

# **CHANGES INCORPORATED IN BHARATIYA NYAYA SANHITA [BNS]**

Presented by:

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Chapter XIX	351-357	Criminal Intimidation, Insult, Annoyance, Defamation, etc.
Chapter XX	358	Repeal and Savings

**Lurking house trespass by night (section 444 IPC) and Housebreaking by night (section 446 IPC) have been deleted.**

**Unnatural Offence [Sec. 377]**

**Attempt to Commit Suicide [Sec. 309]**

**Thug [Sec. 310 & 311]**

**Sedition [124A]**

**Adultery [497]**

**Deleted  
Provisions  
of IPC**

**Archaic words such as : “Queen”, “British India”, “Servant of Government”, “India”, “Government of India” have been deleted.**

## **358. Repeal and savings.—**

(1) The Indian Penal Code (45 of 1860) is hereby repealed.

(2) Notwithstanding the repeal of the Code referred to in sub-section (1), it shall not affect,—

(a) the previous operation of the Code so repealed or anything duly done or **suffered thereunder**; or

(b) any right, privilege, obligation or liability acquired, accrued or incurred under the Code so repealed; or

(c) any penalty, or punishment incurred in respect of any offences committed against the Code so repealed; or

(d) any investigation or remedy in respect of any such penalty, or punishment; or

(e) any proceeding, investigation or remedy in respect of any such penalty or punishment as aforesaid, and any such proceeding or remedy may be **instituted, continued or enforced**, and any such penalty may be imposed as if that Code had not been repealed.

(3) Notwithstanding such repeal, anything done or any action taken under the said Code shall be deemed to have been done or taken under the corresponding provisions of this Sanhita.

(4) The mention of particular matters in sub-section (2) shall not be held to prejudice or affect the general application of Section 6 of the General Clauses Act, 1897 (10 of 1897) with regard to the effect of the repeal

# **CHAPTER I**

# **PRELIMINARY**

# Definition

- A progressive change has been brought about in **section 2(10) BNS**, wherein while defining the term “**gender**”, it has been stated that the pronoun “he” and its derivatives are used for any person, whether male, female or *transgender*.
- “**Child**” has been defined under **section 2(3) BNS**.
- Moveable property under **section 2(21) BNS** is no longer confined to "Corporeal Property" but includes "incorporeal property"

# Addition of Third Gender

Section 2 (9): “gender”—the pronoun “he” and its derivatives are used of any person, whether male, female or **transgender**.

## Explanation

“transgender” shall have the meaning assigned to it in Section (k) of section 2 of the Transgender Persons (Protection of Rights) Act, 2019; Section 8: The pronoun “he” and its derivatives are used of any person, whether male or female.

## Sec. 2(k) of Transgender Persons Act, 2019

“transgender person” means a person whose gender does not match with the gender assigned to that person at birth and includes trans-man or trans-woman (whether or not such person has undergone Sex Reassignment Surgery or hormone therapy or laser therapy or such other therapy), person with intersex variations, genderqueer and person having such socio-cultural identities as kinner, hijra, aravani and jogta.

# Meaning of Movable Property

## IPC

The words “movable property” are intended to include corporeal property of every description, except land and things attached to the earth or permanently fastened to anything which is attached to the earth [Sec. 22]

## BNS

Section 2(21): “movable property” includes property of every description, except land and things attached to the earth or permanently fastened to anything which is attached to the earth [Sec. 2 (21)]

# **CHAPTER II OF PUNISHMENT**

**BNS 4 – 13 ; IPC 53 - 75**

## Community Service [Section 4]

The punishments of which offenders are liable under the provisions of this Sanhita are:...(f) Community Service

### Defined in Explanation of Sec. 23 of BNSS

"Community service" shall mean the work which the Court may order a convict to perform as a form of punishment that benefits the community, for which he shall not be entitled to any remuneration."

In ***State through PS Lodha Colony, New Delhi v. Sanjeev Nanda***, (BMW Hit and Run case) Supreme Court directed community service under **Article 142** of the Constitution of India as a reformatory measure along with payment of compensation instead of enhancing the sentence.

Section 202	Public servant engaging in trade
Section 209	Non-appearance in response to a proclamation
Section 226	Attempt to commit suicide to compel or restraint exercise of lawful power
Section 303(2)	Theft value less than ₹5000
Section 355	Appearing in public place under intoxication
Section 356	Defamation

# **CHAPTER III**

# **GENERAL EXCEPTIONS**

**BNS 14 – 33 ; IPC 76 – 95**

## **Of right of private defence**

**BNS 34- 44 ; IPC 96 - 106**

**CHAPTER IV  
OF ABETMENT, CRIMINAL  
CONSPIRACY AND  
ATTEMPT**

**Of abetment**

**BNS 45 – 60 ; IPC 107 - 120**

# Abetment Outside India for Offence in India

## [Section 48]

A person abets an offence within the meaning of this Sanhita who, without and beyond India, abets the commission of any act in India which would constitute an offence if committed in India.

Illustration:

A, in country X, instigates B, to commit a murder in India, A is guilty of abetting murder.

### Case Law

➤ Ref. Mobarik Ali vs State of Bombay [AIR 1957 SC 857]

# **Of criminal conspiracy**

**BNS 61 ; IPC 120A – 120B**

# **Of attempt**

**BNS 62 ; IPC 511**

**CHAPTER V  
OF OFFENCES AGAINST  
WOMAN AND CHILD**

**Of sexual offences**

**BNS 63 – 73 ; IPC 375 – 377,228A**

# Sexual Intercourse by Employing Deceitful Means etc.

## [Section 69]

“Whoever, by deceitful means or making by promise to marry to a woman without any intention of fulfilling the same, and has sexual intercourse with her, such sexual intercourse not amounting to the offence of rape, shall be punished with imprisonment of either description for a term which may extend to ten years and shall also be liable to fine.”

### Explanation

“deceitful means” shall include the false promise of employment or promotion, inducement or marrying after suppressing identity.

### Case Law

- Deelip Singh v. State of Bihar [(2005) 1 SCC 88]; Naim Ahamad v. NCT Delhi [2023 SCC Online SC 89] – The SC demarcated “false promise to marry from the very beginning” with “genuinely made promise later become false”

# **Of criminal force and assault against woman**

**BNS 74 – 79 ; IPC 354 – 354D,509**

# **Of offences relating to marriage**

**BNS 80 – 87 ; IPC 304B,493 – 498A,366**

# **Of causing miscarriage, etc.**

**BNS 88 – 92 ; IPC 312 - 316**

# **Of offences against child**

**BNS 93 – 99 ; IPC 317 – 318,366A,369,372,373**

# Hiring, Employing or Engaging a Child to Commit an Offence

[Section 95]

Whoever hires, employs or engages any child to commit an offence shall be punished with imprisonment of either description which shall not be less than three years but which may extend to ten years, and with fine; and if the offence be committed shall also be punished with the punishment provided for that offence as if the offence has been committed by such person himself.

## Explanation

Hiring, employing, engaging or using a child for sexual exploitation or pornography is covered within the meaning of this section.

# Gender Neutral Provisions

## BNS

Section 76: Whoever assaults or uses criminal force to any woman or abets such act with the intention of disrobing...

### Voyeurism

Section 77: Whoever watches, or captures the image...

## IPC

Section 354B: Any man who assaults or uses criminal force to any woman or abets such act with the intention of disrobing...

### Voyeurism

Section 354C: Any man who watches, or captures the image

- In some offences, the gender of the victim is no longer relevant.

Section 96 BNS (Procuration of child)

Section 141 BNS (Importation of girl or boy from foreign country)

Section 366A and 366B IPC penalized procuration of minor girl and importation of girl from foreign country respectively. The BNS offences make the victim gender-neutral.

**CHAPTER VI**  
**OFFENCES AFFECTING**  
**HUMAN BODY**

**Of offences affecting life**

BNS 100 – 113 ; IPC 299 - 309

## **Mob Lynching [Section 103(2)]**

When a group of five or more persons acting in concert commits murder on the ground of race, caste or community, sex, place of birth, language, personal belief or any other ground each member of such group shall be punished with death or with imprisonment for life, and shall also be liable to fine.

### *Case Law*

- Tehseen Poonawala vs. UOI [AIR 2018 SC 3354]

# Escape in Hit & Run Case

[Section 106(2)]

Whoever causes death of any person by rash and negligent driving of vehicle not amounting to culpable homicide, and escapes without reporting it to a police officer or a Magistrate soon after the incident, shall be punished with imprisonment of either description of a term which may extend to ten years, and shall also be liable to fine.

## Case Law

➤ State of Punjab vs. Dil Bahadur [(2023) SCC Online SC 348]

## Organised Crime [Section 111(1)]

Any continuing unlawful activity including kidnapping, robbery, vehicle theft, extortion, land grabbing, contract killing, economic offences, cyber-crimes having severe consequences, trafficking in people, drugs, illicit goods or services and weapons, human trafficking racket for prostitution or ransom, by the effort of groups of individuals acting in concert, singly or jointly, either as a member of an organised crime syndicate or on behalf of such syndicate, by use of violence, threat of violence, intimidation, coercion, corruption or related activities or other unlawful means to obtain direct or indirect, material benefit including a financial benefit, shall constitute organised crime.

Explanation: For the purposes of this section –

(i) “organised crime syndicate” means a group of two or more persons who, acting either singly or jointly, as a syndicate or gang indulge in any continuing unlawful activity;

(ii) “continuing unlawful activity” means an activity prohibited by law which is a cognizable offence punishable with imprisonment of three years 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;

(iii) “economic offence” includes criminal breach of trust, forgery, counterfeiting of currency-notes, bank-notes and Government stamps, *hawala* transaction, mass-marketing fraud or running any scheme to defraud several persons or doing any act in any manner with a view to defraud any bank or financial institution or any other institution or organisation for obtaining monetary benefits in any form.

# Petty Organised Crime [Sec. 112]

Section 112(1): Whoever, being a member of a group or gang, either singly or jointly, commits any act of theft, snatching, cheating, unauthorised selling of tickets, unauthorised betting or gambling, selling of public examination question papers or any other similar criminal act, is said to commit petty organised crime.

(2) Whoever commits any petty organised crime shall be punished with imprisonment for a term which shall not be less than one year but which may extend to seven years, and shall also be liable to fine.

## Explanation

For the purposes of this sub-section "theft" includes trick theft, theft from vehicle, dwelling house or business premises, cargo theft, pick pocketing, theft through card skimming, shoplifting and theft of Automated Teller Machine.

# **Terrorist Act [Section 113]**

Whoever does any act with the intent to threaten or likely to threaten the unity, integrity, sovereignty, security, or economic security of India or with the intent to strike terror or likely to strike terror in the people or any section of the 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 intended to be used for the defence of India or in connection with any other purposes of the Government of India, any State Government or any of their agencies; or

(b) overawes by means of criminal force or the show of criminal force or attempts to do so or causes death of any public functionary or attempts to cause death of any public functionary; or

(c) detains, kidnaps or abducts 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 or abstain from doing any act,

commit a terrorist act.

*Explanation:*

For the purpose of this sub-section,

(a) “public functionary” means the constitutional authorities or any other functionary notified in the Official Gazette by the Central Government as public functionary;

(b) “counterfeit Indian currency” means the counterfeit currency as may be declared after examination by an authorised or notified forensic authority that such currency imitates or compromises with the key security features of Indian currency.

# Persons Who May be Charged for Terrorist Act

1. Commit
2. Conspire
3. Organise
4. Assist
5. Facilitate
6. Attempt
7. Prepare
8. Advocate
9. Abet
10. Advise
11. Incite
12. Member of Organisation
13. Organises Camp for Training
14. Harbour or Conceal Person Committed Terrorist Act
15. Possess Property Obtained from Terrorist Act
16. Recruit Person for Terrorist Act

# **Power of S.P.**

## *Explanation of Sec. 113*

For the removal of doubts, it is hereby declared that the 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, 1967.

# **Of hurt**

**BNS 114 – 125 ; IPC 319 - 338**

# **Of wrongful restraint and wrongful confinement**

**BNS 126 – 127 ; IPC 339 - 348**

# **Of criminal force and assault**

**BNS 128 – 136 ; IPC 349 - 358**

# **Of kidnapping, abduction, slavery and forced labour**

**BNS 137 – 146 ; IPC 359 - 374**

# OTHER CHANGES

- Separate provisions have been introduced under **section 117(3)/(4) BNS** for **grievous hurt resulting in persistent vegetative state or permanent disability** and in cases of **mob lynching**.
- **Beggary** has been introduced as a form of exploitation for trafficking under **section 143 BNS**.
- For **Causing death by negligence**, separate punishments for different categories of negligence have been curated as follows:—
- Causing death by negligence **by any person other than a registered medical practitioner** under **section 106(1) BNS** – Imprisonment of either description may extend to **5 years** and fine.
- Causing death by negligence **by a registered medical practitioner** under **section 106(1) BNS**– Imprisonment of either description may extend to **2 years** and fine.

# Chapter VII

# **OFFENCE AGAINST STATE**

BNS 147-158 ; IPC 121 - 130

# Act Endangering Sovereignty, Unity & Integrity of India

[Section 152]

Whoever, purposely or knowingly, by words, either spoken or written, or by signs, or by visible representation, or by electronic communication or by use of financial mean, or otherwise, excites or attempts to excite, secession or armed rebellion or subversive activities, or encourages feelings of separatist activities or endangers sovereignty or unity and integrity of India; or indulges in or commits any such act shall be punished with imprisonment for life or with imprisonment which may extend to seven years, and shall also be liable to fine.

## Explanation

Comments expressing disapprobation of the measures, or administrative or other action of the Government with a view to obtain their alteration by lawful means without exciting or attempting to excite the activities referred to in this section do not constitute an offence under this section.

**CHAPTER VIII  
OF OFFENCES RELATING TO  
THE ARMY, NAVY AND AIR  
FORCE**

**BNS 159 – 168 ; IPC 131 - 140**

**CHAPTER IX**  
**OF OFFENCES RELATING TO**  
**ELECTIONS**

**BNS 169 – 177 ; IPC 171A – 171I**

**CHAPTER X**  
**OF OFFENCES RELATING**  
**TO COIN, CURRENCY-**  
**NOTES, BANK-NOTES, AND**  
**GOVERNMENT STAMPS**

**BNS 178 – 188 ; IPC 230 - 232, 246 – 249 , 255, 489A,  
239 – 241, 250, 251, 254, 258, 260,  
498B, 242, 243, 252, 253, 259, 489C,  
233- 2350, 256, 257, 489D – 489E,  
261 – 263A, 244 - 245**

**CHAPTER XI  
OF OFFENCES AGAINST  
THE PUBLIC  
TRANQUILLITY**

**BNS 189 – 197 ; IPC 141 - 160**

**CHAPTER XII  
OF OFFENCES BY OR  
RELATING TO PUBLIC  
SERVANTS**

**BNS 198 – 205 ; IPC 166 - 171**

**CHAPTER XIII  
OF CONTEMPTS OF THE  
LAWFUL AUTHORITY OF  
PUBLIC SERVANTS**

**BNS 206 – 226 ; IPC 172 - 190**

**CHAPTER XIV  
OF FALSE EVIDENCE AND  
OFFENCES AGAINST  
PUBLIC JUSTICE**

**BNS 227 – 269 ; IPC 191 – 225B, 227 , 288, 229, 299A**

**CHAPTER XV**  
**OF OFFENCES AFFECTING**  
**THE PUBLIC HEALTH,**  
**SAFETY, CONVENIENCE,**  
**DECENCY AND MORALS**

**BNS 270 – 297 ; IPC 268 – 294A**

**CHAPTER XVI**  
**OF OFFENCES RELATING**  
**TO RELIGION**

**BNS 298 – 302 ; IPC 295 - 298**

# **CHAPTER XVII OF OFFENCES AGAINST PROPERTY**

## **Of theft**

**BNS 303 – 307 ; IPC 378 - 382**

## **Of extortion**

**BNS 308 ; IPC 383 - 389**

## **Of robbery and dacoity**

**BNS 309 – 313 ; IPC 390 - 402**

## **Of criminal misappropriation of property**

**BNS 314 – 315 ; IPC 403 - 404**

# **Of criminal breach of trust**

**BNS 316 ; IPC 405 - 409**

# **Of receiving stolen property**

**BNS 317 ; IPC 410 - 414**

# **Of cheating**

**BNS 318 – 319 ; IPC 415 - 420**

# **Of fraudulent deeds and dispositions of property**

**BNS 320 – 323 ; IPC 421 - 424**

# **Of mischief**

**BNS 324 – 328 ; IPC 425 - 440**

# **Of criminal trespass**

**BNS 329 – 334 ; IPC 441 – 459, 461,462**

**CHAPTER XVIII  
OF OFFENCES RELATING  
TO DOCUMENTS AND TO  
PROPERTY MARKS**

**BNS 335 – 344 ; IPC 463 – 470, 473– 477A**

**Of property marks**

**BNS 345 – 350 ; IPC 479, 481 - 489**

**CHAPTER XIX  
OF CRIMINAL  
INTIMIDATION, INSULT,  
ANNOYANCE, DEFAMATION,  
ETC.**

**BNS 351 – 355 ; IPC 503 – 508, 510**

**Of defamation**

**BNS 356 ; IPC 499 - 502**

**Of breach of contract to attend on  
and supply wants of helpless person**

**BNS 357 ; IPC 491**

# **CHAPTER XX**

# **REPEAL AND SAVINGS**

**BNS 358 ;**

# **OFFENCES RELATING TO PROPERTY**

**Chapter XVI 298-302**

# **Theft by Snatching**

[Section 304]

(1) Theft is “snatching” if, in order to commit theft, the offender suddenly or quickly or forcibly seizes or secures or grabs or takes away from any person or from his possession any moveable property.

(2) Whoever commits snatching, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

# **MISCELLANEOUS**

## **Attempt to Commit Suicide to Compel or Restrain Exercise of Lawful Power [Section 226]**

Whoever attempts to commit suicide with the intent to compel or restrain any public servant from discharging his official duty shall be punished with simple imprisonment for a term which may extend to one year or with fine or with both or with community service.

**Thank you!**