and girls and unequal power relations between women and men, or harmful social norms. The World Health Organization has highlighted the types of femicide as: dowry-related femicide, honour killings, non-intimate and intimate and sexual femicide.

4. Therefore, it is pertinent to bring the different variations of murder amounting to femicide under the ambit of the Indian Penal Code which otherwise are not linked to gender-based motives.

Hence, this Bill.

SUJEET KUMAR.

ANNEXURE

EXTRACTS FROM THE INDIAN PENAL CODE

ACT No. 45 OF 1860.

	*	*	*	*	*
"Dishonestly".	24. Whoever does anything with the intention of causing wrongful gain to one person or wrongful loss to another person, is said to do that thing "dishonestly".				
	*	*	*	*	*
Murder.	300. Except in the case hereinafter excepted, culpable homicide is murder, if the act by which the death is caused is done with the intention of causing death, or— <i>2ndly.</i> —If it is done with the intention of causing such bodily injury as the offender knows to be likely to cause the death of the person to whom the harm is caused, or— <i>3rdly.</i> —If it is done with the intention of causing bodily injury to any person and the bodily injury intended to be inflicted is sufficient in the ordinary course of nature to cause death, or— <i>4thly.</i> —If the person committing the act knows that it is so imminently dangerous that it must, in all probability, cause death, or such bodily injury as is likely to cause death, and commits such act without any excuse for incurring the risk of causing death or such injury as aforesaid.				
	*	*	*	*	*
Punishment for murder.	302. Whoever commits murder shall be punished with death or imprisonment for life, and shall also be liable to fine.				
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further to amend the Indian Penal Code, 1860.

(Shri Sujeet Kumar, M.P.)