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A BRIEF INSIGHT ON PUNISHMENT UNDER IPC

Komal Sharma, LLM Student (Criminology), School of Law, Lingaya's Vidyapeeth, Faridabad,
Haryana

Ms. Mohini Taneja, Assistant Professor, School Of Law, Lingaya's Vidyapeeth, Faridabad,
Haryana

ABSTRACT

The Indian Penal Code (IPC) is the legal framework that regulates criminal offenses in India. IPC penalties generally fall into two types: civil penalties and fines. The death penalty is the maximum penalty for a crime; Punishment is an additional consequence that may accompany the main punishment.

The main penalties under the IPC include imprisonment, fine and death penalty. Imprisonment is the most common type of punishment and can be divided into strict imprisonment and imprisonment. Strict imprisonment involves hard labor, strict discipline, and harsher conditions, while imprisonment is easier.

The duration of the prison sentence varies depending on the severity of the crime. Fines are another form of punishment that imposes fines on criminals. This amount is determined by the court and is proportional to the magnitude of the crime. In extreme cases, serious crimes such as murder are punishable by death.

Additional penalties in addition to the death penalty include confiscation, flogging, and solitary confinement. Asset forfeiture involves seizing assets resulting from a crime. Although rarely used, flogging is a form of corporal punishment in which criminals are whipped. Solitary confinement isolates criminals from others while keeping them incarcerated as an additional deterrent measure.

Keywords: Punishments, Indian Penal Code, Death Penalty, Legal Framework, Criminal Offence.

INTRODUCTION

The Indian Penal Code (IPC) is the primary law of India, established in 1860 during British colonial rule. It forms the basis of the country's criminal justice system, defining various crimes and determining the punishment for those convicted. The purpose of the IPC is to maintain public order, protect people and property, and ensure full justice. In this legal system, punishments are divided into several categories, each designed to indicate the seriousness of the crime and deter criminals.

One of the main penalties under the TMK is imprisonment. Imprisonment can be of two types: heavy imprisonment and imprisonment. Strict imprisonment often involves hard labor for serious crimes. Simple imprisonment, on the other hand, does not include hard labor and is usually for less serious crimes. The duration of the prison sentence varies depending on the severity of the crime, and the court has the discretion to impose a certain penalty within the limits specified in the law.

Fine is another form of punishment provided by IPC. Violators will be fined to punish their actions. The fine is determined by the court and is affected by factors such as the nature of the crime and the financial situation of the offender. Punishment is both a punishment and a way to compensate for the harm done to victims or individuals.

The International Criminal Code provides for life imprisonment as well as imprisonment and fines. Life imprisonment means a sentence of life imprisonment for the perpetrator and is usually applied in the case of a serious crime such as murder or causing death or injury.

The death penalty is the most severe form of punishment in International Criminal Law. Although its application has been limited over the years, it is still protected for some serious crimes. The death penalty is a controversial issue, with debates surrounding its moral implications and potential for poor decision-making. However, it is still part of the law and has strict protections and regulations.

In addition to these basic forms of punishment, the IPC also includes other measures such as probation and community service. Detention allows the offender to remain in the community under

supervision and under certain conditions determined by the court. Community service requires offender to perform unpaid work for the benefit of society as a means of rehabilitation and rehabilitation.

Historical Background

The roots of the Indian Penal Code (IPC) and related penalties date back to the colonial period during British rule in India. It was felt that there was a need for a legal system that would facilitate the administration of justice and create a unified legal system in different parts of the continent. Created in 1860, the IPC drew inspiration from many sources, including the British constitution and legal structures prevalent in British India at the time.

The focus at the beginning of the preparation of the draft IPC was to create a legal system that would address the social, economic and political conditions of the people of 19th century India. The types of punishment provided for in the law were influenced by British law and indigenous practices. The British colonial government sought to establish a system of law that would serve its interests, control decisions, and govern India's large and diverse population.

The penalties outlined in the IPC reflect the moral and social values that existed in Victorian England, as well as practical strategies that sought to achieve the ideal for most people. The law introduces a criminal classification system that classifies crimes according to their perceived seriousness and provides for similar penalties. Imprisonment, fines, and corporal punishment are ways to deter bad behavior and maintain social order.

During his time in the country, British authorities also introduced the death penalty as punishment for some crimes under the IPC. The severity of this punishment is seen as a deterrent, reflecting the widespread belief that the death penalty is a deterrent against serious crimes. However, the use of the death penalty is not uniform and is often influenced by factors such as the identity of the defendant and the nature of the crime.

Over the years, the International Criminal Court has gone through many changes and adaptations to adapt to the changing situation Social needs. The postindependence period witnessed efforts to modernize and humanize criminal justice by focusing on protecting individual rights and ensuring justice. Changes in the classification of crimes and similar penalties reflect a better understanding

of crime and the principles of rehabilitation.

In the second half of the century and into the 21st century, the need for equality and restorative justice was increasingly recognized. The ICC was reorganized to introduce other forms of punishment, such as trials and community service, reflecting the transition to a more legal and humane system.

In recent years, debates about the death penalty have increased, including the death penalty debate. Morale affects performance, affects and affects the gender of morality. The constant debate on punishment under the IPC demonstrates the power of legal opinion and the constant efforts to bring punishment into line with cultural change and human rights.

Literature review

1. Types of punishment in the Indian Penal Code, 1860 (Sections 53 to 75) By: A. Beryl Sugirtham.

This study discusses the importance of shared responsibility in the criminal justice system, which is characterized by the level of punishment that represents the final change in which violence affects society. The basis of criminal law is the principle of recognition of open denial of the crime. This principle refers to the need for evidence, the need for evidence in court for a person facing many crimes to eliminate any doubt and complete the crime.

2. "IPC Penalty Analysis" Author: Yavnika jain

This research topic highlights that penalties in the Indian Penal Code are not only a deterrent but also a responsible aid in maintaining social relations and providing justice to the victims. The relationship is made legal by applying various penalties for various crimes, from minor crimes to serious crimes.

3. Reasons behind death penalty: A critical analysis by Manvir kaur

India, a developing country, addresses this issue through a legal system that includes various penalties such as death penalty, life imprisonment, imprisonment and fine. The death penalty is reserved for rare cases and is a serious measure in the country's efforts to prevent crime.

4. Types of Punishment in India: Historical Perspective Written by: Muniyappa T

This research paper argues that the main purpose of punishment is to enforce the law. Law is best and all illegal practices are prohibited. Violators will be punished, thus promoting social harmony and deterring criminals. This analysis explores the concept of punishment and its evolution in ancient, medieval and modern India, including understanding the types prescribed in the Indian Penal Code.

Research Gap

A significant gap in existing research on the Indian Penal Code (IPC) lies in the limited research on various penalties. Existing literature focuses on the interpretation of the statute, law and law reform, neglecting to analyze the various penalties in the IPC. There is also an incredible lack of research examining in depth the sociolegal interventions of these punishments, effective treatment options, and public interventions. Addressing these differences is important for informed decision making, policy formulation and more ethical approaches. We encourage scholars to fill this gap, provide useful perspectives, improve our understanding of the positive impacts of the ICC, and strengthen the legal environment.

Hypothesis

This study aims to investigate and analyze the death penalty under the Indian Penal Code (IPC) and its impact on society. This study also assumes that systematic analysis of these sentences will show their historical evolution as law and can influence deterrence, rehabilitation and social relations.

Research Objectives

An important analysis of the death penalty is being carried out at the International Criminal Court, taking into account the ongoing debates on the justice of application, legal protection and the use of the death penalty, according to the moral and legal dimensions of the death penalty every day of my life.

To address the research gap and provide better understanding, an objective review was designed to complement the research gap and provide insight into knowledge by examining incarceration, fines, community service, warrants, bail and payment orders under the IPC. Policy development and legislation.

Research Methodology

This study has adopted a mixed research method to provide a comprehensive analysis of penalties under the Indian Penal Code (IPC) and address the research findings. The mixed methods approach combines qualitative and quantitative research to provide a better understanding of various sanctions and their social impacts.

The information has been thoroughly checked. All data, whether numerical or not, is used. This study aims to test this idea through firsthand examination of licensing documents. Data for this research was collected from primary and secondary sources. Important information is gathered from the legislature, judicial decisions, presidential decisions and directives, and rules and regulations of various leaders.

Analysis and Discussion

In March 2003, the Ministry of Home Affairs of India set up a body called Malimath Committee (Criminal Justice System Reforms Committee). The purpose of the commission is to make recommendations regarding guidelines for the Indian judiciary. The abovementioned committee issued a report stating that the instructions for the order should be clarified to reduce ambiguity in the order. The commission noted that there were no exceptions and that "for many crimes, only the maximum penalty will be imposed, while for some crimes the minimum penalty will be imposed." This gives judge's wide discretion in deciding the timing of sentencing, leading to uncertainty as to the sentencing authority. In 2008, the Madhava Menon Committee (Draft Government of National Criminal Justice Policy) reiterated the need for a judicial system.

According to the white document proposed by the British Parliament, the purpose of punishment should be "to protect and protect people from evil". Lack of jurisdiction will not only affect the judicial system but also cause great harm to people.

Principles for Sentencing

Principles are determined by court decision and law. These principles govern punishment. The principles that courts generally follow are as follows:

- Extreme / Conservative: Punishment should not be excessive, if necessary.

- Proportionality – Punishment should be proportionate to the overall gravity of the crime.
- Equality: Criminals who commit similar crimes should be punished similarly.
- Integrity: Where the offender is sentenced to more than one penalty, all penalties must be fair, proportionate and commensurate with the crime.
- Purpose: The judgment must achieve the purpose of the punishment. The purpose of punishment is prevention, rehabilitation, public protection, etc.
- Convenience and predictability: Decisions should not depend on the judge's judgment or personality. Action plans should be clear and concise.
- True: Sentencing should reflect, without any ambiguity, the length of the offender's prison sentence.

Aggravating Circumstances

The judge determined the seriousness of the situation as follows:

- The circumstances surrounding the crime itself;
- Criminal's past;
- Crime-related events;
- Danger to the perpetrator's future;

Other important factors in serious cases are:

- Professionalism and forethought;
- The most serious crime;
- Organized crime;
- Violation of religion.

The death penalty is a death penalty sanctioned and imposed by the government on a criminal. The act of carrying out this practice is called execution. According to Amnesty International's research, as of July 2018, the death penalty continues in 56 countries, and the death penalty has been completely abolished for all crimes in 106 countries. Death penalty is banned in India. Other execution methods worldwide include stoning, sawing, blowing, lethal injection, electrocution, etc. It is located.

The issue of capital punishment has always been controversial. Although the Constitution is a priority, the effectiveness of the death penalty and fundamental rights are constantly debated. But Indian courts rarely impose the death penalty. In the case of *Bachan Singh vs State Of Punjab* High Court ruled that the death penalty should be the "least of the few". But what constitutes a "rare event" has not been defined by the Supreme Court or the Legislature.

In *Jagmohan Singh v. State of Uttar Pradesh* :-

Supreme Court held that the death penalty must strike a balance between mitigating and aggravating. However, in the Bachan Singh case, this practice was challenged for the first time due to the amendment to the Crimes Act. Cr.P.C., as amended, guilty of the crime of Murder shall be sentenced to life imprisonment. After considering the change, the court said that the death penalty could only be applied in special cases. The provisions of the International Criminal Code regarding the death penalty are as follows:

- Section 115– Abetment for an offence punishable with death or imprisonment for life (if offence not committed);
- Section 118– Concealing design to commit an offence punishable with death or imprisonment for life.
- Section 121– When armed rebellion (i.e. waging, abetting to waging of war or attempting to wage war) is made against the constitutionally and legally established government;
- Section 132– Uprising, supporting and encouraging the formation of the mutinous group of people in the nation's armed forces;
- Section 194- With the intent to obtain a death sentence to an innocent by presenting concocted vexatious proof;
- Section 302– Causing murder of another;
- Section 305– Abetting suicide to an insane or minor person;
- Section 303– When a life convict person murders another person;
- Section 396– Causing dacoity with murder;
- Section 364A– Kidnapping;
- Section 376A (as per the Criminal Law Amendment Act, 2013)- Rape

Some other Acts under which the death penalty covered as punishment are:

- Section 4, part II of the Prevention of Sati Act- Abetting or aiding an act of sati.
- Section 31A of the Narcotic Drugs and Psychotropic Substances Act- Drug trafficking in cases of repeat offences.

Death Penalty Procedures

Hanging is the most common method authorized by law and electrocution, gas chamber, and falling from a height is the least common methods. In most of the cases death penalty is executed by hanging the offender. Under the Indian penal code section 53 deals with the kinds of punishment in which death penalty comes first.

Every state in India has a prison manual that provides for the death penalty. Execution was suspended pursuant to Article 354(5) of the Criminal Code 1950. After the court decides on the death penalty, the defendant has the right to appeal. After all determination and approval of the order, Cr.P.C. The procedure prescribed under Section 354(5) shall apply. The Armed Forces Act 1950, the Army Act 1950 and the Navy Act 1957 provide administrative procedures respectively. However, the procedures set out in the above-mentioned Defense Law apply only to defense officers.

Prison manuals typically cover a wide range of topics related to the administration and management of prisons, including the conditions of execution for inmates on death row. Some common areas that may be addressed in these manuals include:

- **Legal Procedures:** Detailed procedures for carrying out executions in accordance with the applicable legal framework. This may include the process of issuing death warrants, notification to the condemned person, and the involvement of the judiciary.
- **Execution Methods:** Specifications on the methods of execution allowed, which can vary from state to state. Common methods historically include hanging, electrocution, lethal injection, and firing squad.
- **Witnesses and Participants:** Guidelines on who can witness the execution, the roles of

prison staff involved, and any medical personnel required.

- **Last Rites and Religious Practices:** Provisions for allowing the condemned person to have access to religious or spiritual guidance and practices before execution.
- **Post-Execution Procedures:** Protocols for handling the body after execution, including any autopsy or burial arrangements.

Constitutional Validity of Death Penalty

The death penalty issue is not a new issue. This has been discussed, researched and debated for a long time. However, so far the repeal of this law has not been completed. Capital punishment has been a form of punishment since British times. The country abolished this practice. However, Arab countries adhere to the principle of punishment, that is, "an eye for an eye". In the list of countries that practice the death penalty mentioned above, India is one of the countries that practice the death penalty except for "special reasons" or "rare circumstances".

Article 21 of the Constitution of India recognizes the right to life and liberty, including the right to live with dignity. The law provides certain exceptions and the State may limit these rights in the name of law and public order. In *Maneka Gandhi v. Union of India* the SC laid down the principle of "due process" through which a state can restrict the citizens from enjoying their rights. In the case of the death penalty the due process can be as follows:

- The death penalty is subject to the "least of the few";
- The accused must be given "rights";
- According to section 136 of the Criminal Code, the death penalty can be confirmed by the Supreme Court;
- According to section 433 and section 434 of the Penal Code, the defendant is entitled to mitigation of sentence, amnesty, etc.

The legality of the death penalty has been questioned in many cases. *Jagmohan Singh v. The State of UP* is that the death penalty violates Article 14 (right to equality), Article 19 (right to liberty) and the "right to life" i.e. Article 21. This sentence was approved by all five Supreme Court justices. Also, Cr.P.C. Accordingly, it was claimed that the procedural bar was the decision to find guilty and not to be punished with death. However, the Supreme Court ruled that death penalty is

an option for the court according to the established procedure. Death penalty or imprisonment option. Life imprisonment depends on the circumstances, circumstances and facts of the case at the time of trial. .

In the case of Rajendra Prasad v. State of U.P Justice Krishna Iyer strongly opined that the death penalty violates Articles 14, 19 and 21. Justice Iyer suggested two conditions for the death penalty.

1. The court must provide specific reasons when deciding on the death penalty.
2. The death penalty is applied only in special cases.

However, in Bachan Singh v. In the State of Punjab case, a bench of five judges per year (4:1 - Bhagwati J. Dissent) overturned the judgment in the Rajendra Prasad case. The ruling said the death penalty does not violate Articles 14, 19 and 21 of the Indian Constitution and said that in "extremely rare cases" judges are under public pressure over how they will try the accused. A death sentence was imposed to make sure he was dead.

Development Parameters of the Death Penalty

The basic development parameters of the death penalty are:

- The punishment should not be so severe that it damages the dignity of people;
- The state should not impose arbitrarily large fines;
- Such harsh punishments are unacceptable in today's society;
- Such harsh penalties are not unreasonable.

However, there are two issues that the court must take into consideration when sentencing the death penalty:

- The crime has unusual features that require the death penalty, for which life imprisonment is not sufficient.
- Even after giving maximum weight to the mitigating circumstances in favor of the judge, there is no choice but to punish him with death

Judicial Procedure: Necessary Provisions of Article 235(2) of the Criminal Code, 1973

The 41st Report of the Legal Commission proposed to provide new provisions leading to the recognition of important features. Equity and the process of natural justice under the original law,

the accused had no legal right to state mitigating circumstances to determine the nature of punishment. However, as per the recommendations of the Commission Cr.P.C. Sections 235(2) and 248(2) taught. To do. These new regulations provide offenders with the opportunity to provide the court with the necessary information for mitigation to be granted and the case to be properly decided. The court must therefore choose the decision according to the procedure set out in Article 235(2). The importance of the “right to hearing” in criminal cases is overemphasized.

In 1976, in the case of Santa Singh v. State of Punjab The Supreme Court clarified the nature and scope of Article 235(2). The court said, “Recognizing a trial based on a guilty verdict is an important step in establishing justice.” But this should not be put off. Therefore, social and personal facts must be taken into account when considering events. Real solutions. He also said that the word “judgment” also means “I have heard.” Listening is not limited to oral presentations but is general in nature. This gives both parties the right to present facts and information relevant to the subject matter of the decision. The court said lower courts must follow those rules. Failure to comply with section 235(2) will not only be considered a misdemeanor, but will also result in a misdemeanor penalty.

Further, the court also opined about the meaning of the word ‘hearing’. The hearing is not only limited to the oral submissions but it is wider than that. It gives both parties the right to put facts and materials which can be essential for the questions of sentencing. The Court stressed on the point that it is mandatory for the lower courts to comply with this provision. Not complying with Section 235(2) will not only be considered as mere irregularity, but that shall vitiate the sentence.

Conclusion

The research paper aims to fulfil and conclude how punishment will create an impact in a society and offender will a face threat of life to commit a crime.

- Separation of crimes: Increasing the types of crimes, dividing crimes into different categories or different codes will make it easier to understand and clarify the law. In addition, the process and nature of this trial are open to interpretation under different laws.

- Punishment should be effective but not too severe. Therefore, it is time for India to create a judicial system that will not allow judges to have uncertainty and biases that create obstacles in the process. This measure will also reduce the number of requests to increase or decrease penalties, which is an important solution for the judicial process.

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