

**A LEGAL ANALYSIS ON THE PUNISHMENT FOR DEATH BY  
NEGLIGENCE UNDER THE PENAL CODE IN MALAYSIA**

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## **ABSTRACT**

Under Section 304A of Malaysia Penal Code it deals with the offence of causing death by negligence. Under this section, the amount of punishment provided is imprisonment of 2 years or fine or both. The problem with the available punishment is that, it is inadequate because the offence deals with the lives of another people, which will be endangered. Hence, it is not fair to simply provide for a punishment that is not proportionate with the offence.

The purpose of carrying out this research is to look into further details regarding the existing punishment for the offence of causing death by negligence as in accordance with section 304A of the Penal Code of Malaysia, which was said to be inadequate. Comparisons are made between different countries, which involve United Kingdom (UK), India and Australia. This will help in assessing the appropriate amount of punishment that should be given to those offenders who commit the offence under this above-mentioned section.

The conclusion obtained from this research is that the existing punishment for the offence of causing death by negligent under Section 304A of Penal Code should be amend in that a harsher punishment should be imposed towards the offenders.

## TABLE OF CONTENTS

ACKNOWLEDGMENT	ii
ABSTRACT	iii
CONTENTS	iv
LIST OF CASES	vi
LIST OF STATUTES	viii
CHAPTER 1: INTRODUCTION	
1.0 BACKGROUND	1
1.1 RESEARCH QUESTION	3
1.2 RESEARCH OBJECTIVES	3
1.3 RESEARCH METHODOLOGY	4
1.4 SCOPE AND LIMITATION	5
1.5 SIGNIFICANCE OF THE STUDY	5
1.6 CONCEPTUAL FRAMEWORK	5
1.7 LEGAL FRAMEWORK	7
1.8 THEORETICAL FRAMEWORK	10
1.9 LITERATURE REVIEW	12
1.10 PROVISIONAL PLAN OF RESEARCH	16
CHAPTER 2: PRESENT LAW IN MALAYSIA: DEATH BY NEGLIGENCE	
2.0 INTRODUCTION	17
2.1 CONCEPT AND DEFINITION	18
2.2 CRITICISMS OF THE PUNISHMENT	22
2.3 CONCLUSION	28

### CHAPTER 3: COMPARATIVE STUDIES

3.0	INTRODUCTION	30
3.1	INDIAN LAW	30
3.2	UNITED KINGDOM LAW	35
3.3	AUSTRALIAN LAW	39
3.4	CONCLUSION	44

### CHAPTER 4: FINDINGS

4.0	INTRODUCTION	45
4.1	INTERVIEW	46
4.2	PUBLIC FEEDBACK	47
4.3	AUTHORS AND JUDGES OPINION	49
4.4	CONCLUSION	53

### CHAPTER 5: RECOMMENDATIONS AND CONCLUSION

5.0	INTRODUCTION	55
5.1	RECOMMENDATIONS	57
5.2	CONCLUSION	63

BIBLIOGRAPHY	64
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APPENDICES	67
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# **CHAPTER 1**

## **INTRODUCTION**

### **1.0 BACKGROUND**

The purpose of carrying out this research is to look into further details regarding the existing punishment for the offence of causing death by negligence as in accordance with section 304A of Malaysia Penal Code which was said to be inadequate. The punishment here involves imprisonment of not more than 2 years or fine or both. Comparisons are made between different countries which involve United Kingdom (UK), India and Australia. This will help in assessing the appropriate amount of punishment that should be given to those offenders who commit the offence under this above mentioned section.

In this proposal, it will be divided into 10 parts altogether. The first part is the introduction where a brief idea about the research will be explained. Followed by the background of the research, where here a more detail explanation regarding the research will be made. The research question is to provide the reader on what to expect from the outcome of the proposal. The research objectives will tally with research question in order to compliment the needs under the research. In research methodology, the types of method used whether it is qualitative or quantitative will be explained.

Followed by the scope of the research where the parameter or boundaries of the research will be determined and then the seven elements is the limitation to the research. Here, the challenges that were faced during the making of the proposal are further discussed. Next is the significance of the research. How could the research benefit or provide for a new knowledge is what the significant is all about. Literature