

THE INDIAN PENAL CODE

In order to cover crimes and court cases with clarity and detail, a journalist is expected to know a fair bit of Law. Like for instance, the Indian Penal Code (IPC). It lists all the crimes that happen in a society and the punishment prescribed for them. In the IPC, every offence has been mentioned and also what kind of punishment or penalty it gets. The punishment is usually a jail term and/or monetary fine.

Although, a journalist doesn't have to learn the entire IPC, what is necessary for him is to understand and know at least those provisions which concern his profession and about which he has to write often. Crimes and court cases are an everyday affair and most newspapers/electronic channels have a team of reporters who cover them. Majority people are interested in reading crime stories, because they affect the entire society. It is therefore necessary that a journalist understands the IPC and its provisions.

The IPC was enacted in 1860. Since then, it has undergone many amendments, necessitated because of the circumstances. It applies to all Indian citizens. There are as many as 511 offences listed in the IPC. So far, we do not know of any other offence apart from these. Sections needed to study are listed below.

SECTION 124A: This section refers to what is called as sedition. Sedition means inciting discontent or rebellion against the government. It also means treason or any action, especially in speech or writing, promoting such discontent or rebellion. So, essentially it is a revolt or mutiny against a nation.

WHAT IS THE OFFENCE: Words, either spoken or written, or signs, or visible representation, or bringing or attempting to bring into hatred or contempt, or exciting or attempting to excite disaffection towards the Government established by law in India.

PUNISHMENT PRESCRIBED: Whoever does the above shall be punished with imprisonment for life, to which fine may be added, or with imprisonment which may extend to 3 years, to which fine may be added, or with fine. The expression "disaffection" includes disloyalty and all feelings of enmity. So this is a serious offence That can attract a life term.

ILLUSTRATIONS: After the Mumbai riots in 1993, actor Sanjay Dutt was charged under this section for "waging a war against the nation and for treason."

SECTION 153A: This section relates to promoting enmity between different groups on of grounds of religion, race, place of birth, residence, language, etc., and doing acts that disturb the harmony in the society.

WHAT IS THE OFFENCE: Words, either spoken or written, or signs or visible representations or otherwise, promoting or attempting to promote, on grounds of religion, race, place of birth, residence, language, caste or community or any other ground whatsoever, disharmony or feelings of enmity, hatred or illwill between different religious, racial, language or regional groups or castes, or communities; **or....**

any act which is prejudicial to the maintenance of harmony between different religious, racial, language or regional groups or castes or communities, and which disturbs or is likely to disturb the public tranquility (peace), **or....**

organizing any exercise, movement, drill or other similar activity intending that the participants in such activity shall use or be trained to use criminal force or violence or

knowing it to be likely that the participants in such activity will use or be trained to use criminal force or violence or participating in such activity intending to use or be trained to use criminal force or violence, against any religious, racial, language or regional group or caste or community and such activity for any reason whatsoever causes or is likely to cause fear or alarm or a feeling of insecurity amongst members of such religious, racial, language or regional group or caste or community.

PUNISHMENT PRESCRIBED: Imprisonment which may extend to three years, or with fine, or with both. In case such offence is committed in place of worship, imprisonment which may extend to 5 years plus fine.

ILLUSTRATIONS: Cases where persons were responsible for vandalizing the statue of Ambedkar or Shivaji or gods and goddesses.

SECTION 153B: This section refers to what is called as imputation. The term imputation means attributing (something discreditable) to a person.

WHAT IS THE OFFENCE: Words either spoken or written or by signs or by visible representations or otherwise

(a) Making or publishing any imputation that any class of persons cannot, by reason or their being members of any religious, racial, language or regional group or caste or community, bear true faith and allegiance to Constitution of India as by law established or uphold the sovereignty and integrity of India, or

(b) Asserting, counseling, advising, propagating or publishing that any class or persons shall, by reason of their being members of any religious, racial, language or regional group or caste or community, be denied or deprived of their rights as citizens of India or

(c) Making or publishing any assertion, counsel, plea or appeal concerning the obligation of any class of persons, by reason of their being members of any religious, racial, language or regional group or caste of community, and such assertion, counsel, pleas or appeal causes or is likely to cause disharmony or feelings of enmity or hatred or ill-will between such members and other persons.

PUNISHMENT PRESCRIBED: Imprisonment which may extend to 3 years, or with fine, or with both. In certain circumstances, it may also carry imprisonment which may extend to five years and fine.

ILLUSTRATIONS: Statements like “All Muslims should be sent back to Pakistan and Bengali Muslims be deported to Bangladesh because they are not Indian citizens” can attract this section

SECTION 292: This section refers to obscenity and defines what it means.

WHAT IS THE OFFENCE: (a) Selling, letting to hire, distributing, publicly exhibiting or in any manner putting into circulation, or for purposes of selling, hiring, distributing, publicly exhibiting or circulating, making, reducing or possessing any obscene book, pamphlet, paper, drawing, painting, representation or figure or any other obscene object whatsoever, or

(b) importing, exporting or conveying any obscene object for any of the purposes aforesaid, or knowing or having reason to believe that such object will be sold, let to hire, distributed or publicly exhibited or in any manner put into circulation, or

(c) taking part in or receiving profits from any business in the course of which the offender knows or has reason to believe that any such obscene objects are, for any of the

purposes aforesaid, made, produced, purchased, kept, imported, exported, conveyed, publicly exhibited or in any manner put into circulation, or

(d) advertising or making known by any means whatsoever that any person is engaged or is ready to engage in any act which is an offence under this section, or that any such obscene object can be procured from or through any person.

PUNISHMENT PRESCRIBED: On first conviction with imprisonment which may extend to 2 years, and with fine upto Rs 2000. On second or subsequent conviction, with imprisonment upto 5 years, and fine upto Rs 5000.

EXCEPTIONS: It does not apply if...

(a) any book, pamphlet, paper, writing, drawing, painting, representation or figure-
(i) the publication of which is proved to be justified as being for the public good on the ground that such book, pamphlet, paper, writing, drawing, painting, representation or figure is in the interest of science, literature, art or learning or other objects of general concern, or

(ii) which is kept or used bona fide for religious purposes;

(b) any representation sculptured, engraved, painted or otherwise represented on or in-

(i) any ancient monument within the meaning of the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (24 of 1958), or

(ii) any temple, or on any car used for the conveyance of idols, or kept or used for any religious purpose.

ILLUSTRATIONS: Selling or attempting to sell pornographic books, CDs, pictures etc and even trying to make money from it. However, the nudes of Khajuraho and Konark temples don't come under it and are considered a work of art. The deciding factor is whether such an act is committed to just titillate a person.

SECTION 293: This section refers to selling of obscene objects to young persons. It is just an extension of Section 292.

WHAT IS THE OFFENCE: Selling, letting to hire, distributing, exhibiting or circulating to any person under the age of twenty years any such obscene object referred to in the preceding section, or offering or attempting to do so.

PUNISHMENT PRESCRIBED: On first conviction with imprisonment which may extend to three years, and with fine upto Rs 2000. In case of a second or subsequent conviction, with imprisonment which may extend to 7 years, and with fine upto Rs 5000.

SECTION 295A: This section refers to deliberate acts that insults one's religious beliefs.

WHAT IS THE OFFENCE: Deliberate and malicious intention of outraging the religious feelings of any class of citizens of India, by words, either spoken or written, or by signs or by visible representations or otherwise, insulting or attempting to insult the religion or the religious beliefs of that class.

PUNISHMENT PRESCRIBED: Imprisonment which may extend to 3 years, or with fine, or with both.

SECTION 499: This important section refers to defamation. Both written and oral.

Orally defaming a person is called as slander while in written form it is called as libel.

Law suits against newspapers are called as libel suits. Every person, living or dead has a reputation and character. Law says no one has the right to defame any person that shows his reputation or character in poor light. In short both these characteristics are priceless

possessions of a person.

WHAT IS THE OFFENCE: Words either spoken or intended to be read, or by signs or by visible representations, making or publishing any imputation concerning any person intending to harm, or knowing or having reason to believe that such imputation will harm, the reputation of such person, is said, (except in the cases explained below) amounts to defamation of a person.

Explanation 1- There can be defamation of even a dead person. Under this section, it would amount to defamation if the imputation were to harm him even if he were alive and is intended to be hurtful to the feelings of his family or other near relatives.

Explanation 2- It would also amount to defamation to make an imputation concerning a company or an association or collection of persons as such.

Explanation 3- An imputation in the form of an alternative or expressed ironically, may amount to defamation.

Explanation 4- No imputation can harm a person's reputation, unless that imputation directly or indirectly, in the estimation of others, lowers the moral or intellectual character of that person, or lowers the character of that person in respect of his caste or of his calling, or lowers the credit of that person, or causes it to be believed that the body of that person is in a loathsome state, or in a state generally considered as disgraceful.

ILLUSTRATIONS: (a) A says-"Z is an honest man; he never stole B's watch"; intending to cause it to be believed that Z did steal B's watch. This is defamation, unless it falls within one of the exceptions.

(b) A is asked who stole B's watch. A points to Z, intending to cause it to be believed that Z stole B's Watch. This is defamation unless it falls within one of the exceptions.

(c) A draws a picture of Z running away with B's watch, intending it to be believed that Z stole B's watch. This is defamation, unless it falls within one of the exceptions.

First Exception- Imputation of truth which public good requires to be made or published: -- It is not defamation to impute anything which is true concerning any person, if it be for the public good that the imputation should be made or published. Whether or not it is for the public good is a question of fact.

Second Exception- Public conduct of Public servants: -- It is not defamation to express in a good faith any opinion whatever respecting the conduct of a public servant in the discharge of his public functions, or respecting his character, so far as his character appears in that conduct, and no further.

Third Exception- Conduct of any person touching any public question: -- It is not defamation to express in good faith any opinion whatever respecting to conduct of any person touching any public question, and respecting his character, so far as his character appears in that conduct, and no further.

SECTION 500/PUNISHMENT PRESCRIBED: The punishment for the offence under section 499 has been described under section 500 of the IPC. Simple imprisonment which may extend to two years, or with fine, or with both. Most defamation suits are filed with damages claim running into lakhs and crores. This is based on the presumption that there cannot be a price tag on someone's reputation. Thus such huge demand for compensation is only to set an example to deter people from defaming any one.

CONTEMPT OF COURT: Contempt of court is a charge which can be laid against someone for interrupting the process of justice in a court of law. A charge of contempt, if

proved, can result in fines and jail term. Many people are familiar with the concept of contempt of court, since it tends to come up in courtroom dramas.

The concept of contempt of court is based on the belief that a courtroom and its officers demand respect, -- both out of common decency and because a court acts as a legal authority. Failure to respect the court means compromising the course of justice, causing a mis-trial or compromising the integrity of a trial. As a result, contempt is treated very seriously by the courts.

CIVIL CONTEMPT of court involves a failure to obey an order from a court. It can be rectified or cleaned by obeying the order. For example, someone may speak out of turn in a courtroom during trial proceedings, disrespecting the basic rules of the courtroom. The judge can indicate that he or she will find the speaker in contempt of court unless the speaker sits down and remains silent until it is appropriate to talk. Or a witness could fail to answer a question, in which case the judge will instruct him or her to answer or be held in contempt of court.

CRIMINAL CONTEMPT of court actually hinders or obstructs the operations of the court. Examples of criminal contempt include a failure to produce evidence when demanded, or threats to the judge, jury, or lawyers. Someone who yells at the judge, for example, could find him or herself accused of contempt of court.

Contempt of court is also broken up into direct contempt, which takes place in front of a judge, and indirect contempt. In order to prove a charge of contempt of court, it must be proved that the contemnor (person charged with contempt) was aware of the court order or rule which was violated, that he or she was able to comply with the order, and that the contemnor failed to do so. If proved, the sentence for contempt varies, depending on the severity of the crime.

ILLUSTRATION: Political leaders are known to have filed defamation suits against their adversaries/rivals for making defamatory allegations.