



**NATIONAL LAW UNIVERSITY AND JUDICIAL ACADEMY, ASSAM**

**PROGRAMME: B.A., LL.B (HONS.) FYIC**

**DETAILS OF COURSE OFFERED**

**ODD SEMESTER (III) – ACADEMIC YEAR :.....**

<b>SL. NO</b>	<b>COURSE CODE</b>	<b>COURSE TITLE</b>	<b>L</b>	<b>T/P</b>	<b>CR</b>	<b>CH</b>
<b>1</b>	<b>306</b>	<b>LAW OF CRIMES: PENAL CODE</b>	<b>4</b>	<b>1</b>	<b>4</b>	
			<b>PER WEEK</b>	<b>PER WEEK</b>		

- A. CODE AND TITLE OF THE COURSE: 306, LAW OF CRIMES: PENAL CODE**
- B. COURSE CREDIT: 4 (TOTAL MARKS : 200)**
- C. MEDIUM OF INSTRUCTION: ENGLISH**
- D. COURSE COMPILED BY: MS. NIKITA BAROOAH , ADJUNCT FACULTY OF LAW**
- E. COURSE INSTRUCTOR: MS. NIKITA BAROOAH , ADJUNCT FACULTY OF LAW**

## 1. COURSE OBJECTIVES

The main purpose of law is establishing standards, maintaining order, resolving disputes and protecting the rights and liberties of the people. Criminal law is that branch of law that relates to crime and its importance lies in the fact that mankind relies on it as the greatest protection against injuries inflicted on it by individuals and institutions. It maintains law and order by inflicting punishment on the ones that do not abide by it which is different from civil law where the prescription is compensation or damages. *Indian Penal Code, 1860* is the comprehensive Code in India that covers all the substantive aspects of criminal law in the country and is a general Penal Code for India.

To conclude these objectives in more precise form which are as follows:

- i. To introduce a general understanding of the underlying principles and significance of Criminal law *vis-a-vis The Indian Penal Code, 1860*.
- ii. To familiarize students with the general principles of crime, offences and the punishments provided for each offence in *The Indian Penal Code, 1860*.
- iii. To identify offences and punishments and apply appropriate precedents and case laws to them.
- iv. To enable the students to critically examine case-laws and <sup>[11]</sup><sub>[SEP]</sub>discourses on law related to the offenses in *The Indian Penal Code, 1860*.
- v. To develop the skill to organize thoughts coherently and present them in a persuasive manner.
- vi. To study the basics of criminal law and enhance their ability to reflect on few issues that need to be studied beyond definitions.
- vii. To enable the students to have a profound understanding of offences and thereby interpreting the provisions and applying them to real life situations and practice in Courts.
- viii. Critically analyse complex issues arising out of the provisions in *The Indian Penal Code, 1860*.

## 2. TEACHING METHODOLOGY

The teaching methodology shall comprise of Lecture method, Discussion and Assignments. This aims at involving the students in class discussions on offences, punishments, legal principles and precedents. Assignments shall be allotted and the topic of the project or the assignment shall be informed in advance to the students. The list of authorities is not exhaustive and they are encouraged to research independently and avail other sources for enhancing the quality of work. The students shall present orally the topic of their assignment and the teacher shall summarize the same and forward critical reflections if any.

## 3. COURSE OUTCOMES

At the completion of the course it is expected that the students shall :

- Understand the nuances of the various offences and punishments in the *The Indian Penal Code, 1860*.
- Develop critical thinking and articulate opinions on the significant, controversial and current provisions of *The Indian Penal Code, 1860*.
- Be able to interpret the provisions and apply them to real life situations so that they can enhance their skills for building a career in criminal litigation .
- Acquire the skill of analytical in-depth research with respect to the provisions of *The Indian Penal Code, 1860* in order to publish articles.
- Understand the offences and the legal control mechanisms to combat such offences thereby making them skilled in interpreting the provisions and applying them in criminal cases.

## 4. COURSE EVALUATION METHOD

The course shall be assessed for 200 marks. The Evaluation scheme would be as follows:

**Internal assessment: 70% (140 marks)**

**External assessment: 30% (60 marks)**

Sl. No.	Internal Assessment	
1.	2 Assignments	2 x 20 marks = 40 marks
2.	Seminar/Group Discussion	20 marks
3.	Class Test (Twice in a Semester)	2 x 35 marks = 70 marks
4.	Attendance in Class	10 marks
5.	Semester End Examination	60 marks

## **5. DETAILED STRUCTURE OF THE COURSE (SPECIFYING COURSE MODULES AND SUB-MODULES)**

### **MODULE I**

#### **Concept of Crime:**

- Concept of Crime; Definition of Crime; Elements of Crime .

#### **Principles of Criminal Liability:**

- Actus Reus; Mens Rea: Knowledge, Intention, Motive, Negligence and Recklessness; Mens Rea in the Indian Penal Code.

#### **Crimes of Strict Liability**

#### **Vicarious Liability**

- Liability under the Indian Penal Code; Liability of Corporations.

#### **Joint Liability**

- Common Intention (Sections 34 IPC)
- Common Object (Section 149 IPC)
- Unlawful Assembly (Section 141 IPC)
- Rioting (S.146)

### **MODULE II**

#### **Stages of Crime**

- Intention, Preparation, Attempt, Commission.

## **Inchoate Crime**

- Criminal Attempt,
- Abetment,
- Criminal Conspiracy;
- Tests for determining what constitutes Attempt.

## **Salient Features of the Indian Penal Code**

### **Punishments (Sections 53 -75)**

## **MODULE III**

### **General Exceptions.**

- Mistake of Fact (S. 76, 79),
- Accident (S.80), Infancy (S. 82-83)
- Insanity (S.84), Intoxication (S. 85-86)
- Judicial Act (S.77, 78)
- Necessity (S.84)
- Consent (S.87-89; S. 92)
- Communication (S.93)
- Duress (S.94)
- Triviality (S.95)
- Private Defence (S.96-106)

### **Offences against Human Body**

- Hurt ( S.319 - 326; S. 326A - 326B IPC)
- Culpable Homicide (S.299),
- Murder (S.300)
- Death by Rash or Negligent Act (S. 304 A)
- Suicide (S. 309)
- Being Thug (S. 310).

### **Offences Affecting Freedom and Dignity of a person**

- Wrongful restraint (S. 339)
- Wrongful confinement (S.340)
- Criminal force (S. 350)

- Criminal Assault (S.351)
- Kidnapping (S. 359- 361)
- Abduction (S. 362 IPC)

## **MODULE IV**

### **Offences Against Women**

- Assault or Criminal force with intent to outrage modesty (S.354, 354A- 354D IPC)
- Trafficking (S. 370-370A IPC)
- Rape (S. 375-376, 376A-376E IPC)
- Dowry Death (S. 304B IPC)
- Cruelty by husband or his relatives (498A IPC)

### **Offences Against Property**

- Theft (S. 378-382 IPC)
- Extortion (S. 383-389 IPC)
- Robbery (S. 390 IPC)
- Dacoity (S. 391 IPC)
- Criminal Misappropriation of Property (S. 403-404 IPC)
- Criminal Breach of Trust (S. 405 IPC)
- Cheating (S. 415-420 IPC)
- Mischief (S. 425-426 IPC)
- Criminal Trespass (S. 441,447 IPC)
- House Trespass (S.442, 448-452 IPC);
- Lurking House Trespass(S.443-444, 453 IPC)
- House breaking (S.445-462 IPC).

## **6. PRESCRIBED READINGS**

- KI Vibhute, *PSA Pillai's Criminal Law*, (13<sup>th</sup> edn, Lexis Nexis, 2017)
- Ratanlal & Dhirajlal *The Indian Penal Code* (36<sup>th</sup> edn, LexisNexis, 2020)
- K.D. Gaur, *Criminal Law -Cases and Materials* (9<sup>th</sup> edn. LexisNexis, 2019)
- R.C. Nigam, *Law of Crimes In India* (Vol 1 London: Asia Pub. House, 1965)
- K.D. Gaur, *Textbook on the Indian Penal Code* (7th ed. LexisNexis, 2020)

- S.N. Mishra, *Indian Penal Code (With the Criminal Law (Amendment) Act, 2018*, (21<sup>st</sup> edn, Central Law Publishers 2018).
- Prof. N.V. Paranjape, *Criminology & Penology With Victimology*, 16<sup>th</sup> edn (Rep) Central Law Publications 2014)
- **NOTE:** Students are required to read the latest journals, periodicals, reports and articles to keep abreast with the developments in this area of law.

### **Law Commission of India Reports**

- 29<sup>th</sup> Report (1966) on “Proposal to include certain Social and Economic Offences in the Indian Penal Code
- 35<sup>th</sup> Report (1966) on “ Capital Punishment.”
- 42<sup>nd</sup> Report (1971) on “ Indian Penal Code .”
- 47<sup>th</sup> Report (1972) on “The Trial and Punishment of Social and Economic Offences .”
- 84<sup>th</sup> Report on “ Rape and allied offences- some questions of substantive law, procedure and evidence.”
- 91<sup>st</sup> Report on “Dowry deaths and law reform: Amending the Hindu Marriage Act, 1955, the Indian Penal Code, 1860 and the Indian Evidence Act, 1872 .”
- 172<sup>nd</sup> Report on “Review of Rape laws ”
- 202<sup>nd</sup> Report on “Proposal to amend Section 304-B of the Indian Penal Code .”
- 210<sup>th</sup> Report (2008) on “ Humanisation and Decriminalisation of Attempt to suicide”
- 226<sup>th</sup> Report (2009) on “ Inclusion of Acid attacks as Specific offences in the Indian Penal Code and a law for Compensation for Victims .”
- 241<sup>st</sup> Report (2012) on “ Passive Euthanasia .”
- 243<sup>rd</sup> Report (2012) on “ Section 498-A Indian Penal Code (IPC).”
- Report of Justice Verma Committee on the Criminal Law Amendments.

## **Statutes**

Indian Penal Code, 1860

The Criminal Law (Amendment) Act, 2013

The Criminal Law (Amendment) Act 2018

Protection of Women from Domestic Violence Act, 2005

Protection of Children from Sexual Offences Act, 2012

The Dowry Prohibition Act, 1961

## **Cases<sup>[1]</sup><sub>SEP</sub>:**

*State of Maharashtra v. Mayor Hans George* AIR 1965 SC 722

*Nathulal v. State of Maharashtra* AIR 1966 SC 43

*Chairman, Railway Board v. Chandrima Das* (2000) 2 SCC 465

*Ravula Hari Prasad Rao v. State* AIR 1951 SC 204

*Union Carbide Corporation v. Union Of India* AIR 1992 SC 248

*PandurangTukia v. State of Hyderabad* AIR 1955 SC 216

*Shiv Prasad v. State of Maharashtra* AIR 1965 SC 264

*BanwariLal v. State of U.P.* AIR 1962 SC 1198

*Mahboob Shah v. Emperor* AIR 1945 PC 118

*RasodeoPande v. State of U.P.* AIR 1955 SC 334

*Moti Das v. State of Bihar* AIR 1954 SC 657

*Barendra Kumar Ghosh v. Emperor* AIR 1925 PC 1

*Musakhan v. State of Bihar* (1977)1 SCC 733

*MuthuNaicker v. State of Tamil Nadu* (1978) 4 SCC 385

*RanbirYadav v. State of State of Bihar* 1995 (4) SCC 392



*Bachan Singh v. State of Punjab* (1980) 2 SCC 684

*Machhi Singh v. State of Punjab* (1983) 3 SCC 470

*Modi Ram v. State of M.P.* (1972) 2 SCC 630

*Sunil Batra v. Delhi Administration* (1978) 4 SCC 494

*Mohd. Munna v. Union of India* (2005) 7 SCC 417

*Dhananjay Chatterjee v. State of West Bengal* (1994) 2 SCC 220

*M.H. Hoskot v. State of Maharashtra* (1978) 3 SCC 544

*Faguna Kanta Nath v. State of Assam* AIR 1959 SC 673

*State (NCT of Delhi) v. Navjot Sandhu* (2005) 11 SCC 600

*Gian Kaur v State of Punjab* (1996) 2 SCC 648

*Gurbachan Singh v. Satpal Singh* (1990) 1 SCC 445

*Bimbadhar Pradhan v. State of Orissa* AIR 1956 SC 469

*Sarju Prasad v. State of Bihar* AIR 1965 SC 843

*Sunil Kumar v. NCT of Delhi* (1998) 8 SCC 557

*Om Prakash v. State of Punjab* AIR 1961 SC 1782

*Subodh Tewari v. State of Assam* 1988 CrLJ. 228

*State of W. B v. Shew Mangal Singh* (1981) 4 SCC 2

*Gogaraju v. State of A.P.* (1981) 3 SCC 132

*Raj Kapoor v. Laxman* (1980) 2 SCC 175

*Patreswar v. State of Assam* 1989 Cr.L J 196 (Gau)

*Katcharia Venkata Sunil v. Dr. Venguru Sheshumamba* 2008 CrLJ 853 (AP)

*Nathulal v. State of M.P.* AIR 1966 SC 43

*State of Maharashtra v. Mayer Hans George* AIR 1965 SC 722

*Hiralal Malick v. State of Bihar* (1977) 4 SCC 44

*Dayabhai v. State of Gujarat* AIR 1964 SC 1563

*State of M.P. v. Ahmadulla* AIR 1961 SC 998

*Basdev v. State of Pepsu* AIR 1956 SC 488

*Babu @ Mubarak Hussain v. State of Rajasthan* AIR 2007 SC 697

*Harpal Singh v. State of Himachal Pradesh* (1981)1 SCC 560

*Veeda Menzes v. Yusuf Khan* AIR 1966 SC 1773

*Laxman Singh v. Poonam Singh* AIR 2003 SC 3204

*Krishna v. State* AIR 2007 SC 2452

*DeoNarain v. State of U. P.* (1973) 1 SCC 347

*KashmiraLal v. State of Punjab* 1996 (10) SCC 471

*Amjad Khan v. State of Madhya Pradesh* AIR 1952 SC 165

*Gajanand v. State of U.P.* AIR 1954 SC 695

*Kartar Singh v. State of Punjab* AIR 1961 SC 1787

*Krishnan v State of Tamil Nadu* 2006 CrLJ 3907 SC

*Yogendra Moraji v State of Gujarat* (1980) 2 SCC 218

*State of A.P. v. RayavarapuPunnaya* (1976) 4 SCC 382

*Mahesh Balmiki v. State of Madhya Pradesh* (2001) 1 SCC 319

*Kashmira Singh v. State of Madhya Pradesh* AIR 1952 SC 159

*Jayaraj v. State of Tamil Nadu* (1976) 2 SCC 788

*Syed Akbar v. State of Karnataka* (1980) 1 SCC 30

*Jacob Mathew v. State of Punjab* (2005) 6 SCC 1

*EdigaAnammav v. State of A.P.* (1974) 4 SCC 443

*Keshub Mahindra v. State of M.P.* (1996) 6 SCC 129

*AnwarulHaq v. State of U.P.* (2005) 10 SCC 581

*RajuPandurangMahale v. State of Maharashtra* (2004) 4 SCC 371

*Ram Das v. State of Bengal* AIR 1954 SC 711

*ChandrikaRao v. State of Bihar* AIR 1967 SC 170

*ThakorLal v. State of Gujarat* (1973) 2 SCC 413

*Parkash v. State of Haryana* (2004) 1 SCC 339

*Vishwanath v. State of Uttar Pradesh* AIR 1960 SC 67

*Jacob George (Dr.) v. State of Kerala* (1994) 3 SCC 430

*State of Punjab v. Major Singh* AIR 1967 SC 63

*RajuPandurangMahale v. State of Maharashtra* (2004) 4 SCC 371

*Ram Murti v. State of Haryana* (1970) 3 SCC 21

*Madho Ram v. State of U.P.* (1973)1 SCC 533

*Ramesh v. State of Maharashtra* AIR 1962 SC 1901

*State of H.P. v. Asha Ram* (2005) 13 SCC 766

*KameshPanjiyar v. State of Bihar*(2005) 2 SCC 388

*Shanti (Smt) v. State of Haryana* (1991) 1 SCC 371

*Satvir Singh v. State of Punjab* (2001) 8 SCC 633

*ArunVyas v. Anita Vyas* (1999) 4 SCC 690

*Girdhar Shankar Tawade v. State of Maharashtra* (2002) 5 SCC 177

*Naz Foundation v. Govt. of NCT of Delhi & Others* (2009)160 DLT 277

*Suresh Kumar Koushal v. Naz Foundation* (2014) 1 SCC 1

*Navtej Singh Johar v. Union of India* (2018) 10 SCC 1

*K.N. Mehta v. State of Rajasthan* AIR 1957 SC 369

*Gursharan Singh V. State of Punjab* (1996)10 SCC 190

*Harish Chandra v. State of U. P.* (1976) 2 SCC 795

*ShyamBehari v. State of U.P.* AIR 1957 SC 320

*Indian Oil Corporation. V. NEPC India Ltd.* (2006) SCC 736

*Sardar Singh v. State of Haryana* (1977) 1 SCC 463

*VeljiRaghavji Patel v. State of Maharashtra* AIR 1965 SC 1433

*State of Kerala v. A. P. Pillai* (1972) 3 SCC 661

*Suryalakshmi Cotton Mills v. Rajvir Industries Ltd* (2008) 13 SCC 678

*Mubarik Ali Ahmed v. State of Bombay* AIR 1957 SC 857

*Keshub Mahindra v State of M.P.* (1996) 6 SCC 129

*Olga Tellis v. Bombay Municipal Corpn.* (1985) 3 SCC 545

*Vidhyadharan v. State of Kerala* (2004) 1 SCC 215

*Brij Mohan v. State of Rajasthan* (1994) 1 SCC 413

*SarlaMudgal v. Union of India* (1995) 3 SCC 635

*L. Obulamma v. L. VenkataReddi* (1979) 3 SCC 80

*Joseph Shine v. Union of India* (2019) 3 SCC 39