

Core Course 102: CRIMINAL LAW PAPER – I (GENERAL PRINCIPLES OF CRIMINAL LAW)

Objective of the course:

The Indian society has changed very rapidly since independence. A proper understanding of crimes, methods of controlling them and the socio-economic and political reasons for their existence is now extremely important in the larger context of India's development. If students are to use their knowledge and skills to build a just and humane society. The curriculum outlined here attempts to bring in these new perspectives.

1. General:

- a. Conception of Crime, Stages of Crime, (including Section 511) Mens Rea
- b. Applicability of the Indian Penal Code: Intra-Territorial Jurisdiction and Extra-Territorial Jurisdiction
- c. General Explanations: Public Servant, Wrongful Gain, Wrongful Loss, Valuable Security, Harbour
- d. Group Liability
 - i. Common Intention
 - ii. Criminal Conspiracy
- e. Abetment

2. Punishments

- a. Theories of punishment
- b. Kinds of Punishment:
 - i. Death Sentence: Constitutionality & Judicial Approach
 - ii. Life Imprisonment
 - iii. Imprisonment: Simple and Rigorous, Solitary Confinement
 - iv. Forfeiture of Property
 - v. Fine: Rules imposing fine
- c. Discretion in awarding punishment

3. General Defenses:

- a. Mental Incapacity, Minority, involuntary intoxication and Insanity as a defence
- b. Right of Private Defence: Justification and limits
- c. When private defence extends to causing of death to protect body and property?
- d. Necessity
- e. Mistake of facts

4. Offences Relating to Public Tranquility :

- a. Unlawful Assembly
- b. Rioting
- c. Affray
- d. Common Object
- e. Distinction between Common Object & Common Intention

5. Offences against State, giving of false evidence, etc.:

- a. Offences against State :
 - a. Waging war against the Government of India etc.
 - b. Sedition
- b. Giving/fabricating false evidences : Offences & Punishment
- c. Offences relating to election
- d. Offences by or against Public Servants

Suggested Reading:

- 1. Kenny's Outlines of Criminal Law – Universal Law Publishing Co. Russell on Crime – Universal Law Publishing Co. (2 Volumes)
- 2. K. D. Gaur, Criminal Law Cases and Materials, Butterworths, India
- 3. Ratanlal & Dhirajlal's Indian Penal Code Butterworths Wadhwa, Nagpur
- 4. K. D. Gaur, A text Book on the Indian Penal Code, Universal Delhi.
- 5. P. S. Achuthan Pillai, Criminal Law Eastern Book Co.,
- 6. B. M. Gandhi , Indian Penal Code, Eastern Book Co,