

Criminal Law - I
Revised Syllabus (2008)

Criminal Law – I: Crime and Punishment

Objectives

Unlike the Common Law of crimes in the United Kingdom, the Indian Criminal Laws are in the codified form. The Indian Penal Code 1860 is the main substantive criminal Law code of the land. Apart from the Penal Code the substantive law can also be located in several special and local penal statues as well. The Penal Code comprises of a wide range of measures arranged in section form (running into 511sections) devoted to general issues, range of punishments and their applicability, liability negating conditions, elements of diverse types of offences and the sanctions thereof etc. Though the Penal Code accords recognition to most of the Common Law general principles of criminal liability, these principles have to be understood in the light of the specific codified provisions only. Thus, the Course aims at introducing the essential features of the substantive criminal Law of the land to the pupil, both in terms of the general principles and also the select specific offences.

Units

1) General Issues Relating to Criminal Liability

(07)

- 1.1 Concepts of liability (Tortious / Contractual / Criminal)
- 1.2 Elements of Criminal Liability –**Actus Reus Mens rea**
- 1.3 **Concurrence (Actus non facit reum nisi mens sit rea)**.
- 1.4 Applicability of Indian Penal Code (Territorial / Personal)
- 1.5 Emerging trends to impose liability without 'mens rea'

2) Inchoate (Incomplete) Crimes

(05)

- 2.1 Stages in commission of Crimes-
 - 2.1.1 Intention
 - 2.1.2 Preparation
 - 2.1.3 Attempt
 - 2.1.4. Commission
- 2.2 Tests determining what constitutes attempt
- 2.3 Impossible attempt

- 2.4 Abetment
- 2.5 'Conspiracy'

3) Offences against Human Body (10)

- 3.1 Culpable Homicide
- 3.2 Murder
- 3.3 Hurt and Grievous Hurt
- 3.4 Wrongful Restraint and Wrongful Confinement
- 3.5 Assault & Criminal force
- 3.6 Kidnapping and Abduction
- 3.7 Rape

4) Offences against Property (08)

- 4.1 Theft
- 4.2 Cheating
- 4.3 Extortion
- 4.4 Robbery and Dacoity
- 4.5 Criminal Misappropriation and Criminal Breach of Trust
- 4.6 Mischief
- 4.7 Forgery

5) Group Liability (05)

- 5.1 Common Intention (Section 34 IPC)
- 5.2 Common Object (Section 149 IPC)
- 5.3 Instigation, Conspiracy & Intentional Aiding (Section 107-120 IPC)

6) Conditions **Negating Criminal Liability (10)**

- 6.1 Mistake of Fact and Mistake of Law (Sections 76 & 79)
- 6.2 Accident (Section 80)
- 6.3 Necessity (Section 81)
- 6.4 Act of Child (Sections 82-83)
- 6.5 Insanity and Intoxication (Sections 84-86)
- 6.6 Consent (Section 87-90)
- 6.7 Private Defence (Sections 96-106)

Tutorial (05)

Total (50)

Suggested Readings:

Nigam, R.C., *Principles of Criminal Law*

Gaur, K.D., *A Text Book on Criminal Law*

Ratanlal & Dhirajlal, *The Indian Penal Code*, Wadhwa Publications, Nagpur

Kennys, *Outlines of Criminal Law*, 19th Edition

Smith and Hogan, *Criminal Law*, 10th Edition

Hari Singh Gaur, *Penal Law of India*

Note: Students are expected to read latest journals, periodicals, reports and articles to keep abreast with the recent trends and developments in this area of Law.