

Bill No. XIII of 2015

THE INDIAN PENAL CODE (AMENDMENT) BILL, 2015

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BILL

further to amend the Indian Penal Code, 1860

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

1. (1) This Act may be called the Indian Penal Code (Amendment) Act, 2015.

(2) It shall come into force at once.

Short title
and
commencement.

45 of 1860.

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

Amendment
of section
304A.

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

10

Provided that by doing any rash or negligent driving if any person 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 shall be decided on case to case basis.

59 of 1988. 15 *Explanation:* For the purpose of this section, the term "motor vehicle" shall have the same meaning as assigned in the Motor Vehicles Act, 1988".

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 Govt. is carrying out awareness campaigns that if the injured be shifted to Hospital but, impact if the driver who shifted the injured to the hospital is given some relief, then the life of so many people could be saved if timely medical assistance in nearby hospital is provided to the injured by the driver or the owner of the vehicle, his life could be saved. There is 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 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 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.

AVINASH RAI KHANNA

ANNEXURE

EXTRACTS FROM THE INDIAN PENAL CODE, 1860

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304A. Causing death by negligence—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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(Shri Avinash Rai Khanna, M.P.)