

LAWXPERTS.

WHY YOU SHOULD STUDY THIS ?

1. HIGH QUALITY.
2. BASED ON STANDARD SOURCES
3. POSSIBILITY OF DIRECT QUESTIONS
4. COMPLETELY SYLLABUS-ORIENTED.



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MENSREA UNDER IPC

Mensrea is a major ingredient of crime. Now arises a question – **WHAT DO U MEAN BY INGREDIENTS OF CRIME?**

Ingredients to Crime = series of components which must be presented in order for it to be demonstrated that someone is guilty of a crime.

Next question arises – **WHAT ARE THE ELEMENTS/INGREDIENTS OF CRIME?**

There are four chief element of Crime i.e.

Sr. No	Ingredients	Meaning	Qualification	Degree
1	Mens rea	Mental element	Voluntary criminal intent or evil intention	Prime / essential <ul style="list-style-type: none"> • Intention • Knowledge • Negligence • Recklessness
2	Actus reus	Action	An over act of illegal commission or omission	Secondary
3	Human being	Human being must have a body not a Animal, and Artificial person	Human being under a legal obligation to act in a particular way and a fit subject for the infliction of appropriate punishment	Prime
4	Injury	Hurt / Damage	an injury to another human being or to society at large by such an act	Consequence <ul style="list-style-type: none"> • Mind • Body • Reputation • Property

Thus the four elements that go to constitute a crime are as follows:

1. a **human being** under a legal obligation to act in a particular way and a fit subject for the infliction of appropriate punishment
2. an **evil intent or mens rea** on the part of such human being
3. **actus reus**, i.e., act committed or omitted in furtherance of such an intent; and
4. an **injury** to another human being or to society at large by such an act.

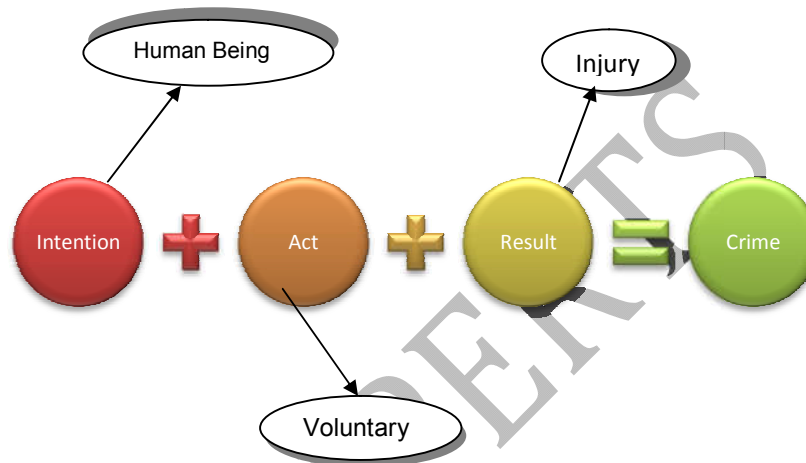
NOW LET US COME BACK TO MENS REA.

WHAT IS MENS REA? – Sounds alien to English ? Yes it is a Latin term

MENS REA= Mental Element in Crime

LX EXPLAINS: Intention mens rea means a mental state, in which a person deliberately violates a law. Thus mens rea means intention to do the prohibited act. No act per se (itself) is criminal, the act becomes a crime only when it is done with a guilty mind. It signifies the mental element necessary to convict for any crime. Mens rea defined in **In Director of Enforcement v. M/s MCTM Corpn. Pvt.Ltd**

LX BRAIN TICKLE : Whether Mens Rea is same as motive? Mens rea is not the same thing as motive. The mens rea refers to the intent with on which the criminal act happened. On the other hand, the motive refers to the reason of criminal act.



DO EVERY CRIME REQUIRES MENS REA ?

NOPE!- Exception of Mens rea: Offence against state, police, nuisance, and stick liability etc Mens rea is not require.

IS MENS REA A STATIC CONCEPT ?

Nope! Its dynamic one- there is varies degree of mens rea required by IPC to constitute various offence.

DEGREE OF MENS REA

- **Intention** Is a basic rule. Intention is to bring about a desired act. An intended to commit an illegal act # **Allrd v. Selfridge.**
- **Knowledge** – Direct appeal to your senses. Here the probability is very high (against to commit the act against Law).
- **Motives**- Intention and motives is two different things in a crime. Motive may be to get anything, Intention to kill the person. Motive may be good or bad, but intention is bad than it becomes crime. Motive leads to intention, and ulterior intention is motive. In fixing criminal liability motive may be irrelevant, but intention is maintain or main element.

- **Recklessness (irresponsibility)**- Basic principle of fixing a criminal liability. Is the combination of : Foresight and Indifference. Doing something without the knowledge but the foresight.

MANS REA IN THE IPC?

The word Mens Rea is not defined in the IPC, but to incorporate the doctrine some specific word is being used. The general principle of mens rea has defined in IPC in two ways:

1. Qualifying Words 'dishonestly', 'fraudulently', 'voluntarily', 'intentionally', 'knowingly'
2. General Exceptions under Chapter IV of IPS like accident, infancy, insanity, intoxication ext.

ATTENTION ! FOR MORE INFORMATION REFER OUR NOTES.

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