BLOGS

IPC Notes- General Exceptions under the IPC (Part 2)

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Introduction

IPC allows exclusions to criminal liability in certain circumstances. These are known as the General Exceptions, and they are outlined in Sections 76 to 106 of the Code. This article will concentrate on four of the General Exceptions, specifically Sections 80, 81, 82, and 83. It will provide a comprehensive explanation of these parts, as well as pertinent examples and current cases.

Section 80: Accident in Doing a Lawful Act

In instances where a crime is done by mistake while performing a legal act, **Section 80 of the Indian Penal Code** offers an exception to criminal responsibility.

“Nothing is an offence which is done by accident or misfortune and without any criminal intention or knowledge in the doing of a lawful act in a lawful manner by lawful means and with proper care and caution,” the section says.

To better comprehend this part, consider an individual driving a vehicle on a busy road. He loses control of the car while driving and collides with a pedestrian, causing severe injuries. In such a situation, if it is established that the driver was travelling lawfully and prudently, and the mishap was caused by a sudden mechanical failure or a medical emergency, the driver may be excused from criminal liability under Section 80.

A truck driver in Delhi unintentionally drove over a 70-year-old lady who was crossing the street in 2019. The motorist was accused with causing death by carelessness. During the trial, however,

it was established that the collision happened due to a sudden brake failure and that the driver was travelling legally. The judge said that his action would fall under the ambit of Section 80 of the Indian Penal Code.

Section 81: Act Likely to Cause Harm, But Done Without Criminal Intent, and to Prevent Other Harm

Section 81 of the Indian Penal Code offers an exception to criminal liability when an act likely to cause damage is performed without criminal purpose but with the aim of avoiding other harm.

According to the provision, “nothing is an offence simply because it is done with the knowledge that it is likely to cause harm, if it is done without any criminal intent to cause harm and in good faith for the purpose of preventing or avoiding other harm to person or property.”

To understand this section, let us take the example of a doctor who administers a drug to a patient, knowing that it may cause some side effects, but does so with the intention of saving the patient’s life. In such a case, if it is established that the doctor acted in good faith and without any criminal intention to harm the patient, he may be exempt from criminal liability under Section 81.

In 2020, a guy in Karnataka was accused with causing bodily harm to his wife’s lover by beating him up. During the trial, the man claimed that he acted in good faith and without any criminal purpose to cause damage because he discovered his wife and her lover in the act and acted in anger. The judge, however, ruled that the man’s actions were not warranted because he did not move to protect anyone or property, and he was condemned under the pertinent sections of the Indian Penal Code.

Section 82: Act of a Child Under Seven Years of Age

In instances where a crime is done by a minor under the age of seven, **Section 82 of the Indian Penal Code** gives an exception to penal responsibility. According to the clause, “nothing done by a child under the age of seven is an offence.”

This part recognizes that young children are not developed enough to comprehend the consequences of their actions and, as a result, are not liable for any crime they perpetrate. For example, if a kid under the age of seven inadvertently breaks an expensive piece of art in a museum, the child cannot be held liable.

The reasoning behind this clause is that children under the age of seven are not mature enough to comprehend the character and consequences of their deeds. As a consequence, they are not liable for any crime they may have done. This provision recognizes that young children's cognitive and mental skills are still growing and that they may not have the same degree of knowledge and discernment as an adult. If it is considered essential for the child's welfare, the courts may still direct that the child be put in the care of a guardian or institution.

Section 83: Act of a Child Above Seven and Under Twelve of Immature Understanding

Section 83 of the Indian Penal Code gives an exception to criminal liability when a crime is done by a minor aged seven to twelve who has a rudimentary grasp of the repercussions of his actions. According to the section, "nothing is an offence done by a child over the age of seven but under the age of twelve who has not attained sufficient maturity of understanding to judge the nature and consequences of his conduct on that occasion."

This part acknowledges that children aged seven to twelve are still growing their grasp of right and evil, as well as the repercussions of their actions. As a result, if a child of this age performs an offence, the judge must consider the child's degree of development and comprehension when deciding criminal responsibility. For example, if a ten-year-old kid sets fire to public property without realising the risk, the child may be immune from criminal prosecution under Section 83. If it can be demonstrated that the kid behaved with adequate comprehension and awareness of the act, the child may be held criminally responsible for the offence.

Conclusion

The Indian Penal Code's General Exceptions, found in Sections 76 to 106, provide a structure for deciding criminal culpability in unusual situations. These exclusions recognize that certain actions that are done in good faith, without criminal purpose, or by minors who are not completely conscious of the repercussions of their actions may not be criminal. While these exclusions allow for greater freedom in the implementation of the law, it is critical that they are not abused to avoid criminal liability for intentional or negligent actions. As a result, before granting exemption under these sections, judges must closely examine the facts and conditions of each case.