

A Critical Study on Accident under Section 80 of the Indian Penal Code

Chandini Raj kishore
Saveetha School of Law
Saveetha Institute of Management Studies

K. S. Bala Thirupura Sundari
Assistant Professor
Saveetha School of Law
Saveetha Institute of Management Studies

Article Info

Volume 83

Page Number: 1877 – 1881

Publication Issue:

May - June 2020

Abstract:

The main aim of this paper is to analyze about the road accidents in the district of thiruvallur. The people are less aware about the accident as a general exception. The people feel that when an accident takes place that person will be punished. The people of different age categories and genders are less aware about the accident as a general exception. Many developing countries including India have serious road problems. The accident rates are high compared to developed countries. There are more increase in the roads of India. In this traffic the ambulances are not able to reach on time and many people suffer due to that. The conditions of the roads are also one of the reasons for accidents. One more reason for accidents is that the rash driving among the youngsters in their motorbike. There are a few people who drive vehicles by using their mobile phones. There are strict laws in India for crossing red signals, not wearing helmets for both the rider and the pillion but no one takes those laws seriously. The laws were implemented for the welfare of the society and not for the purpose of money. The present study and analysis shows that the distribution of road accidental deaths and injuries in India among the age and the gender category. The researcher has followed the non-doctrinal and empirical research and convenient sampling method. The sample size covered by the researcher is 300. The results observed that the people are less aware about the accident as a general exception.

Keywords: Accident, General Exception, India, Road, Death

Article History

Article Received: 11 August 2019

Revised: 18 November 2019

Accepted: 23 January 2020

Publication: 10 May 2020

INTRODUCTION

Section 80 of the Indian Penal Code deals with Accident as a general exception. Accidents are common in everyone's life today. Accidents mean future uncertainties which cannot be avoided. Section 80 provides a protection to the people, whenever an accident occurs the person will not be punished unless there was no intention to kill the person or for vengeance. There are certain essentials under this section. The foremost essential is 'nothing is an offence' appears in section 80 frequently. The offense that causes suddenly without the control over it, is called an accident and

that is not punishable under Indian Penal Code. Road traffic fatalities and wounds are, all things considered, preventable, since the danger of acquiring injury in a mishap is to a great extent unsurprising and numerous countermeasures, demonstrated to be compelling, exist. The best method to decrease fatalities and wounds would be through a coordinated methodology including close joint effort of numerous divisions. Progress is being made in numerous pieces of the reality where multisectoral vital plans are prompting steady decreases in the quantity of road inadvertent fatalities and wounds. Such procedures center around four key factors that add to the danger of

event of a road mishap presentation, social variables, road condition, and vehicle factors.

Maybe the least utilized of all road security mediation procedures are those that expect to decrease introduction to chance. Hazard in road traffic emerges out of a need to venture out to approach work or for training or recreation interests. Subsequently, there is a need to advance not just local economies so that decreases the requirement for long-separation travel yet in addition independent minimal townships which would diminish the requirement for short-separation travel inside the urban areas. The issue of road accidents in India additionally gets bothered because of blended nature of road traffic on its roads with people on foot, bikes, mopeds, bikes, bikes, auto-rickshaws, taxis, vans, autos, trucks, and transports having a similar road space. At the end of the day, a similar road arrangement is utilized by various classes of mechanized and non mechanized vehicles, of fluctuating width and speed. To diminish the presentation to hazard, there is a need not exclusively to isolate quick moving from moderate moving vehicles and substantial from light vehicles yet additionally uphold speed limit on quick moving vehicles.

The potential purposes behind this could be imperfect coordination between the police and emergency clinics in case of death happening in medical clinics because of a road crash; not all passings are accounted for to police by the general population; and on the grounds that not all passings identified with road car accidents happen in medical clinics. It is additionally conceivable that somebody who was recorded as 'harmed in a road car accident' in the police database kicked the bucket sometime in the not too distant future yet this isn't reflected in the police database, which can bring about underreporting of passings because of road car accidents. An appropriate information assortment instrument with contribution of all the significant partners on whom this information assortment

depends should be set up, including customary refreshing of the police database to comprehend the genuine weight of road crashes. There is additionally a need to expand the inclusion of information on road car accidents gathered by the police to incorporate all the components expected to evaluate the genuine idea of road crashes.

OBJECTIVES

- To know about people's awareness on accident as a general exception
- To know the reasons of accident in India
- To study about the accident as a general exception under section 80 of the Indian Penal Code

LITERATURE REVIEW

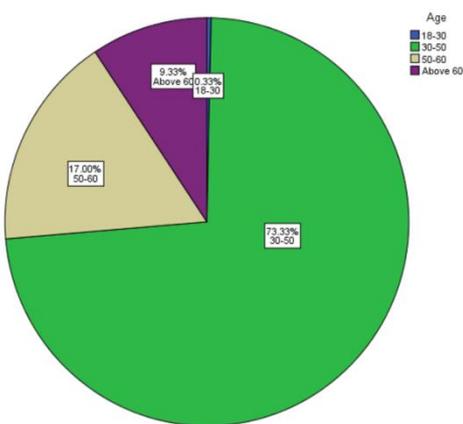
A man knows that the brake of his scooter is not working and still he drives the scooter in the road and hurts a child then that amounts to Accident (**Durbin,2000**). There are few grey areas in law that are related to the legal consequences of accidents, the person will not be punished for the accident(**Gopalakrishnan,2012**). According to Indian system the burden of proof emphasizes the prosecution side, it gains importance in the light of the disquieting situation(**Harmam Singh, 2010**). In criminal justice primarily concerned with imparting punishment on the culprit for his proved offence by way of punishment incarnation or fine to some extent(**Sharma,2018**). An attempt is made to demonstrate both the need to investigate and the reasons for its occurrence(**Gururaj,2006**). Results are presented in open analysis of the effects that speed variants among vehicles, level of enforcement and interchange have on accidents(**Tiwari,2000**). The epidemiological technique known as the found experiment was used to investigate whether or not an industrial sample showed non-random differentiation with respect to individual accident rates(**Leaf,1999**). Accidents happen probably happened since the first Caveman lit the first fire that for many centuries the consequences of the accident with most limited(**Koornstra**).

METHODOLOGY

The research method followed here is non doctrinal and empirical research. A total of 300 samples have been taken out of which is taken through convenient sampling. The Independent variables taken here is Age and gender and the dependent variable is on what extent an accident can be used as according to section 80 of Indian Penal Code, what crime accident can be extended to cause death. The statistical tool used by the researcher is graphical representation.

ANALYSIS

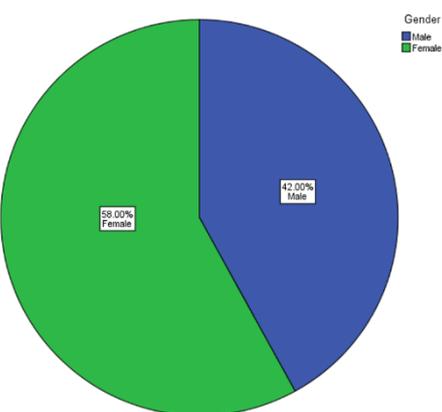
Figure 1



LEGEND:

The **Figure 1** shows about the independent variable among the age group of 18-30,30-50,50-60 and Above 60. The age group of 18-30 very less compared to the age group of 30-50.

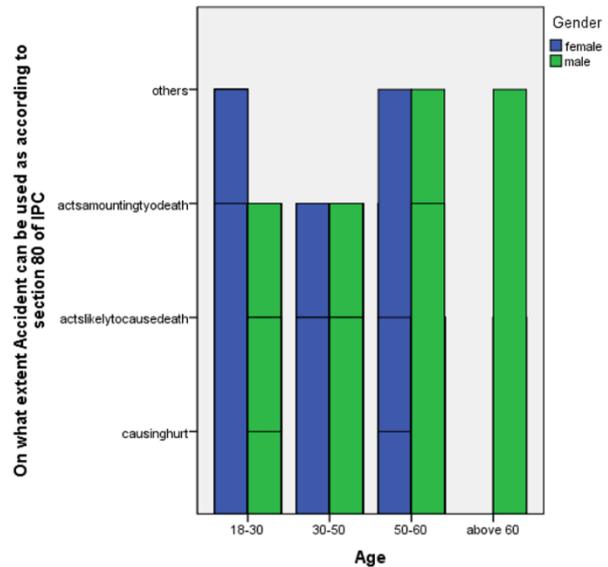
Figure 2



LEGEND:

In **Figure 2** shows the independent variable among gender. From the above chart it is seen that the number of female respondents are more compared to the male respondents.

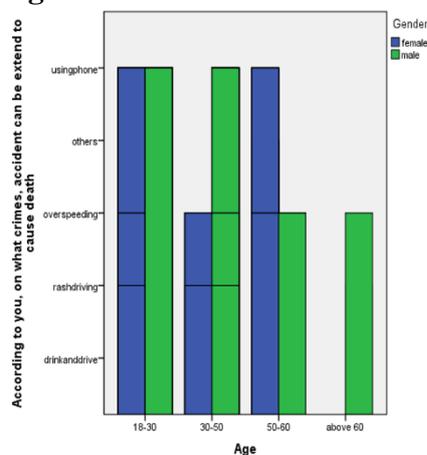
Figure 3



LEGEND:

The **Figure 3** shows about the age distribution among the gender of male and female and their opinion on to what extent accidents can be used according to section 80 of the Indian Penal Code.

Figure 4



LEGEND:

The **Figure 4** shows about the age distribution among the gender males and females and their opinion on what crimes accident can lead to death.

RESULTS

There were more respondents among the age group of 30-50 years. In the age group of 18-30 there were only 0.33%, the age group among 30-50 were 73.33%, the age group from 50-60 were 17% and the respondents from the age groups of Above 60 was 9.33% (**Figure 1**).

There were respondents of male and female. The female respondents were more in number. The female respondents were 58% and the male respondents were 42% (**Figure 2**).

There were more respondents from female among the age group of 18-30 years compared to the male respondents among the age group of 18-30. There were equal responses from the male and female of the age groups of 30-50 years and 50-60 years. There were no female respondents among the age group of Above 60 (**Figure 3**).

There were equal respondents among the male and female from the age group of 18-30. There were less respondents among the females compared to males in the age group of 30-50 years. There were more female respondents among the age group of 50-60 years. There were no female respondents among the age group of Above 60 (**Figure 4**).

DISCUSSION

The total number of respondents are 300, among the 300 there were more respondents from the age category of 30-50 years. The majority of respondents are 73.33%, the respondents of age group of 18-30 are 0.33%, the respondents of age group of 50-60 years are 17% and the respondents of age group of Above 60 are 9.33% (**Figure 1**).

The total number of respondents are 300, among the 300 there were more female respondents who were 58% and the male respondents were 42%. It was found that the Female respondents are more in number than the Male respondents (**Figure 2**).

It is found the females of the age group of 18-30 were more and they feel that acts amounting to death and other reasons may be the results of accident, but the male respondents feel that causing hurt, acts likely to cause death may result in causing an accident. The respondents of male and female were equal in among the age group of 30-50 feels that the acts likely to cause death and acts amounting to death maybe the result of accident. Among the age groups of 50-60 years the female and male are equal and the female respondents feel that the acts likely to cause death and acts amounting to death may result in accidents. There were no female respondents among the age group of Above 60, but the Male respondents feel that there may be other reasons for the accident (**Figure 3**).

It is found that the females of the age group of 18-30 feels that rash driving, overspeeding and using a phone can cause death at the time of accident, the male respondents feel that only using a phone is the major reason in causing death at the time of accident. Among the age group of 30-50 years the male respondents feels that rash driving, over speeding and using phones is the reason of death at the time of accident, but the female respondents feel that rash driving and over speeding are the reasons for the death due to accidents. Among the age group of 50-60 years, there were more female respondents and they feel that using phone and over speeding is the reason for death in accidents, the Male respondents were less in number and they feel only over speeding is the reason for death by accident. Among the age of Above 60 there were no female respondents and the male respondents feel that over speeding is the reason for death (**Figure 4**).

LIMITATION

The major limitation of my study is on the sample frame. The sample frame is High Court and the General Public. The people were less aware about accidents as a general exception under section 80 of the Indian Penal Code. The restricted sample size is also another major drawback.

CONCLUSION

From all the analysis part from the research it is found that the people are less aware about accidents as a general exception. It is also found that the economically active age group is the most vulnerable population group. Accidents are constant and high during 9 am and 9 pm peak hours in day where the trafficking congestion is high.

REFERENCES

- [1] Gopalakrishnan S. A Public Health Perspective of Road Traffic Accidents. *J Fam Med Prim Care.*, 2012,1(2):144
- [2] Harnam Singh, Fatal Road accidents among Young Children, *J Indian Acad Forensic Med*,32(4)
- [3] Durbin DR., Preventing Motor vehicle injuries, *Curr Opin Pediatr*; 11(6), 583-587, 2000
- [4] Kathuria, A profile of the autopsies of road accidents in Jammu. *Journal of Clinical and Diagnostic research*, 2008, 4(2), 639-642.
- [5] Sharma N, Kumar A. A. Road accidents in India: Dimensions and issues. 2018, 2-4
- [6] Gururaj, G. Road traffic injury prevention in India. p.56, pp.1-137. Bangalore, NIMHANS. (2006).
- [7] Tiwari, G., Mohan D., & Gupta, D.P. Evaluation of Capacity Augmentation Projects of National Highways and State Highways. Final report. New Delhi, Ministry of Surface Transport, GOI. (2000).
- [8] Mishra, B.K., Banerji, A.K., & Mohan, D. Two-wheeler injuries in Delhi, India: A study of crash victims hospitalized in a neuro-surgery ward. *Accident Analysis & Prevention* 16: pp.407-416. (1984).
- [9] Leaf, W.A. & Preusser, D.F. Literature Review on Vehicle Travel Speeds and Pedestrian Injuries. DOT HS 809 021. pp.1-54. Washington, D.C., National Highway Traffic Safety Administration, U.S. Department of Transportation. (1999).
- [10] Koornstra, M. Prediction of traffic fatalities and prospects for mobility becoming sustainable-safe. "Sadhna - Academy Proceedings in Engineering Sciences" 32: pp. 365-396. (2007).
- [11] Kumar, R.P., Venkatramayya, V., & Kashinath, T. Macro level study of road accidents on Dindigul-Palani section of NH-209. "Indian Highways" 32: pp.31-38. (2004).
- [12] Saija, K.K., Patel, C.D., & Sureja, G.K. Spectrum analysis of road accidents. "Indian Highways" 28: pp.29-41. (2000).
- [13] Shrinivas, P.L.L. Studies undertaken to identify critical causes of accidents in the highways of Tamil Nadu. "Indian Highways" 31: pp.11- 22. (2004).
- [14] Shaheem, S., Mohammed, K.M.S., & Rajeevan. Evaluation of cost effectiveness of improvements of accident prone locations on NH-47 in Kerala state. "Indian Highways" 34: pp.35-46. (2006).
- [15] Cropper, M.L. & Kopits, E. Traffic Fatalities and Economic Growth. "World Bank Policy Research Working Paper" 3035: pp.1-42. Washington D.C., World Bank. (2003).
- [16] Odero W, Khayesi M, Heda PM. Road traffic injuries in Kenya: Magnitude, cases and status of intervention. *Inj Control Saf Promot* 2003;10:53-61.
- [17] Krug EG, Sharma GK, Lozano R. The global burden of injuries. *Am J Public Health* 2000; 90:523-6.
- [18] Fitzharris M, Dandona R, Kumar GA, Dandona L. Crash characteristics and patterns of injury among hospitalized motorised two-wheeled vehicle users in urban India. *BMC Public Health* 2009;9:11.
- [19] Manish, National Statistics of Road Traffic accidents in India, *Journal of orthopaedics*, 2013, 1(7)
- [20] Cairns, Head injuries in motorcyclists with special reference to crash helmets, *Br Med J*, 1943, 1(4297), 591-598.