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OVERVIEW OF THE INDIAN PENAL CODE

- Shehryar B. Edibam¹

Introduction

The Indian Penal Code was drafted by the First Law Commission, which Thomas Babington Macaulay led. The code came into force on January 1, 1862. The regulation applied to the then-British India. The code was based on the principles of the English common law.

The Indian Penal Code covers various criminal offences and is divided into 23 chapters. The code defines punishments for property offences, crimes against children and women, offences against the human body, and crimes against the State.

The Indian Penal Code is the primary criminal law in the country. The code has been amended several times and revised per changing legal and social norms. The code has shaped India's criminal justice system. It provides clear guidelines for investigating and prosecuting criminal offences in the country.

Ever since its enactment, the Indian Penal Code has given rise to debate and been subjected to criticism.²

Structure of the Indian Penal Code

The Indian Penal Code has been divided into 23 chapters. These chapters are further divided into various sections. Each section deals with a specific offence or a group of crimes. The Indian

¹ Student at D.Y. Patil School of Law

² <https://testbook.com/ias-preparation/indian-penal-code-ipc#:~:text=The%20Indian%20Penal%20Code%20is%20a%20160%2Dyear%2Dold%20official,completely%20amended%20since%20its%20introduction.>

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Penal Code has been structured to provide a systematic framework for prosecuting criminal offences in India.

- The first chapter of the Indian Penal Code mentions the scope and applicability of the code. It provides guidelines for the interpretation of the Code.
- The second chapter of the Indian Penal Code consists of definitions of various legal terms used throughout the Code. It mentions general principles of criminal liability.
- The third chapter of the Indian Penal Code mentions the punishments for various criminal offences.
- The fourth chapter of the Indian Penal Code deals with exceptions. It consists of circumstances under which an act would not be considered criminal.
- The fifth chapter of the Indian Penal Code defines the offence of abetment and prescribes its punishment.
- The sixth chapter deals with offences against the State. For example, terrorism, sedition, and waging war against the state
- The seventh chapter of the Code defines and punishes offences committed by armed forces members, i.e., the army, navy, and air force.
- The eighth chapter of the Indian Penal Code defines the punishments for offences, which include fines, imprisonment, and the death penalty.
- The ninth chapter of the code includes attempts to commit offences. This includes attempted theft, murder, and other crimes.
- The tenth chapter of the code deals with the abetment of offences.
- The eleventh chapter of the code deals with the offences of bribery and abuse of power by public servants.
- The twelfth chapter of the code deals with the offences of bribery and impersonation in relation to elections.
- The thirteenth chapter of the Indian Penal Code deals with the offences of cheating and counterfeiting in trade and commerce.
- The fourteenth chapter of the code deals with offences related to marriage. This covers crimes like bigamy and cruelty to a married woman.

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- The fifteenth chapter of the Indian Penal Code deals with the offences of abduction and kidnapping.
- The sixteenth chapter of the code deals with the offence of defamation.
- The seventeenth chapter of the Indian Penal Code deals with offences against the state. For example, attempting to overthrow the government or promoting war
- The eighteenth chapter of the Indian Penal Code deals with offences related to the environment. For example, destruction of wildlife and pollution
- The nineteenth chapter of the Indian Penal Code deals with offences of desertion and mutiny about the army, navy, and air force.
- The twentieth chapter of the code deals with the offence of criminal conspiracy.
- The twenty-first chapter of the code deals with offences such as misuse of power, which public servants commit.
- The twenty-second chapter of the Indian Penal Code deals with offences related to attempts to commit crimes by groups of people.
- The final chapter of the Indian Penal Code lays down rules for interpreting the code and provides for repealing specific other laws.³

The Indian Penal Code is structured in a way that allows it to cover a wide range of criminal offences. The code is updated regularly to keep up with societal and law changes.

Understanding the Indian Penal Code

One of the most essential features of the Indian Penal Code is that it is a codified law. This means that all criminal offences and their punishments are listed in the code. This makes it easier for law enforcement agencies to investigate and prosecute crimes. The Indian Penal Code also defines the consequences of committing a crime.

The Indian Penal Code also provides for the protection of the rights of the accused. The Code specifies that the charged has the right to legal representation and a fair trial. The Code outlines proper procedures to investigate and prosecute a criminal case.

³<https://byjus.com/free-ias-prep/indian-penal-code/>

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The Indian Penal Code is the most significant tool to fight crime in India. It works with other laws, like the Code of Criminal Procedure and the Indian Evidence Act, to ensure justice.

1) **Offences against the state**

The Indian Penal Code covers the criminal offences committed against the state. These offences are covered under Chapter VI of the Code.

- Section 121 of the Indian Penal Code covers the severe offence of waging or attempting to wage war against the government of India, which is punishable by life imprisonment or even death.
- In India, collecting arms, ammunition, or military stores to wage war against the state is considered a severe crime. This offence falls under Section 122 of the Indian Penal Code and is punishable by imprisonment for life or up to ten years.
- Section 123 of the Indian Penal Code covers the offence of concealing to facilitate a plan to wage war against the state. One could face imprisonment for life or up to ten years if found guilty of this offence.
- In India, the crime of sedition falls under Section 124 of the Indian Penal Code. If convicted, one could face imprisonment for life or up to three years, with or without a fine.
- Section 125 of the Indian Penal Code covers the offence of promoting hatred and enmity among different groups based on factors such as place of birth, religion, race, language, residence, etc.
- In India, the crime of depredation on territories in peace with the government is covered under Section 126 of the Indian Penal Code. If found guilty of this offence, one could face imprisonment for up to seven years, with or without a fine.
- Attempting to commit crimes that are punishable by imprisonment for life or other imprisonment is considered a crime in India and falls under Section 127 of the Indian Penal Code. If convicted, one could face imprisonment for up to seven years, with or without a fine.

Crimes against the state that are listed in the Indian Penal Code are considered severe and can lead to harsh punishments.⁴

2) Punishments under the Indian Penal Code

The Indian Penal Code provides punishments for different types of criminal offences. The penalties vary depending on the severity of the crimes. Some of the punishments provided for by the Indian Penal Code are given below.

- **Death Penalty:** The death penalty is the most severe form of punishment that the Indian Penal Code awards. It is awarded in cases of serious offences like murder and terrorism.
- **Life Imprisonment:** Life imprisonment is awarded in cases of serious offences like rape and kidnapping. It is awarded in cases where the death penalty is not deemed to be the appropriate form of punishment.
- **Imprisonment:** The punishment of imprisonment is awarded for less serious offences like theft and cheating. It is awarded for a specified period. It can be awarded for at least 24 hours and a maximum lifetime.
- **Fine:** A fine is a monetary penalty that can be awarded for various sorts of offences. The amount of the fine varies depending on the severity of the crime.
- **Community Service:** The offender has to perform a specific number of hours of community service. The punishment of community service is awarded in the case of non-serious offences.
- **Probation:** Probation is awarded in non-serious cases where the offender is a first-time offender. The offender is required to report to the probation officer at specified intervals.
- **Whipping:** The punishment of whipping is awarded in cases of severe offences like molestation and assault. It is an award in addition to imprisonment.

⁴<https://blog.iplayers.in/offences-against-the-state-all-you-need-to-know-about-it/>

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- Forfeiture of Property: The punishment of forfeiture of property is awarded in cases where the offender has acquired the property illegally. The government seizes the property.
- Removal from Service: The punishment for removal from service is awarded to government employees guilty of severe offences like corruption.
- Disqualification: The punishment of disqualification is awarded to offenders who are guilty of electoral malpractice. The offender is disqualified from contesting elections for a specified period.⁵

3) **Classification of Offences**

The Indian Penal Code classifies offences into two categories: cognisable and non-cognisable. Cognisable offences are serious offences. In cases of cognisable offences, the police do not require a warrant to make arrests. Murder, rape, and theft are examples of cognisable offences. Non-cognisable offences are minor offences. In cases of non-cognisable offences, the police require a warrant to make an arrest. Minor assaults and traffic violations are examples of non-cognisable offences. The Indian Penal Code provides different punishments for different types of crimes. For example, theft is punishable by imprisonment for up to three years, while murder is punishable by death or imprisonment for life.

4) **General exceptions under the Indian Penal Code**

The Indian Penal Code specifies punishments for different types of crimes, but it is not necessary that the person who has committed the crime must be punished for it. The General Exceptions under the Indian Penal Code are divided into Excusable Acts and Judicially Justifiable Acts.

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<https://unacademy.com/content/upsc/study-material/law/kinds-of-punishment/#:~:text=Ans-.The%20five%20punishments%20given%20to%20criminals%20in%20India%20are%20death,of%20the%20INDIAN%20PENAL%20CODE.>

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An Excusable Act is an act in which a person has inflicted harm but must be excused because he can not be blamed for acting. For example, a person cannot be held responsible for committing a crime if he is of unsound mind. This is because the guilty reason is absent.

Justifiable acts would have been deemed wrong under normal circumstances, but the conditions under which they were committed make it acceptable—for example, the Act of a Judge.

Section 76 of the Indian Penal Code states that anyone who believes to be bound by law to perform an act because of a mistake of fact and not an error of law cannot be considered an offence.

No act performed by a person can be considered an offence if he has committed the act while believing himself to be justified by law because of a mistake of fact and not a mistake of law.

Section 80 of the Indian Penal Code states that no act can be considered an offence committed by accident and without any criminal intent.

Section 83 of the Indian Penal Code states that no act performed by a child above seven and under twelve can be considered a crime. This is because a child at that age has not attained maturity and does not have knowledge about the consequences of his actions.

Section 84 of the Indian Penal Code states that no act can be considered an offence if a person of unsound mind commits it. The person has to be of unsound mind at the time of the commission of the offence.

Section 85 of the Indian Penal Code states that no act can be considered an offence if it has been committed by someone intoxicated against his will. At the time of the commission of offence, due to intoxication, the person must be incapable of knowing the nature of the act and its consequences.⁶

5) **Role of Police**

⁶<https://blog.ipleaders.in/general-exception-under-ipc/>

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The police play a significant role in investigating and prosecuting offences under the Indian Penal Code. The police are responsible for maintaining law and order and preventing crime. The police have the power to make arrests. The police have the responsibility of collecting evidence and presenting it in Court. The police are also required to protect the rights of the accused. However, the police have been frequently criticised for abusing their power and violating the rights of citizens.

6) **Recent Amendments to the Indian Penal Code**

The Indian Penal Code has undergone several amendments since it was enacted in 1860. The Code has been amended several times to keep up-to-date with changing legal and social norms. The most recent significant modification to the Indian Penal Code was made in 2013, in which offences like stalking and acid attacks were included. This amendment also increased the severity of punishment for crimes like sexual harassment and rape. New digs like disrobing a woman without her consent and voyeurism were also introduced. This amendment was made in response to increased crimes against women in India. It is essential to keep the Indian Penal Code updated to maintain its effectiveness in fighting crime.

7) **Conclusion**

In conclusion, the Indian Penal Code is a critical law that plays a significant role in maintaining law and order in the country and protecting the rights of citizens. The Indian Penal Code has specified different punishments for different types of crimes. It classifies offences into cognisable and non-cognizable offences. The police play a significant role in ensuring justice under the Indian Penal Code. The Judiciary also plays a vital role in ensuring the administration of justice under the IPC. Even though the Indian Penal Code has faced regular criticism for being outdated and not protecting women's rights adequately, it remains a vital law to fight crime in the country.⁷

⁷<https://legodesk.com/legopedia/indian-penal-code/>

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