BLOGS

IPC Notes- Important Definitions under IPC (Part 1)

Samridhi M · 09 Mar 2023

Edit TABLE OF CONTENTS Introduction Importance of Definitions under IPC Important Definitions under IPC Gender Servant of the Government Public Servant Dishonestly and Fradulently Document v. Electronic Record Valuable Securtiy

Introduction

In this article, in which we will dive into the Indian Penal Code and examine some key concepts pertinent to understanding India's criminal justice system. The Indian Penal Code is India's main criminal law, defining different criminal offences, their penalties, and processes for investigation and trial. In this post, we will go over some of the code's essential definitions and describe why they are crucial.

Importance of definitions under the IPC

The Indian Penal Code (IPC) outlines different crimes and sets punishments for them. The IPC emphasizes definitions for several reasons:

- Precision: Definitions assist in exactly defining the extent and meaning of illegal crimes under the IPC. This guarantees that everyone knows what makes a criminal conduct and that the law is applied consistently by the courts.
- Consistency: Definitions aid in the implementation of the law by giving a clear and consistent standard for identifying when a specific offence has occurred.
- Legal Certainty: Definitions provide legal surety to Indian residents by making it plain what actions are forbidden by law and the repercussions of engaging in those actions.

Important Definitions under the IPC

Gender

The term “gender” is defined in Section 8 of the IPC for the purposes of the law. It specifies that the term “gender” encompasses “a person’s sex, which can be male or female.” This meaning, however, has been extensively critiqued as problematic for a variety of reasons.

For starters, the definition is restricted to the binary idea of male and female genders, totally ignoring the presence of non-binary people who do not identify as male or female. This is a major omission that ignores the variety and complexities of gender identities and expressions.

The definition contradicts recent law changes in India. The Supreme Court of India acknowledged transgender people as a third gender in 2014 and upheld their fundamental rights. This was the case of *National Legal Services Authority (NALSA) v UOI* AIR 2014 SC 1863. However, Section 8 of the IPC does not acknowledge the reality of transsexual people and does not provide legal protection for their rights.

Ultimately, the gender classification in Section 8 of the Indian Penal Code is troublesome and out of date. It promotes harmful stereotypes, supports binary gender standards, and fails to acknowledge the variety of gender identities and expressions. It urgently needs to be updated to reflect current legal and societal standards.

Servant of the government and Public Servant

The words “servant of the government” and “public servant” are frequently used equally, but the IPC defines them differently.

A “servant of the government” is someone who works for the government, either civilly or militarily. Employees of any government organization or agency, as well as members of the armed forces, police, and other law enforcement bodies, are all included. This is defined under Section 14 of the IPC.

A “public servant,” on the other hand, is a wider word that includes not only government personnel but also elected officials, justices, jurors, and anyone who conducts a public obligation. This definition is broader in breadth because it includes anyone entrusted with public authority and duties, whether or not they are hired by the government. This is defined under Section 21 of the IPC.

Public servants are held to a higher standard of conduct than other residents under the IPC, and they face harsher penalties for certain kinds of criminal behaviour. Section 161 of the IPC, for example, made it a criminal crime for a public servant to take or acquire any reward other than their legal pay, whereas Section 409 provides for harsher penalty for a public servant who conducts a criminal breach of trust than a private person.

In summation, while “servant of the government” refers to government personnel explicitly, “public servant” refers to anyone who performs a public obligation, whether or not they are hired by the government.

Dishonestly and Fraudulently

Under the IPC, dishonestly and fraudulently are two distinct terms that refer to different forms of criminal behavior.

Section 24 of the IPC defines dishonestly as an act done with the purpose of bringing wrongful gain or loss to someone else. This can include theft, deception, or violation of confidence. Dishonestly does not always imply deception or fraud, but rather the desire to cause damage or gain through wrongful means.

Section 25 of the IPC, on the other hand, defines fraudulently as an act done with the purpose of deceiving someone else for personal benefit. Forgery, theft, and fraud are all examples of fraudulent behaviour.

In summary, the main distinction between dishonesty and fraud is that dishonesty involves wrongful gain or loss through wrongful means, whereas fraud involves lying or duplicity for personal gain.

Document and Electronic Record

Documents and electronic data are both admissible as proof in court under the IPC, subject to certain circumstances.

In the IPC, “document” is defined under Section 29. The word “document” applies to any substance on which any matter is documented, written, typed, or printed. Paper, papyrus, or even electrical media such as CDs, DVDs, or USB devices can be used.

Electronic Record has been defined under Section 29A. According to the Information Technology Act of 2000, a “electronic record” is any data, record, or data produced, picture or sound saved, received, or sent in an electronic form.

Section 65B of the Indian Evidence Act of 1872 specifies the requirements for electronic documents to be admissible as proof. It says that if the criteria specified in the section are met, any information contained in an electronic record that is printed on paper, saved, recorded, or copied in optical or magnetic media generated by a computer is considered to be a document. These conditions include the requirement that the electronic record be created by a computer during the time in which the computer was routinely used to store or process information, and that the information contained in the record be fed into the computer in the ordinary course of its operations.

To summarize, under certain circumstances, both documents and electronic data can be used as proof under the IPC. Section 65B of the Indian Evidence Act governs the admissibility of electronic records, which sets out specific requirements that must be fulfilled for the record to be admissible in court.

Valuable Security

Section 30 of the IPC defines “valuable security” as any document that is proof of any right, title, or interest in property, or of any claim or demand, or that is a document of worth. Promissory notes, cheques, bonds, and share documents are all examples of useful protection.

The IPC also contains several sections for “dishonestly receiving stolen property,” which can include stolen valuable security. Section 411 of the IPC says that anyone who dishonestly receives or retains stolen property while knowing or having cause to think it is stolen property is punishable by imprisonment of any type for a period up to three years, a fine, or both.

Check our detailed notes on IPC here!