

PART A

STRICT LIABILITY OFFENCES

Q.1. Which principles regarding the object and nature of crime should guide the introduction of strict liability offences within the I.P.C.?

Q.2. Which strict liability offences should be included within the I.P.C.?

Q.3. Should the principles of sentencing in cases of strict liability offences differ from the general principles of sentencing?

PUNISHMENT

Q.4. Should additional types of punishment- based on objectives of deterrence, rehabilitation, restoration etc.- be inserted in the I.P.C.?

Q.5. Are there any punishments under Chapter III that should be deleted?

Q.6. Are there any offences in the I.P.C. for which the quantum of punishment and fines imposed should be revised?

Q.7. What is the mode of calculation that should be adopted to rationalise fines under the I.P.C. if the amount of fine is to be re-adjusted for inflation across offences, either automatically or on a one-time basis?

Part B

GENERAL EXCEPTIONS

Q.1. Do you have any suggestions with regards to reclassification/combining/splitting of sections under Chapter IV of the I.P.C.?

Q.2. Do you have any suggestions with regards to addition or omission of general exceptions under Chapter IV of the I.P.C.?

Q.3. Are there any circumstances that warrant a modification of the doctrine of ‘ignorantia juris non excusat’?

Q.4. Does s. 81 fail to clearly describe how the nature of the threat is to be assessed and the type of response that is allowed to counter the threat?

Q.5. Should the defence of necessity under s. 81 extend to the offence of culpable homicide? If yes, please specify the circumstances with reasons.

Q.6. In reference to s. 82 and s. 83 of the I.P.C., is there a need to alter (increase or decrease) the minimum age of criminal responsibility to commit an offence? If so, please suggest an age.

Q.7. Is there a need to alter (expand or contract) the definition and scope of the defense of insanity provided for in s. 84 of the I.P.C.?

Q.8. Is there a need to alter s. 86 of the I.P.C. in reference to the potential ambiguity caused by the absence of the term ‘intent’ in the latter part of the provision?

Q.9. a) Should voluntary intoxication act as an aggravating factor at the time of sentencing; or, b) Should a lack of intention in cases of voluntary intoxication be taken into account as a mitigating factor at the time of sentencing?

Q.10. In light of inconsistency in the age of the person with reference to s. 87 and s. 89, should the age of the beneficiary in s. 89 be raised to 18 years?

Q.11. Should acts, not intended, but known to be likely, to cause death or grievous hurt, done with consent, be included within the chapter? [Illustration: A hires B, a licensed para-glider, to engage in the adventure sport. B informs A of the inherent danger of death or grievous hurt while engaging in the sport. A consents to the same. A dies in the course of the activity, despite B’s diligence and care.]

Q.12. Should the scope of s. 90 and s. 94 be expanded to include fear/threat of injury to persons other than one self?

Q.13. Should s.90 be revised to:

- Expand the scope of fear of injury;
- Resolve the ambiguity in the interpretation of the phrase ‘misconception of fact’;

- Include instances other than fear of injury or misconception of fact?

Q.14. Should compulsion by threats, as provided under s. 94, act as a mitigating factor during sentencing in the offences of murder and offences against the State?

Q.15. Is there a need to alter the circumstances in which the right to private defense of the body can extend to causing death?

Q. 16. Is there a need to alter the circumstances in which the right to private defense of property can extend to causing death?

Q.17. Should the fact that there is time to have recourse to the protection of public authorities be an absolute ban against the exercise of the right to private defense?

Q.18. Should the scope of s. 101 and s. 104 be expanded to include the cases of involuntary causing of death?

Q.19. Should the scope of s. 106 be expanded to include cases where there is-

- Reasonable apprehension of harm other than death,
and/or;
- Reasonable apprehension of death by causes other than assault?

Q.20. Which principles should govern the determination of permissible risk of harm to an innocent person in the instances raised in the preceding question?

PART C

OFFENCES AGAINST STATE

Q.1. Should the applicability of s. 124 be expanded to include other functionaries such as Judges of HC/SC, CECs, CICs, CAGs, Attorney General, Advocate Generals, Solicitor General etc.?

Q.2. Does the offence of sedition under s. 124A require omission or any amendment in terms of its definition, scope and cognizability?

Q.3. Should Insults to the National Flag, Emblems and Constitution of India, be introduced as substantive offences under the I.P.C.?

OFFENCES AFFECTING HUMAN BODY

Q.4. Should an act, colloquially referred to as “Mob Lynching”, be penalised as an offence under the I.P.C.? If yes, what should be the elements and quantum of punishment for the offence?

Q.5. Should an act, colloquially referred to as “Honour Killing”, be penalised as an offence under the I.P.C.? If yes, what should be the elements and quantum of punishment for the offence?

Q.6. Should “Corporate Homicide” be penalised as an offence under the I.P.C.?

If yes, what should be the elements and quantum of punishment for the offence?

Q.7. Should s. 306 of the I.P.C. be amended to create an exception for active euthanasia?

Q.8. In the light of contemporary discourse on sexual and reproductive rights of women, should the offence under s. 312 be decriminalised?

Q.9. Should the definitions of force (s. 349), criminal force (s. 350) and assault (s. 351) be omitted/revised/modified?

Q.10. Do you have any suggestions with regards to addition/omission/modification of provisions dealing with kidnapping and abduction?

Q. 11. In view of the divergence of judicial opinion with regards to the validity of minor's consent in s. 366, do you recommend any amendment to the Section to address this issue?

SEXUAL OFFENCES

Q.12. Should sexual offences be classified as:

- A subset of offences against the human body; or,
- A subset of gender-discrimination offences; or,

- An independent category of offences?

Q.13. Other than rape, the sexual offences listed in the IPC are-

- Obscene Acts and Songs (s. 294)
- Assault or Criminal Force to Woman with Intent to Outrage her Modesty (s. 354)
- Sexual Harassment (s. 354A)
- Assault or Criminal Force to Woman with intent to disrobe (s. 354B)
- Voyeurism (s. 354C)
- Stalking (s. 354D)
- Unnatural Offences (s. 377)
- Word, Gesture or Act Intended to Insult the Modesty of a Woman (s. 509)

Is there a need to reform this classification of sexual offences by adding/ deleting/ modifying any offences?

Q.14. What should be the standard of consent under s. 375 of the I.P.C.?

Q.15. Should the grounds of vitiation of such consent be expanded to include cases where-

- The victim has been put in fear of injury other than physical hurt or death; and,
- The perpetrator is impersonating any other person (and not just the husband as currently provided in s. 375) that the victim would otherwise knowingly have consented to?

Q.16. Should the marital rape exception (Exception 2) under s. 375 of the I.P.C. be deleted?

Q.17. Should sexual offences be defined by employing gender-neutral terms for the offender and the victim?

Q.18. Should sexual violence during armed conflict be expressly penalised as a sexual offence?

Q.19. Barring generally applicable aggravating and mitigating factors (gravity of offence, recidivism, age, socio-economic background, etc.), which other factors should be taken into account during sentencing in sexual offences?