

P R E F A C E

One of the bodies that early recognised the usefulness of the Indian Law Institute to work as a pioneer in the academic study of law in India was the University Grants Commission, thanks to Dr. C.D. Deshmukh its then Chairman and Prof. Samuel Mathai, its Secretary. This recognition has enabled the Institute to sponsor some of the topically significant legal subjects before the juristic world of India through a collaborating University. Last year the subject was Indian Administrative Law and the collaborating University was the Mysore University. This year the subject is the substantive aspects of Indian criminal judicial administration and the University of Osmania is collaborating with the Institute.

The Indian Penal Code which completes a century of its coming into force on January, 1950 forms the main subject for the Seminar this year. This Working Paper is the basis for its deliberations.

This paper takes up certain selected areas in substantive criminal law which are deemed relatively important. Considering the time at the disposal of the Seminar a selection was inevitable. However, it is hoped that the following ten chapters and especially the last which draws the attention of the Seminar to certain vital aspects of the thrust of modern penal law beyond the boundaries of the Indian Penal Code, are sufficient to result in a significant contribution of permanent value if only they could draw out the creative and constructive response of the distinguished participants of the Seminar. In the light of such response it is the aim of the Institute to conduct in future detailed research in those areas recommended by the Seminar. This paper will however be revised and published on the eve of the centenary mentioned above.

The Working Paper has been prepared by Prof. V. Balasubrahmanyam of the Madras Law College and Prof. R.B. Tewari of the Allahabad University assisted by Mr. D.C. Sandey, Assistant Professor, Faculty of Law, Lucknow University and Mr. K.D. Gaur. They were available for this assignment only after the summer vacation had begun and the paper had to be prepared in a relatively short period. Thanks are due to them for their valuable co-operation which was readily extended in the trying climate of Delhi summer.

It is necessary to make special mention of the help that the Ford Foundation did in making available to the Institute all the 11 volumes of the Tentative Drafts of the Model Penal Code of the U.S.A. This was possible only because of the interest that Prof. Ralph F. Fuchs our Visiting Professor and Mr. John B. Howard, Director of the International Training and Research Program, Ford Foundation, New York, took in the matter.

A.T. Markose
Research Director.

June, 1961.