

# **Bharatiya Nyaya Sanhita, 2023**

A Lecture Note Prepared By:

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Note: (Free Online Class/ Off line coaching available ( LLB

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## **Bharatiya Nyaya Sanhita (BNS), 2023**

### **Salient features of BNS**

The Bharatiya Nyaya Sanhita (BNS), 2023 has replaced the Indian Penal Code (IPC), 1860. It is India's new criminal law that came into force on July 1, 2024. . except the provisions of sub section (2) of section 106. It shall replace The Indian Penal Code (IPC) 1860. Its objective is to modernize and Indianize criminal laws. For the first time, Community Service has been introduced as a form of punishment.

#### **Key Features**

- **Community Service Punishment**

As per Section 4(f) of BNS, community service has been introduced as a new type of punishment, helping reduce the burden on prisons.

- **Modernization**

Replaces the British-era IPC with laws tailored to Indian conditions.

- **Digital Integration**

The law is available in a mobile-friendly and searchable format for easier access.

- **New Definitions of Crimes**

New sections have been introduced for offences like giving false evidence against public justice.

- **Indianization of Criminal Justice**

By replacing IPC and introducing laws with Indian names, the system aims to reflect Indian identity.

## **1. Structural Changes**

- **Reduction in Sections**

IPC had 511 sections, whereas BNS has reduced them to 358 sections.

- **Chapters:**

The BNS consists of 20 chapters.

## **2. New Crimes and Punishments**

- **Community Service**

Introduced for minor offences as a new form of punishment.

- **Mob Lynching:**

**If five or more persons commit murder based on caste, language, or personal belief, punishment ranges from 7 years imprisonment to life imprisonment or death penalty.**

- **Terrorism**

Defined and included as a separate offence.

- **Organized Crime**

Includes kidnapping, extortion, and cybercrimes.

**New Offences have been added in BNS such as**

- **Section 103:** Punishment for murder (equivalent to IPC Section 302).
- **Section 111:** Organized crime.
- **Section 113:** Terrorist acts.
- **Section 356:** Defamation – punishable with up to 2 years imprisonment or fine.
- **Section 304** : Snatching
- **Section 69** : Sexual intercourse by employing deceitful means etc.
- **Section 117(3)** : Grievous hurt causing permanent disability or persistent vegetative state .
- **Section 95** : Hiring, employing or engaging a child to commit an offence etc.

**Major Changes (IPC VS BNS)**

- **Sedition ( 124 A )** - The old sedition law (Section 124A IPC) has been removed. Instead offences against the sovereignty, unity, and integrity of India are included.

- Sexual intercourse against the order of nature - Crimes against women are grouped under a separate chapter. Sexual relations obtained through false promise of marriage are criminalized.
- Attempt to commit suicide etc.
- Adultery
- Theft - Updated to include cyber theft and modern forms of cheating.

**Punishment enhanced for 33 offences under BNS such as**

- Causing death by negligence
- Causing hurt to deter public servant from duty
- Criminal breach of trust
- Cheating

**Apart from above, fine has been increased for 83 offences**

**Community service can be imposed as a punishment in 6 petty offences**

**Offences against woman and child, which are scattered in different chapters in IPC have been brought together in chapter V in BNS**

## New/Modified definitions in BNS

- “Child” - means any person below the age of 18 years [Section 2(3) BNS]
- Electronic and digital record - Included in the definition of “Document” [Section 2(8) BNS].
- Transgender - included in the definition of “Gender” In addition to male and female [Section 2(10) BNS]
- “Moveable property” includes property of any description except land and things attached to the earth or permanently fastened to anything which is attached to the earth [Section 2(21) BNS] Movable Property under IPC include only corporeal property while under BNS it includes property of any description except land and things attached to the earth etc.

### Ingredients of new offences under BNS

#### Section 111(1) BNS defines Organised crime

- any continuing unlawful activity- including kidnapping, robbery, vehicle theft, extortion, contract killing, economic offences, cyber crime, trafficking of persons, drugs, weapons etc.
- by any person or group of persons - acting in concert, singly or jointly either as a member of or on behalf of an organized crime syndicate – by use or threat of violence, intimidation, coercion or any unlawful means

- to obtain direct or indirect material benefits including financial benefits.

**“Organised crime syndicate” means**

- a group of two or more persons
- acting either singly or jointly
- as a syndicate or gang indulging in continuing unlawful activity

**“Continuing unlawful activity”** means an activity prohibited by law which is a cognizable offence punishable with imprisonment of three year or more, undertaken by any person, either singly or jointly, as a member of an organised crime syndicate or on behalf of such syndicate in respect of which **more than one charge-sheets** have been filed before a competent Court within the preceding period of ten years and that Court has taken cognizance of such offence, and includes economic offence;

Offence of <b>Organized crime</b> u/s <b>111 BNS</b>		Cognizable	Non bailable	Triable by the Court of Session
Section	Offence	Punishment		
111(2) BNS	Committing Organised crime a) resulting into death  b) in cases other than above	Death or imprisonment of life and fine not less than Rs.10 lakh  Not less than 5 years but may extend to imprisonment for life and fine not less than Rs. 5 lakh		
111(3) BNS	Abetting, attempting, conspiring, facilitating the commission of organised crime	Not less than 5 years but may extend to imprisonment for life and fine not less than Rs. 5 lakh		
111(4) BNS	Being a member of organised crime syndicate	-do-		

111(5) BNS	Intentionally harbouring or concealing any person who has committed an organised crime	Not less than 3 years but may extend to imprisonment for life and fine not less than Rs. 5 lakh
111(6) BNS	Possessing any property obtained from the commission or proceeds of an organised crime	Not less than 3 years but may extend to imprisonment for life and fine not less than Rs. 2 lakh
111(7) BNS	Possessing movable or immovable property on behalf of member of an organised crime, not satisfactory account for	Not less than 3 years but may extend to imprisonment for 10 years and fine not less than Rs. 1 lakh

### **Petty organised crime (Section 112 BNS)**

**Section 112(1) BNS defines Petty organised crime - being a member of a group or gang,** either singly or jointly **committing any act** - of theft, snatching, cheating, unauthorized selling of tickets, unauthorised betting or gambling, selling of public examination question papers or any other similar criminal act

**Punishment for Petty organised crime u/s 112(2) BNS:- Imprisonment for not less than 1 year but which may extend to 7 years and fine**

**offence of Petty organised crime u/s 112 BNS Cognizable Non bailable Triable by Magistrate of first class.**

### **Section 113(1) BNS defines Terrorist act**

#### **any act done with the intent-**

- to threaten or likely to threaten the unity, integrity, sovereignty, security, or economic, security of India or

- to strike terror, or likely to strike terror in the people or any section of people in India or in any foreign country
- a) by using bombs, dynamite or other explosive, substance or inflammable substance or firearms or other lethal weapons or poisonous or noxious gases or other chemicals or by any other substance, whether biological, radioactive, nuclear or otherwise of a hazardous nature or by any other means of whatever nature to cause or likely to cause
  - (i) death of or injury to any person or persons or
  - (ii) loss of or damage to or destruction of property or
  - (iii) disruption of any supplies or services, essential to the life of the community in India or in any foreign country; or
  - (iv) damage to the monetary stability of India by way of production or smuggling or circulation of **counterfeit Indian paper, currency coin or of any other material** or
  - (v) damage or destruction of any property in India or in a foreign country used or intending to be used for the defence of India or in connection with any other purpose of the Government of India, any state government or any of their agencies or
- b) overawing by means of criminal force or the show of criminal force or attempting to do so or causing death of any public functionary or attempting to cause death of any public functionary or
- c) detaining, kidnaping or abducting any person and threatening to kill or injure such person or does any other act in order to compel the Government of India, any State Government or the Government of a foreign country or an international or inter-governmental organisation or any other person to do so abstain from doing any act.

Explanation:- Officer not below the rank of **Superintendent of Police** shall decide whether to register the case under this section or under The Unlawful Activities (Prevention) Act (UAPA) 1967

Offence of <b>Terrorist act u/s 113 BNS</b>	Cognizable	Non-bailable	Triable by the Court of Session
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**Note:-** This definition is wider than the definition given in UAPA, where it includes the production, smuggling or circulation of **only high quality Indian paper currency, coin or any other material**, whereas it describes **counterfeit Indian paper currency, coin or any other material** in section 113 BNS

### Punishments for Terrorist act

Section	Offence	Punishment
113(2) BNS	Committing a terrorist act a) resulting in death of any person b) in cases other than above	Death or imprisonment for life and fine Imprisonment for not less than 5 years but may extend to imprisonment for life and fine
113(3) BNS	Abetting, attempting, conspiring, facilitating the commission of terrorist act etc.	Imprisonment for not less than 5 years but may extend to imprisonment for life and fine
113(4) BNS	Organizing any camp for imparting training or recruiting any person for commission of terrorist act etc.	Imprisonment for not less than 5 years but may extend to imprisonment for life and fine
113(5) BNS	Being a member of an organization involved in terrorist act	Imprisonment for life and fine
113(6) BNS	Voluntarily harbouring or concealing any person who has committed a terrorist act or its attempt	Imprisonment for not less than 3 years but may extend to imprisonment for life and fine
113(7) BNS	Knowingly possessing any property obtained from commission of any terrorist act	Imprisonment for life and fine