

Indian Penal Code (IPC) – UPSC Notes

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 first draft of the Code was presented before the Governor-General in council in the year 1837, but subsequent revisions and amendments took two more decades. 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.

Before the advent of the British, the penal law prevailing in India, for the most part, was the Muhammedan law. For the first few years of its administration, the East India Company did not interfere with the criminal law of the country and although in 1772, during the administration of [Warren Hastings](#), the Company for the first time interfered, and henceforth till 1861, from time to time, the British Government did alter the Muhammedan law, yet up to 1862, when the Indian Penal Code came into operation, the Muhammedan law was undoubtedly the basis of the criminal law excepting in the presidency towns. The epoch of the administration of Muslim criminal law in India extended for a considerable period and has even supplied many terms for the vocabulary of Indian law.

Structure of the Indian Penal Code

The IPC in its various sections defines specific crimes and provides punishment for them. It 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	<p>Of Offences affecting the Human Body.</p> <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 Confinement (Sections 339 to 348) • 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)

		<ul style="list-style-type: none"> • 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	Offences relating to Documents and Property Marks <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

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Crimes against the Human Body

These offences are provided for in Chapter XVI of the Code spanning from Section 299, which deals with culpable homicide to Section 377, which deals with unnatural offences.

The chapter deals with all kinds of offences which can be committed against the human body, from the very lowest degree i.e. simple hurt or assault to the gravest ones which include murder, kidnapping and rape.

Crimes against Property

These crimes are defined and punished under Chapter XVII and range from Section 378 which defines theft, to Section 462 which prescribes punishment for the offence of breaking upon an entrusted property. The offences that are dealt with under this chapter include, among others, theft, extortion, robbery, dacoity, cheating and forgery.

Crimes against Public Tranquillity

The definitions and punishment for this category of offences are provided in Chapter VIII which ranges from Section 141 to 160. This chapter lays down the acts which are considered to be criminal in nature because they disturb and destroy public tranquillity and order. This chapter includes offences like being a member of an unlawful assembly, rioting and affray.

Offences against the State

Chapter VI, which deals with offences of this nature, and includes Sections 121 to 130 are some of the most rigorous penal provisions of the entire code. This includes the offence of waging war against the state under Section 121 and the much-debated, criticised and abused offence of Sedition under Section 124A. The offence defined under this Section has been much maligned as it was used by the British to prosecute many freedom fighters; it has also been used post-independence to silence critics of the government and continues till date which is why many experts advocate repealing the same.

General Exceptions

Sections 76-106 (Chapter IV) embody the general exceptions which are basically exceptional circumstances where the offender can escape criminal liability. A basic example in this context is the Right of Private Defence (Section 96-106). Other concepts that are elaborated upon in this chapter include Insanity, Necessity, Consent and acts of children below a certain age.

Debated Provisions of the IPC

The IPC has been successful by and large in its attempt to prosecute and punish individuals who commit the crimes that are defined in this Code, but like Sedition there have been certain other provisions which have invited scrutiny time and again. Some of these provisions are as follows:

Unnatural Offences-Section 377

This Section, among other things, punished consensual sexual acts between consenting adults belonging to the same sex. With the advent of time, there were a number of voices that advocated for the decriminalisation of this part which punishes homosexuality. The Supreme Court, finally in the case of Navtej Johar, obliged and decriminalised the portion of this Section which punished consensual acts of this nature.

Read more on [Section 377](#).

Attempt to Commit Suicide - Section 309

This Section prescribed punishment of up to one year for attempting suicide. There is a longstanding recommendation of the Law Commission to decriminalise attempting suicide by dropping Section 309 from the statute books. But the amendment to this effect has not been carried, albeit, the use of the provision has minimised, by the coming into force of the Mental Healthcare Act, 2017.

As per non obstante clause contained in Section 115(1) of the Mental Healthcare Act, 2017, there is the presumption of severe stress on a person who attempted suicide and such person is not to be punished under Section 309 IPC.

But the reports about the use of Section 309 IPC are not unknown and continue to be reported from almost all the parts of the country. As such, it is the need of the hour that the police authorities should be sanitised about the issue.

Adultery - Section 497

This Section, which criminalised and prescribed punishment, was criticised for treating a woman as the private property of her husband and imposing moral principles on married couples. This Section was finally

struck down by the Supreme Court in September 2018 while disposing of the case of Joseph Shine v. Union of India. **Watch a video lecture on the adultery judgement below:**

<https://www.youtube.com/watch?v=P4pBDxV9bd4>

The Code also provides for imposing the death penalty in certain offences like murder, rape and waging war against the government. Several human rights groups call for the abolition of the death penalty citing data to suggest that the imposition of this punishment, in addition to being arbitrary, is also against the very human rights of the offender.

Review of the Indian Penal Code Post-Independence

IPC as a statute has survived and flourished over the last 160 years, which speaks volumes about its effectiveness as a penal code of high stature. However, over these years it has not been able to shed away some of its provisions that reek of colonialism e.g. sedition. The Malimath Committee report while advocating criminal justice reforms has provided the Parliament with an opportunity to revamp the Code and other criminal laws. It has been 17 years since the submission of the report and no concrete steps have been taken in this respect. It is about time that the legislature steps in to make the Code more in sync with modern times than with the times of British colonialism. It does not reflect well on the legislature when the apex court intervenes and strikes off laws because it is the job of the legislature to do so in the first place.

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.

