

Indian Penal Code

The Indian Penal Code is the official criminal code of the Republic of India. It is a complete code intended to cover all aspects of criminal law.

It came into force in 1862 in all British Presidencies, although it did not apply to the Princely states, which had their own courts and legal systems.

To know more about other Legislations in British India, visit the linked article.

History of the Indian Penal Code

The first draft of the Indian Penal Code was prepared by the First Law Commission, chaired by Thomas Babington Macaulay. The draft was based on the simple codification of the law of England, while at the same time borrowing elements from the Napoleonic Code and Louisiana Civil Code of 1825.

The complete drafting of the code was done in 1850 and presented to the Legislative Council in 1856. It was delayed being placed on the statute book of British India due to the Indian Revolt of 1857.

The code came into force on January 1st, 1860 after undergoing many revisions and amendments by Barnes Peacock who would go on to serve as the first Chief Justice of the Calcutta High Court.

Structure of the Indian Penal Code

The Indian Penal Code of 1860 is sub-divided into 23 chapters that comprise of 511 sections. The basic outline of the code is given in the table below:

Indian Penal Code, 1860 (Sections 1 to 511)		
Chapter	Sections covered	Classification of offences
Chapter I	Sections 1 to 5	Introduction
Chapter II	Sections 6 to 52	General Explanations
Chapter III	Sections 53 to 75	Of Punishments
Chapter IV	Sections 76 to 106	General Exceptions of the Right of Private Defence (Sections 96 to 106)

Chapter V	Sections 107 to 120	Of Abetment
Chapter VA	Sections 120A to 120B	Criminal Conspiracy
Chapter VI	Sections 121 to 130	Of offences against the state
Chapter VII	Sections 131 to 140	Of Offences relating to the Army, Navy and Air Force
Chapter VIII	Sections 141 to 160	Of Offences against the Public Tranquility
Chapter IX	Sections 161 to 171	Of Offences by or relating to Public Servants
Chapter IXA	Sections 171A to 171I	Of Offences Relating to Elections
Chapter X	Sections 172 to 190	Of Contempts of Lawful; Authority of Public Servants
Chapter XI	Sections 191 to 229	Of False Evidence and Offence against Public Justice
Chapter XII	Sections 230 to 263	Of Offences relating to coin and Government Stamps
Chapter XIII	Sections 264 to 267	Of Offences relating to Weight and Measures
Chapter XIV	Sections 268 to 294	Of offences affecting the Public Health, Safety, Convenience, Decency and Morals
Chapter XV	Sections 295 to 298	Of Offences relating to religion
Chapter XVI	Sections 299 to 377	Of Offences affecting the Human Body. <ul style="list-style-type: none"> ● Of Offences Affecting Life including murder, culpable homicide (Sections 299 to 311) ● Of the Causing of Miscarriage, of Injuries to Unborn Children, of the Exposure of Infants, and of the Concealment of Births (Sections 312 to 318) ● Of Hurt (Sections 319 to 338) ● Of Wrongful Restraint and Wrongful

		<p>Confinement (Sections 339 to 348)</p> <ul style="list-style-type: none"> • Of Criminal Force and Assault (Sections 349 to 358) • Of Kidnapping, Abduction, Slavery and Forced Labour (Sections 359 to 374) • Sexual Offences including rape and Sodomy (Sections 375 to 377)
Chapter XVII	Sections 378 to 462	<p>Of Offences Against Property</p> <ul style="list-style-type: none"> • Of Theft (Sections 378 to 382) • Of Extortion (Sections 383 to 389) • Of Robbery and Dacoity (Sections 390 to 402) • Of Criminal Misappropriation of Property (Sections 403 to 404) • Of Criminal Breach of Trust (Sections 405 to 409) • Of the Receiving of Stolen Property (Sections 410 to 414) • Of Cheating (Section 415 to 420) • Of Fraudulent Deeds and Disposition of Property (Sections 421 to 424) • Of Mischief (Sections 425 to 440) • Of Criminal Trespass (Sections 441 to 462)
Chapter XVIII	Section 463 to 489 - E	<p>Offences relating to Documents and Property Marks</p> <ul style="list-style-type: none"> • Offences relating to Documents (Section 463 to 477-A) • Offences relating to Property and Other Marks (Sections 478 to 489) • Offences relating to Currency Notes and Bank Notes (Sections 489A to 489E)
Chapter XIX	Sections 490 to 492	Of the Criminal Breach of Contracts of Service
Chapter XX	Sections 493 to 498	Of Offences Relating to Marriage
Chapter XXA	Sections 498A	Of Cruelty by Husband or Relatives of Husband
Chapter XXI	Sections 499 to 502	Of Defamation

Chapter XXII	Sections 503 to 510	Of Criminal intimidation, Insult and Annoyance
Chapter XXIII	Section 511	Of Attempts to Commit Offences

Review of the Indian Penal Code Post-Independence

The Indian Penal Code is the longest-serving criminal code in the world at 150 years. Although it was considered way ahead of its time in 1860, it has been unable to keep up with the needs of the 21st century.

Even though the IPC has been haphazardly amended more than 75 times, no comprehensive revision has been undertaken in spite of the 42nd report of the law commission in 1971 recommending it — the amendment bills of 1971 and 1978 lapsed due to the dissolution of the Lok Sabha. As such it has undergone many amendments that have been ad hoc and reactive in nature.

The nature of the Indian Penal Code has been highlighted as that one of 'Master and Servant', with some of the provisions having no place in Independent India. Some of the sections that need reform and review are as follows:

1. A re-examination of the sedition law, inserted in 1898, is necessary.
2. The offence of blasphemy should have no place in a liberal democracy and, therefore, there is a need to repeal Section 295A, which was inserted in 1927.
3. A criminal conspiracy was made a substantive offence in 1913. The offence is objectionable because it was added to the code by the colonial authorities to deal with political conspiracies.
4. Under Section 149 on unlawful assembly, the principle of constructive liability is pushed to unduly harsh lengths.
5. Sexual offences under the code reveal patriarchal values and outdated Victorian morality. Though the outmoded crime of adultery gives the husband sole proprietary rights over his wife's sexuality, it gives no legal protection to secure a similar monopoly over the husband's sexuality.