
preface to the thirty-first edition

The Indian Penal Code was enacted in the year 1860. In the midst of cataclysmic upheavals, social and political, it stands as a tribute to the genius of LORD MACAULAY who, as the President of the First Indian Law Commission constituted in 1834, said : “Our principle is simply this—uniformity when you can have it; diversity when you must have it; but, in all cases certainty.” The Indian Penal Code is a role model in the matter of certainty. During the 146 years of its existence on the statute book, it has undergone the least number of amendments. Indeed, rarely one comes across a judgment stressing the need to fill in any lacuna in the Penal Code on account of ambiguous language.

But then, there is also a fact of history of equal significance : the commentary on the Penal Code by Ratanlal and Dhirajlal. The present edition is an enlarged version of the time-honoured book. It has completed a glorious period of more than a century of its existence, the first edition having been published in 1896. the response to the publication has been so overwhelming that it has gone through thirty editions and numerous reprints. The book adorns the library of every Court, every Law College, and judges and lawyers, who handle criminal cases. Scholars of law for whom the fundamental tenets of criminal law are not any the less important than those of civil law, have expressed their deep appreciation of the book. Not for nothing that this is the only commentary on an Indian Law which is not only more than a century old but, which also continues to be a house-hold word in Law Colleges, Police Training Institutes and Courts. The book has stood the acid test of time and talent ‘acid’, because professors, lawyers and judges are not easy to please. They are happy with this Publication, for which the primary credit must go to the famous duo of commentators—Ratanlal and Dhirajlal—whose commentaries on various laws have shed light on the dark corners of law. Credit for the continued success of the commentary must go to the successive editors, who have brought to bear on the book the impress of their scholarship.

Updating a book of such a vast social utility as this, required the surveying of a plethora of judgments, analysing them critically and bringing out their ratio, particularly where some of them are apparently irreconcilable. The next task was to present the meaning and content of the various sections in precise, simple and pithy words. It is hard to be simple while expatiating on the language of law.

The present book has served the public at large for more than a century. The unique features of the book which account for its success were highlighted in the preface to the preceding editions. The Penal Code does not hesitate to take up the challenging task of eradicating some of our major social vices through the legal process. Though social reform through law has its limits, even so, the Penal Code has succeeded in rooting out social evils like the practice of “sati” and the system of dowry. The legislature remained silent for long, believing that the enlightenment brought about by the spread of education and the media of mass communication, would take care of it in the natural

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course of things. But, the social disease was so widespread and deep-rooted that, instead of taking care of itself, the menace of dowry spread its tentacles and generated the evil of dowry—connected murders and suicides. New provisions were therefore introduced in the Code to overcome such inhuman social practices. Unfortunately, these cases are seldom taken to the Courts and a large number of them end in acquittals for want of creditworthy evidence. The present book approaches the study of crime not as a dull and dry commentary upon the legal text, but as a social phenomenon of contemporary relevance. That is why, the book revolves in the minds of the learner, the lecturer, a presiding officer, a practitioner, an investigator, an administrator, a draftsman or a legislator.

Almost all the judgments of the Supreme Court and important judgments of the High Courts are covered to make the book a complete Code of reference.

In terms of case coverage, the book encompasses more than eighteen thousand references. These include the cases reported in the primary Law Reports. The commentary is not merely a collection of cases but, explains the principles underlying the cases in language, pithy and simple. Practice Notes have been appended to all the sections under which, infractors of law are charge-sheeted and tried. These notes will, hopefully, be helpful to the legal profession as a quick and reliable source of the relevant data.

An exhaustive subject-index has been provided in the book, which is broad-based. The presentation of the subject is characterised by diverse headings and sub-headings. The surest method by which a subject can be classified is to break it into appropriate headings. Apart from systematisation which is important by itself, headings also serve the additional purpose of convenient and easy location of the point under inquiry.

The Code of Criminal Procedure (Amendment), Act, 2005 (25 of 2005) has inserted new section 153AA, section 174A and section 229A to the Code and The Criminal Law (Amendment) Act, 205 (2 of 2006) has inserted new section 195A to the Code. All the said new sections have been incorporated in the present new edition. Some portions of the Penal Code were deleted and re-enacted as separate Acts. The Prevention of Corruption Act, 1988, is one example. Many other Criminal Statutes have come into being which impinge upon or are affected by the provisions of the Penal Code. Consideration of such allied Acts is also one of the additional features of this edition.

We are thankful to the assistance given ungrudgingly by several scholars in the preparation of this book. We have also benefited by the help of the editorial staff of Wadhwa and Company. They have been generous in their help and forbearance. We are grateful for the support of all of these, in making the book worthwhile.

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'Mahashivratri' Day

Y.V.CHANDRACHUD
CHIEF EDITOR
