

PREFACE

While introducing *Essays on the Indian Penal Code* in 1962, the late Prof. S. Govind Rajulu wrote:-

But all the books that we have on the Indian Penal Code, barring a very few are commentaries or cram books of the type already referred to. Treatises on English Criminal Law are of little help because the framers of the Code attempted to eliminate all the inconsistencies and illogicalities of the English criminal law and sought to produce a new Code, which did not wholly follow any system of law that was contemporary. There is, therefore, great need for learned writings on the subject of criminal law.

Taking the cue from this call, there has been a lot of writing on different topics of the Indian criminal law since 1962. Some are textbooks; some commentaries and others cram-books. Casebooks have, comparatively speaking, been very rare. General principles of criminal law are being taught not separately from the general part of the IPC at the LL.B. level. Nor are they taught through analysis of cases decided by the Supreme Court or high courts. Instead, criminal law - both general part and specific crimes of IPC is being taught mainly with the help of commentaries on the relevant provisions of the IPC. As a result of this mode of teaching, criminal law came to be looked upon as a discipline, which could be learned without much effort for identifying or explaining the various theories underlying the provisions. In other words, the tendency in India has been to look upon scholarship in criminal law as an ability to interpret the various provisions of the IPC with the help of various rules of interpretation and cases decided by the Privy Council, various high courts right from the enactment of IPC and the Supreme Court since its establishment. Theoretical discourse in criminal law was confined to the various theories of punishment and the causes of crime and this part was traditionally considered to be part of criminology and penology, a subject which was optional in the LL.B curriculum till recently. Thus the whole gamut of criminal law is fragmented, fractured and factorised for teaching and practising. This situation gives the impression that this is an area where everyone with the basic knowledge of statutory interpretation can traverse without any trepidation. There has been no change in this state of affairs, the serious efforts being made by some postgraduate departments of law to teach the criminal jurisprudence as a distinct discipline notwithstanding.

The efforts to amend the IPC are yet to fructify. Legislative exercises have not culminated in revising the Code structurally. The IPC (Amendment) Bill 1972 has lapsed. However, some new crimes have been incorporated in the Code. Provisions dealing with some crimes have been amended. New pieces of legislation dealing with what is called economic crimes have been enacted extending the contours of criminal law. Moreover, new pieces of legislation include provisions employing criminal law for their enforcement. We have thus reached the watershed in the terrain of criminal law.

The Essays on the IPC published by the ILI in 1962 thus become relevant today because of the topical interest of the areas dealt with therein. However, the book is now out of stock. These areas have been adequately traversed by our courts in course of these years making many a part luminous but slippery, humpy and bumpy and at other places straight and clear. They have, therefore, been reviewed, revised, wherever necessary, updated to the extent possible and explained in the light of case law.

The 'introduction' is retained to remind the readers of the relevance of the topics and refresh their knowledge. The essays are printed with additions/deletions. Other topics of current importance could have been added. But they are dealt with by various authors in books/articles in different journals. *Essays on the IPC* in the revised form coupled with the above writings might be of much use to the students, lawyers and researchers alike. We are greatly indebted to Shri B.T. Kaul, Faculty of Law, Law Centre II, University of Delhi for his critical comments and useful suggestions.

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