

## PREFACE

The Indian Penal Code was placed on the Statute Book of India only in 1860 though the draft of the Code was finished in 1837 by Macaulay. It came into force on January 1, 1862, replacing the unsatisfactory Regulations on criminal law which then existed in British India.

From January 1, 1862, to December 31, 1961, for hundred years, and after, the Indian Penal Code has been the basic criminal law of the Indian sub-continent. A legislation of such far-flung application and significance should naturally be expected to provoke encomium and criticism. Though amended on more than fifty occasions, it still is the old code and has many a provision which have provoked adverse criticisms, among others, on the score of inadequate definition of offences, slightly out-moded bases for punishment and a trifle anachronistic importance given to wrongs against property.

The appropriateness, therefore, of inviting the attention of the students of law in India to the working of the Indian Penal Code was obvious. Thanks to the academic insight of Dr. C. D. Deshmukh, the then Chairman of the University Grants Commission and his successor, Dr. D. S. Kothari, and the timely support and co-operation of the University of Osmania and its Vice-Chancellor, Shri D. Sadasiva Reddy, and the Dean of the Faculty of Law, Professor G. C. V. Subba Rao, the Indian Law Institute was able to conduct an All India Seminar on this subject in the summer of 1961 at Hyderabad.

All the States of India except Assam, Jammu and Kashmir and West Bengal were represented at that Seminar through Judges, Law Officers, Law Teachers and Advocates. Fifteen Universities of India were represented. Altogether thirty-one participants attended the Seminar.

The genesis of the present volume is the Working Paper, which the Institute got prepared to form the basis of the deliberations of the Hyderabad Seminar. Prof. Balasubrahmanyam of the Madras Law College and Prof. R. B. Tewari of the Allahabad University, assisted by Mr. D. C. Pandey, Assistant Professor, Faculty of Law, Lucknow University and Mr. K. D. Gaur, prepared the Working Paper.

At the seminar the substantive law of crimes in India received a detailed analysis. The importance of improvement in the penal law to successfully serve a society which is also changing its perspective

regarding values was realised by the seminar. For example, offences which are a concomitant of the modern urbanised society like white-collar crimes were lively subjects of deliberation at the seminar.

After the Seminar, the Institute's endeavour was to revise and enlarge the Working Paper by incorporating further studies that would adequately cover the developments and tendencies indicated above and to have the entire material properly edited for publication. However, because of various reasons it was not possible to do the revision to our entire satisfaction.

The contributions, to this volume, of Mr. Eric Banerji, Reader, Punjab University Law College, Chandigarh and Dr. Tapas Kumar Banerjee, Advocate and Lecturer, University College of Law, Calcutta, are gratefully acknowledged. Thanks are due to Shri Atul Patra, Junior Law Officer, Law Commission, Government of India, for giving his consent to include in this volume an essay he wrote for the Journal of the Indian Law Institute. Dr. R. B. Tewari's contributions included in this book could not be much revised because of his illness. But the Institute is thankful to Dr. Tewari for making his chapters available inspite of illness and other difficulties. Prof. Balasubrahmanyam of the Madras Law College not only contributed, as is apparent, portions of the actual material that has gone into this book but has also assisted in the preparation of the volume and corrected the proofs. Special thanks are due to him.

Shri S. Govindarajulu, Vice-Chancellor, Sri Venkateswara University, a well-known teacher of criminal law kindly consented to edit for publication the entire material that was collected. The arduous task of an editor often goes unnoticed. Out of the available material Shri Govindarajulu has selected and arranged the present essays which reflects his experience and erudition in the field of criminal law. The Institute is grateful to Shri Govindarajulu for his service in this regard amidst his various other pressing engagements.

Without the persistent piloting of the whole project by the Law Institute's Executive Chairman, Shri B. Jagannadhadas, Retd. Judge, Supreme Court, this volume would not have been published at this time. It would be presumptuous on my part to thank him.

It is hoped that the significance of the various issues raised in the following pages will provide an inducement for subsequent studies on this subject in India.

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