***I*** ***gnorantia facti excusat ignorantia juris non excusat***

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**MEANING**

“Ignorance of facts is excusable but ignorance of law is not excusable”

The Latin maxim **\*Ignorantia Facti Excusat, Ignorantia Juris Non Excusat\*** means "Ignorance of facts is an excuse, but ignorance of the law is not." This means that ignorance of the actual situation may serve as a valid defence in certain cases, since it does not imply intentional wrongdoing. However, ignorance of the law is not an acceptable excuse, since individuals are assumed to know and obey the law. This principle emphasizes the importance of legal awareness, while recognizing that true factual errors may justify leniency.

**EXPLANATION**

The doctrine of **Ignorantia Juris Non Excusat states that ignorance** of the law is not a valid excuse for violating the law. This principle is based on the rationale that even if one has perfect knowledge of the law, one can avoid liability by simply feigning ignorance, using ignorance as an excuse. This ensures liability and prevents wilful blindness from being used as a shield for legal liability. The law presupposes that all persons within its jurisdiction, whether familiar or temporarily present, are aware of its provisions. Although this assumption is harsh, it ensures the effective enforcement of the law and prevents evasion.

In the Criminal Case, ignorance does not exempt a person from a crime, but it may affect sentencing. Courts may grant leniency if the defendant acted in good faith and received misleading advice from authorities, or if the law is unclear. For example, in a Canadian case, the defendant imported gambling machines after being falsely represented by customs officials that they were legal. He was convicted, but the court granted full exemption, taking into account the circumstances.

Ignorance of the law is not exempt, but misrepresentation of fact is treated differently. A sincere but mistaken belief that an act would be lawful under the actual circumstances may serve as a valid defence. For example, if a person unknowingly takes another person's property believing it to be his or her own, this mistake of fact may excuse liability. This distinction between ignorance of the law and mistake of fact ensures fairness while preserving the principle of accountability under Act.

**ILLUSTRATIONS**

**1. Example 1:** Let’s assume A driver of a small-town drives to a big city were wearing of helmet and other traffic regulations are mandatory. The individual drove without a helmet and thereby was held by police and was fined. Here the individual cannot take defence of not knowing about the traffic regulations as Ignorantia Juris non excusat (Ignorance of law is not an excuse)

**2.** **Example 2:** In India hunting of a Wild Buffalo (Bubalus bubalis) is an offence as per section 9 of the Wild life Protection Act 1972. If a person, who is ignorant of section 9 of the Wild life protection Act, shoots a wild Buffalo thinking that it is a domestic buffalo he is said to be acting in ignorance of law as well as of a fact.

**3. Example 3:** In India hunting of a Wild Buffalo (Bubalus bubalis) is an offence as per section 9 of the Wild life Protection Act 1972. If a person, who is ignorant of section 9 of the Wild life protection Act, shoots a wild Buffalo thinking that it is a domestic buffalo he is said to be acting in ignorance of law as well as of a fact.

**CASES**

**1 - Dukhi Singh v. The State of Uttar Pradesh[[1]](#footnote-1)**

**Brief Facts:** On the night of July 28-29, 1953, Dukhi Singh, a Railway Protection Police (R.P.P.) constable, was on duty aboard a train traveling from Banaras to Allahabad. At Handia Khas station, he arrested a man named Nanka, suspecting him to be a thief. After the train resumed, Nanka escaped, and Dukhi Singh followed him, eventually shooting Ram Manohar, the fireman, who was mistaken for the thief. Ram Manohar later died from the gunshot wound. Dukhi Singh was initially convicted under Section 302 of the IPC (murder) and sentenced to death**.**

**Issue:** Whether Dukhi Singh was justified in shooting Ram Manohar, and whether his actions constituted murder or a lesser offense.

**Judgment:** The court examined the appellant's defence, which was based on his belief that he was acting under orders to shoot a thief. The court noted that while he acted in good faith, the law does not permit the use of deadly force in such circumstances unless the person being arrested was guilty of a serious offense. The court referred to the maxims *ignorantia facti excusat* (ignorance of fact excuses) and *ignorantia juris non excusat* (ignorance of law does not excuse) to highlight that Dukhi Singh could not justify his actions based on ignorance of the law. He may have been mistaken about the circumstances, but this mistake was one of law, not fact. The court concluded that Dukhi Singh's actions were excessive, resulting in culpable homicide, not **murder**

**2 - State Of Orissa vs Khora Ghasi[[2]](#footnote-2)**

**Brief Facts:** The accused was charged with the death of the deceased. On the night of the incident, the deceased stealthily entered the accused’s maize field with the intent to steal maize. The accused, thinking it was a bear causing damage to his crops, shot an arrow at the sound coming from the field. The arrow hit the deceased, causing a fatal injury. The deceased informed his grandmother about the incident before dying. The accused later admitted to the shooting, believing it was a bear. Despite this, he was acquitted in the lower court, as the court found he acted out of a genuine belief to protect his property.

**Issue:** Whether the accused’s act of shooting the deceased, believing he was shooting a bear, qualifies for acquittal under the principle of good faith belief in necessity or defence of property.

**Judgment:** The court upheld the acquittal of the accused, emphasizing the principle *Ignorantia facti excusat, ignorantia juris non excusat* (Ignorance of fact excuses, ignorance of law does not). The accused acted under a bona fide belief that he was protecting his crops from a bear. The circumstances, including the dark night, the presence of wild animals, and the absence of any animosity between the parties, supported the accused's claim of acting out of necessity and in good faith. The court referred to previous cases where similar acts, done under mistaken belief, were protected due to the lack of mens rea (intent to commit a crime). The court concluded that the accused's actions fell within the scope of self-defense or necessity, justifying his acquittal. The appeal was dismissed, and the acquittal was upheld.

**3 -Grant v Borg[[3]](#footnote-3)**

**Facts:** The defendant was convicted for overstaying his leave in the UK, having made several unsuccessful applications for an extension. The conviction was based on the fact that his leave had expired, but he was unaware of the exact date it ended. His conviction was overturned by the Divisional Court, which remitted the case to the magistrates to determine whether he had known the expiry date before committing the offence.

**Issue:** Whether ignorance of the expiry date of his leave could be a valid defence against the conviction for overstaying, given the general principle that ignorance of the law is no defence.

**Judgment:** The defendant’s appeal succeeded. The court affirmed the principle that ignorance of law is no defence, as information about the law is typically accessible and a defendant is expected to know it. However, the court distinguished between ignorance of the law and ignorance of a fact that is material to the offence. In this case, the defendant's knowledge of the expiration date of his leave was a fact necessary for conviction. The court held that if the defendant was unaware of this fact at the time, he could not be guilty based on the later discovery of that fact. The prosecution was deemed to be out of time, and the conviction was quashed. Lord Bridge emphasized that requiring knowledge of the law as part of a criminal offence would be unacceptable, as it would be too revolutionary. He further stated that while the principle of ignorance of the law being no defence is fundamental, the defendant could not be convicted for a time when he did not know the material facts necessary for his guilt.

**4 -Chirangi vs State [[4]](#footnote-4)**

**Facts:** Chirangi, a 45-year-old widower, lived with his daughter, son Ghudsai, and nephew Khotla in Bastar district. Chirangi had been suffering from an abscess in his leg. On the afternoon of 3rd April, he went with his son to gather leaves, but when Khotla returned later, he found Chirangi asleep with a blood-stained axe beside him. Chirangi confessed to Khotla that he had killed his son, believing he was a tiger. He repeated this to others the next day, stating that he had mistakenly attacked his son in a fit of temporary insanity, thinking he was a tiger. Ghudsai’s body was found with fatal injuries, and Chirangi claimed he had acted out of a delusion**.**

**Issue:** Whether Chirangi’s belief that he was attacking a tiger, due to a bona fide mistake of fact, can exempt him from liability for his son's death**.**

**Judgment:** The court set aside Chirangi's conviction, focusing on the principle that ignorance of fact, not law, can provide a defence. Chirangi’s defense of a bona fide mistake of fact—believing his son was a tiger—was supported by expert medical testimony. Dr. Dube explained that Chirangi’s physical ailments, such as cataracts, leg abscess, and cardiovascular issues, combined with a fall, could have caused temporary delirium, leading to the mistaken belief. The court referred to earlier cases where defendants, acting under a mistaken belief, were acquitted. It concluded that Chirangi did not possess the intent to commit murder and was justified due to his mistaken belief. As a result, his conviction was overturned, and he was released**.**

**COMMENTARY**

The principle **Ignorantia Facti Excusat, Ignorantia Juris Non Excusat distinguishes** between ignorance of facts and ignorance of law. Ignorance of facts can serve as a valid defense, especially when a person acts based on a mistaken belief about the circumstances of his or her action. In such cases, the law may be lenient and find that the person had no intention to commit a tort but acted based on a genuine misunderstanding. This approach recognizes human error and provides fairness when the error is based on facts rather than legal knowledge.

However, ignorance of the law is not an acceptable excuse. The legal system presumes that individuals are aware of the laws that govern their conduct and that they are responsible for understanding and obeying them. Ignorance of the law undermines the legal system because it allows individuals to easily escape responsibility by claiming they were unaware of legal requirements. This presumption prevents individuals from escaping responsibility for their actions by feigning ignorance of laws that are publicly available and that people living within their jurisdiction should be aware of.

Although the law does not normally recognize ignorance of the law as a defense, there are situations in which ignorance of certain facts may affect the outcome of a case. However, even in these situations, the distinction is important. Misunderstanding of facts can sometimes lead to reduced responsibility or acquittal, but ignorance of the law remains a weak defense. This principle is intended to encourage individuals to educate themselves about the law that applies to them while providing room for fairness in the event of honest mistakes of fact. Ultimately, this distinction helps maintain accountability and fairness by ensuring that liability is based on a clear understanding of the law while acknowledging human error in interpreting the surrounding facts.

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1. AIR 1955 ALLAHABAD 379 [↑](#footnote-ref-1)
2. 1978CRILJ1305 [↑](#footnote-ref-2)
3. [1982] 2 All ER 257 [↑](#footnote-ref-3)
4. AIR 1952 NAGPUR 282 [↑](#footnote-ref-4)