



Prepare 50% Faster

Study Notes

**THE BHARATIYA NYAYA
SANHITA, 2023**

Introduction & Chapter I - V

www.ixamBee.com

INTRODUCTION

- The **Bharatiya Nyaya Sanhita ('BNS')**, also known as the **Indian Justice Code**, serves as the *criminal code* in the Republic of India. Enacted by the Parliament in 2023, this new legislation *supersedes the Indian Penal Code (IPC)* established in 1860.
- The BNS is an all-encompassing legal framework that addresses various facets of criminal law, encompassing offenses, penalties, defenses, and procedural guidelines.
- Bharatiya Nyaya Sanhita Bills **Timeline: Key Events in 2023:**

TIMELINE	EVENT
August 11, 2023	Introduction of Bharatiya Nyaya Sanhita Bill, 2023 in Lok Sabha by Amit Shah, Minister of Home Affairs.
December 12, 2023	Withdrawal of Bharatiya Nyaya Sanhita Bill, 2023.
December 12, 2023	Introduction of Bharatiya Nyaya (Second) Sanhita Bill, 2023 in Lok Sabha.
December 20, 2023	Passage of Bharatiya Nyaya (Second) Sanhita Bill, 2023 in Lok Sabha.
December 21, 2023	Passage of Bharatiya Nyaya (Second) Sanhita Bill, 2023 in Rajya Sabha.
December 25, 2023	President of India gives assent to Bharatiya Nyaya (Second) Sanhita Bill, 2023.

The Bharatiya Nyaya Sanhita is subdivided into **20 CHAPTERS** consisting of **358 SECTIONS** as against 23 chapters and 511 sections in the IPC.

STRUCTURAL CHANGES IN THE SECTION NO. IN BNS have taken place apart from other amendments.

CHAPTERS	CLAUSES	CLASSIFICATION OF OFFENCES
Chapter I	Section 1 to 3	▪ Preliminary
Chapter II	Section 4 to 13	▪ Of Punishments
Chapter III	Section 14 to 44	▪ General Exceptions ▪ Of the Right to Private Defence (sections 34 to 44)
Chapter IV	Section 45 to 62	▪ Of Abetment, Criminal Conspiracy and Attempt
Chapter V	Section 63 to 99	▪ Of Offences against Women and Children: ▪ Of Sexual Offences (63 to 73) ▪ Of Criminal Force and Assault against Women (74 to 79) ▪ Of Offences relating to Marriage (80 to 87) ▪ Of the Causing of Miscarriage, etc. (88 to 92) ▪ Of offences against child (93-99)
Chapter VI	Section 100 to 146	▪ Of Offences Affecting the Human Body: ▪ of Offences Affecting Life (100 to 113) ▪ Of Hurt (114 to 125) ▪ Of wrongful restraint and wrongful confinement (126-127) ▪ Of Criminal Force and Assault (128 to 136) ▪ Of Kidnapping, Abduction, Slavery and Forced Labour (137 to 146)
Chapter VII	Section 147 to 158	▪ Of Offences Against the State
Chapter VIII	Section 159 to 168	▪ Of Offences Relating to the Army, Navy and Air Force
Chapter IX	Section 169 to 177	▪ Of Offences Relating to Elections
Chapter X	Section 178 to 188	▪ Of Offences Relating to Coins, Bank Notes, Currency Notes and Government Stamps

CHAPTERS	CLAUSES	CLASSIFICATION OF OFFENCES
Chapter XI	Section 189 to 197	▪ Of Offences Against the Public Tranquility
Chapter XII	Section 198 to 205	▪ Of Offences by Or Relating to Public Servants
Chapter XIII	Section 206 to 226	▪ Of Contempt of Lawful Authority of Public Servants
Chapter XIV	Section 227 to 269	▪ Of False Evidence and Offences against Public Justice.
Chapter XV	Section 270 to 297	▪ Of Offences affecting the Public Health, Safety, Convince, Decency and Morals
Chapter XVI	Section 298 to 302	▪ Of Offences Relating to Religion
Chapter XVII	Section 303 to 332	▪ Of Offences against Property: ▪ Of Theft (303 to 307) ▪ Of Extortion (308) ▪ Of Robbery and Dacoity (309 to 313) ▪ Of Criminal Misappropriation of Property (314 and 315) ▪ Of Criminal Breach of Trust (316) ▪ Of the Receiving of Stolen Property (317) ▪ Of Cheating (318 and 319) ▪ Of Fundamental Deeds and Disposition of Property (320 to 323) ▪ Of Mischief (324 to 328) ▪ Of Criminal Trespass (329 to 334)
Chapter XVIII	Section 335 to 348	▪ Of Offences Relating to Documents and to Property Marks ▪ Of Documents (335 to 344) ▪ Of Property Marks (345 to 350)
Chapter XIX	Section 351 to 356	▪ Of Criminal Intimidation, Insult, Annoyance, Defamation, ETC. ▪ Intimidation, Insult and Annoyance (351 to 355) ▪ Of Defamation (356) ▪ Of breach of contract to attend on and supply wants of the helpless person (357)
Chapter XX	Section 358	▪ Repeal and Savings (358)

"OVERVIEW OF SIGNIFICANT LEGAL AMENDMENTS: KEY REVISIONS IN THE INDIAN PENAL CODE BY BHARATIYA NYAYA SANHITA"

- **OFFENCES AGAINST THE BODY:**
 - Retains murder, abetment of suicide, assault, and grievous hurt provisions, however, *introduces new offences* like organized crime, terrorism, and or grievous hurt by a group on certain grounds.
- **SEXUAL OFFENCES AGAINST WOMEN:**
 - Retains IPC provisions on rape, voyeurism, stalking, and insulting modesty, however, *raises the age threshold for gangrape victims* from 16 to 18.
 - *Criminalizes sexual intercourse* by deceitful means or false promises.
- **OFFENCES AGAINST THE STATE:**
 - It *removes sedition* as an offence. Instead, there is a new offence for acts endangering India's sovereignty, unity and integrity.
- **TERRORISM:**
 - *Includes and Defines terrorism* as acts threatening national unity, public intimidation, or disturbance of public order.
 - *Prescribes severe penalties* for attempting or committing terrorism.
- **ORGANISED CRIME:**
 - *Includes offences* like kidnapping, extortion, contract killing, land grabbing, financial scams, and cybercrime.
 - *Imposes stringent punishments* for attempting or committing organized crime.
- **MOB LYNCHING:**
 - *Introduces a new offence* for murder or grievous hurt by five or more people on specified grounds (race, caste, sex, language, or personal belief).
 - Prescribes minimum seven years imprisonment to life imprisonment or death penalty.
- **OFFENCES AGAINST PROPERTY:**
 - Retains the provisions of the IPC on theft, robbery, burglary and cheating, however, it *adds new offences* such as cybercrime and financial fraud.
- **OFFENCES AGAINST THE PUBLIC:**
 - It *adds new offences* such as environmental pollution and human trafficking.
- **SUPREME COURT RULINGS:**
 - Adopts Supreme Court decisions, *omitting adultery as an offence*.
 - *Adds life imprisonment as a penalty* for murder or attempted murder by a life convict, in addition to the death penalty.

PRELIMINARY CHAPTER I SECTION 1-3

- Bharatiya Nyaya Sanhita (“BNS”) is a subject **dealing with the definition of offences and punishments prescribed** for each offence.
- Every **person is subject to punishment under the BNS for any act or omission that goes against its rules**, and they will **be held guilty only if the offense occurs within India** [Section 1(3)]
- If a **person, under any existing law in India, is accountable for a crime committed outside of India**, they will **be treated** according to the rules of the BNS **as if the act occurred within India** [Section 1(4)].
- The provisions of BNS **shall also apply to any offence committed by** [Section 1(5)]:
 - any *citizen of India* in any place without and beyond India;
 - any *person on any ship or aircraft registered in India* wherever it may be;
 - any *person in any place without and beyond India* committing offence targeting a computer resource located in India.
- BNS **does not change the rules of any law that punishes mutiny and desertion** by government officers, soldiers, sailors, or airmen nor does it impact any special or local laws related to these offenses [Section 1(6)].

NOTE:

“OFFENCE” includes every act committed outside India which, if committed in India, would be punishable under BNS.

SOME IMPORTANT DEFINITIONS SECTION 2

- **Section 2 (3) “child”** means any person below the age of eighteen years.
- **Section 2 (4) “counterfeit”**—A person is said to “counterfeit” who causes one thing to resemble another thing, intending by means of that resemblance to practise deception, or knowing it to be likely that deception will thereby be practised.
 - It is not essential to counterfeiting that the imitation should be exact.
 - When a person causes one thing to resemble another thing, and the resemblance is such that a person might be deceived thereby, it shall be presumed, until the contrary is proved, that the person so causing the one thing to resemble the other thing intended by means of that resemblance to practise deception or knew it to be likely that deception would thereby be practised.
- **Section 2 (7) “dishonestly”** means doing anything with the intention of causing wrongful gain to one person or wrongful loss to another person.
- **Section 2 (8) “document”** means any matter expressed or described upon any substance by means of letters, figures or marks, or by more than one of those means, and includes electronic and digital record, intended to be used, or which may be used, as evidence of that matter.
 - It is immaterial by what means or upon what substance the letters, figures or marks are formed, or whether the evidence is intended for, or may be used in a Court or not.

- Examples:
 - A writing expressing the terms of a contract, which may be used as evidence of the contract, is a document.
 - A cheque upon a banker is a document.
 - A power-of-attorney is a document.
 - A map or plan which is intended to be used or which may be used as evidence, is a document.
 - A writing containing directions or instructions is a document
- Whatever is expressed by means of letters, figures or marks as explained by mercantile or other usage, shall be deemed to be expressed by such letters, figures or marks within the meaning of this section, although the same may not be actually expressed.
- Example:
 - A writes his name on the back of a bill of exchange payable to his order. The meaning of the endorsement, as explained by mercantile usage, is that the bill is to be paid to the holder. The endorsement is a document, and shall be construed in the same manner as if the words “pay to the holder” or words to that effect had been written over the signature.
- **Section 2 (9) “fraudulently”** means doing anything with the intention to defraud but not otherwise.
- **Section 2 (14) “injury”** means any harm whatever illegally caused to any person, in body, mind, reputation or property.
- **Section 2 (16) “Judge”** means a person who is officially designated as a Judge and includes a person—
 - who is empowered by law to give, in any legal proceeding, civil or criminal, a definitive judgment, or a judgment which, if not appealed against, would be definitive, or a judgment which, if confirmed by some other authority, would be definitive; or
 - who is one of a body or persons, which body of persons is empowered by law to give such a judgment.
- **Section 2 (26) “person”** includes any company or association or body of persons, whether incorporated or not.
- **Section 2 (28) “public servant”** means a person falling under any of the descriptions, namely: —
 - a. every commissioned officer in the Army, Navy or Air Force;
 - b. every Judge including any person empowered by law to discharge, whether by himself or as a member of any body of persons, any adjudicatory functions;
 - c. every officer of a Court including a liquidator, receiver or commissioner whose duty it is, as such officer, to investigate or report on any matter of law or fact, or to make, authenticate, or keep any document, or to take charge or dispose of any property, or to execute any judicial process, or to administer any oath, or to interpret, or to preserve order in the Court, and every person specially authorised by a Court to perform any of such duties;

- d. every assessor or member of a panchayat assisting a Court or public servant;
 - e. every arbitrator or other person to whom any cause or matter has been referred for decision or report by any Court, or by any other competent public authority;
 - f. every person who holds any office by virtue of which he is empowered to place or keep any person in confinement;
 - g. every officer of the Government whose duty it is, as such officer, to prevent offences, to give information of offences, to bring offenders to justice, or to protect the public health, safety or convenience;
 - h. every officer whose duty it is, as such officer, to take, receive, keep or expend any property on behalf of the Government, or to make any survey, assessment or contract on behalf of the Government, or to execute any revenue-process, or to investigate, or to report, on any matter affecting the pecuniary interests of the Government, or to make, authenticate or keep any document relating to the pecuniary interests of the Government, or to prevent the infraction of any law for the protection of the pecuniary interests of the Government;
 - i. every officer whose duty it is, as such officer, to take, receive, keep or expend any property, to make any survey or assessment or to levy any rate or tax for any secular common purpose of any village, town or district, or to make, authenticate or keep any document for the ascertaining of the rights of the people of any village, town or district;
 - j. every person who holds any office by virtue of which he is empowered to prepare, publish, maintain or revise an electoral roll or to conduct an election or part of an election;
 - k. every person—
 - in the service or pay of the Government or remunerated by fees or commission for the performance of any public duty by the Government;
 - in the service or pay of a local authority as defined in clause (31) of section 3 of the General Clauses Act, 1897, a corporation established by or under a Central or State Act or a Government company as defined in clause (45) of section 2 of the Companies Act, 2013.
- **Section 2 (31) “valuable security”** means a document which is, or purports to be, a document whereby any legal right is created, extended, transferred, restricted, extinguished or released, or whereby any person acknowledges that he lies under legal liability, or has not a certain legal right.
 - **GENERAL EXPLANATIONS (Section 3):**
 - **Every definition of an offence and penal provision in the BNS follows general rules.** However, every definition, penal provision, and related illustration is **inherently influenced by the exceptions outlined in the "General Exceptions"** chapter. While not explicitly restated in specific definitions or provisions, the

general exceptions are integral to the interpretation and application of each offence.

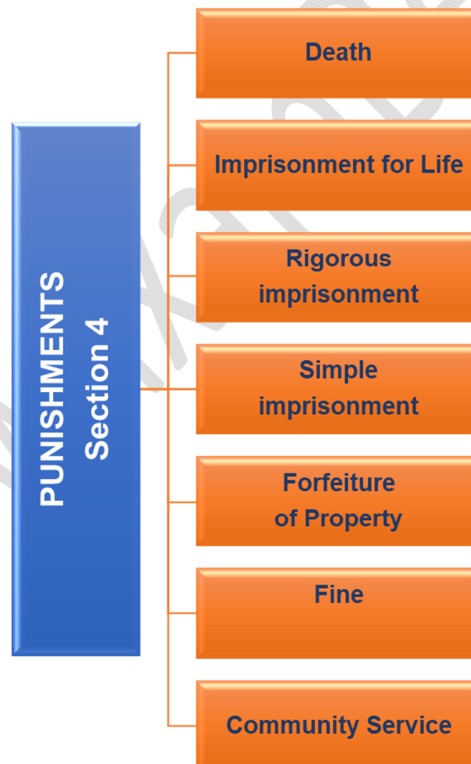
The Chapter on General Exceptions serves as a foundational guide, contributing to the uniform understanding of offences throughout the BNS.

- *Example:* The sections in the BNS, which contain definitions of offences, do not express that a child under seven years of age cannot commit such offences; but the definitions are to be understood subject to the general exception which provides that nothing shall be an offence which is done by a child under seven years of age.
- Expressions explained in any part of the BNS **maintains consistent interpretation across all sections.** The understanding of expressions in one part extends uniformly to their usage throughout the entire Sanhita.
- **Property held by an individual's spouse, clerk, or servant on their behalf is deemed to be in the individual's possession** as per BNS definitions.
 - *Example:* A person employed temporarily or on a particular occasion in the capacity of a clerk or servant, is a clerk or servant within the meaning of this sub-section.
- In every Part of the BNS, except where a contrary intention appears from the context, **words which refer to acts done extend also to illegal omissions.**
- **When a criminal act is done by several persons in furtherance of the common intention of all, each of such persons is liable** for that act in the same manner as if it were done by him alone.
- In cases **where an act is criminal due to specific knowledge or intention, all involved individuals sharing that knowledge or intention are equally liable.**
- **Wherever the causing of a certain effect, or an attempt to cause that effect, by an act or by an omission, is an offence,** it is to be understood that the causing of that effect partly by an act and partly by an omission is the same offence.
 - *Example:* A intentionally causes Z's death, partly by illegally omitting to give Z food, and partly by beating Z. A has committed murder.
- When **an offence involves multiple acts, anyone who intentionally collaborates in committing the offence by performing any one of those acts,** whether individually or in cooperation with others, **is deemed to have committed that offence.**
- Where **several persons are engaged or concerned in the commission of a criminal act,** they **may be guilty of different offences by means of that act.**
 - *Example:* A attacks Z under such circumstances of grave provocation that his killing of Z would be only culpable homicide not amounting to murder. B, having ill-will towards Z and intending to kill him, and not having been subject to the provocation, assists A in killing Z. Here, though A and B are

both engaged in causing Z's death, B is guilty of murder, and A is guilty only of culpable homicide.

OF PUNISHMENTS CHAPTER II SECTION 4-13

- **This BNS provides for penalties for various offences** on the basis of scheme and types of punishments provided under this chapter.
- **PUNISHMENTS** (Section 4):
 - The **punishments to which offenders are liable** under the provisions of BNS are:
 - Death
 - Imprisonment for life
 - Imprisonment which is of two descriptions:
 - ✚ Simple Imprisonment
 - ✚ Rigorous Imprisonment- that is, with hard labour
 - Forfeiture of property
 - Fine
 - Community Service



NOTES:

COMMUNITY SERVICE is added by the BNS.

- Sentences of punishments are provided by judges on the basis of prescriptions under this chapter and keeping in mind the **two essential factors of crime**:
 - *Actus reus-wrongful act*: fundamental principle of penal liability. It means intent and act both must concur to constitute a crime.
 - *Mens rea-guilty mind*: is a state of mind being guilty.
- **Types of mens rea**:
 - Intention,
 - Motive,
 - Knowledge,
 - Recklessness,
 - Negligence.

Another necessitating factor kept in mind while sentencing is the wrongful act shall be done with guilty mind and must cause injury to complainant.

- **COMMUTATION OF SENTENCE (Section 5)**:
 - The **Appropriate Government** has the *power to commute any punishment under the BNS without the offender's consent*.
 - The **commutation process** aligns with the provisions in section 474 of the *Bharatiya Nagarik Suraksha Sanhita, 2023*.
 - **Appropriate Government** means:
 - *Central Government* if the sentence is related to death or an offence falling under the Union's executive power.
 - *State Government* if the sentence, whether death or otherwise, is for an offence under a law within the State's executive power.

COMMUTATION OF A SENTENCE

- Refers to the reduction or substitution of a specific punishment imposed on a convicted individual.
- The process involves changing the original form or severity of the punishment to a less severe one, often authorized by a competent authority.
- **Commutation** involves changing the form or severity of the punishment without the offender's consent.
 - Example: If a person is sentenced to life imprisonment, the appropriate government may, based on certain considerations, decide to commute the sentence to a fixed-term imprisonment, reducing the severity of the punishment.

SECTIONS IN BNS	PROVISIONS SAME/AMENDED/NEW
<ul style="list-style-type: none"> ▪ Section 6: Fractions of Terms of Punishment (IPC S. 57) ▪ Section 7: Sentence May Be (In Certain Cases of Imprisonment) Wholly or Partly Rigorous or Simple (IPC S. 60) ▪ Section 8: (IPC S. 63, 64, 65, 66) <ul style="list-style-type: none"> • Fine amount is not specified for an offense • Offence is: <ul style="list-style-type: none"> ○ punishable with imprisonment as well as fine, in which the offender is sentenced to a fine, whether with or without imprisonment; ○ punishable with imprisonment or fine, or with fine only, in which the offender is sentenced to a fine • Limit to imprisonment for non-payment of fine, when imprisonment and fine awardable • Offender fails to pay a fine or fulfill community service 	<p>SAME Provisions as in IPC: Structural Change in Section no.</p> <p>Equivalent to imprisonment for twenty years</p> <p>Imprisonment shall be entirely rigorous, entirely simple, or a combination of both</p> <p>Offender liable with unlimited fine but shall not be excessive</p> <p>Court shall issue a sentence directing that if an offender fails to pay a fine, they will undergo imprisonment for a specified duration (Thus, the Court shall have the power to impose additional imprisonment solely for non-payment of fines, ensuring a mechanism to enforce financial penalties and maintain legal consequences for non-compliance with imposed fines)</p> <p>Not exceed one-fourth of the maximum term of imprisonment set for the offense</p> <p>Imprisonment imposed by Court shall be of any description that the offender might have been sentenced for the offence</p>

SECTIONS IN BNS	PROVISIONS SAME/AMENDED/NEW
<ul style="list-style-type: none"> ▪ Section 8: (IPC S. 67, 68, 70) <ul style="list-style-type: none"> • Liability for offence is punishable with fine or community service • imprisonment due to non-payment of a fine • Unpaid fine or any part of it 	<p>AMENDED Provisions as in IPC: Structural Change in Section no.</p> <p>Simple imprisonment:</p> <ul style="list-style-type: none"> • two months for fines up to five thousand rupees, • four months for fines up to ten thousand rupees, and • one year for any other case. <p>Imprisonment to terminate on payment of fine</p> <p>Fine leviable within six years, of during imprisonment. Death not to discharge property from liability</p>

SECTIONS IN BNS	PROVISIONS SAME/AMENDED/NEW
<ul style="list-style-type: none"> ▪ Section 9: (IPC S. 71) <ul style="list-style-type: none"> • Limit of Punishment of Offence Made Up of Several Offences ▪ Section 10: (IPC S. 72) <ul style="list-style-type: none"> • Person guilty of one of several offences, the judgment stating that is doubtful of which 	<p>SAME Provisions as in IPC: Structural Change in Section no.</p> <p>Offender shall not be punished for more than one of those offenses</p> <p>If someone breaks multiple laws or commits various acts that can be separate offenses, their punishment shall not be harsher than the maximum penalty for any single offense among them</p> <p>Be punished for the offense carrying the lowest penalty, provided the same punishment is not applicable to all offenses</p>

SECTIONS IN BNS	PROVISIONS SAME/AMENDED/NEW
<ul style="list-style-type: none"> Section 11: (IPC S. 73) <ul style="list-style-type: none"> Solitary confinement Section 12: (IPC S. 74) <ul style="list-style-type: none"> Limit of Solitary Confinement Section 13: (IPC S. 75) <ul style="list-style-type: none"> Enhanced Punishment for Certain Offences After Previous Conviction 	<p>SAME Provisions as in IPC: Structural Change in Section no.</p> <p>Duration not to exceed 14 consecutive days, and intervals between these periods should be equal to the confinement durations Overall imprisonment term exceeds 3 months, solitary confinement not to exceed 7 days in any single month, with intervals matching the duration of the confinement periods</p> <p>Offence punishable under Chapter X or Chapter XVII of the BNS: life imprisonment or imprisonment for up to ten years for each subsequent offence</p>

GENERAL EXCEPTIONS CHAPTER III SECTION 14-44

- The **basic principle of criminal jurisprudence in India** is that *“no innocent must be punished even if thousand criminals escape.”*
- This chapter deals with certain General Exceptions which are defenses that can be taken by some people innocent. As there are certain circumstances in which some external factors can compel the mind to perform a certain illegal act.



The above exceptions are divided as excusable and justifiable.

- **Excusable acts:** -Mens Rea is completely absent.
- **Justifiable acts:** Not left excused but are justified.

MISTAKE (SECTION 14 & 17)

- **ACT DONE BY A PERSON BOUND, OR BY MISTAKE OF FACT BELIEVING HIMSELF BOUND, BY LAW (Section 14):**
 - If someone, **in good faith, believes they are required by law to do something, and it's done by them, it's not considered an offense**, even if there's a mistake of fact.
 - **Example:** A, a soldier, fires on a mob by the order of his superior officer, in conformity with the commands of the law. A has committed no offence.
- **ACT DONE BY A PERSON JUSTIFIED, OR BY MISTAKE OF FACT BELIEVING HIMSELF JUSTIFIED, BY LAW (Section 17):**
 - If a person, **in good faith and due to a mistake of fact, believes they are justified by law to do something**, it is not considered an offense.
 - **Example:** A sees Z commit what appears to A to be a murder. A, in the exercise, to the best of his judgment exerted in good faith, of the power which the law gives to all persons of apprehending murderers in the fact, seizes Z, in order to bring Z before the proper authorities. A has committed no offence, though it may turn out that Z was acting in self-defence.

JUDICIAL ACTS (SECTION 15 & 16)

- **ACT OF JUDGE WHEN ACTING JUDICIALLY (Section 15):**
 - Any **act performed by a Judge in the exercise of a power given by law, or believed to be given in good faith**, is not considered an offense.
- **ACT DONE PURSUANT TO JUDGMENT OR ORDER OF COURT (Section 16):**
 - Any **action carried out in accordance with a Court judgment or order, as long as it remains valid**, is not considered an offense. This holds true even if the Court lacked jurisdiction to issue the judgment or order, as long as the person acting in good faith believes the Court had the jurisdiction.

ACCIDENT (SECTION 18)

- **ACCIDENT IN DOING A LAWFUL ACT (Section 18):**
 - **No wrongdoing occurs when something happens unintentionally or accidentally, without any criminal intent or knowledge**. This applies to performing a lawful act in a lawful manner, using lawful means, and exercising proper care and caution.

NECESSITY (SECTION 30)

- **ACT DONE IN GOOD FAITH FOR BENEFIT OF A PERSON WITHOUT CONSENT (Section 30):**
 - No offense is committed for any harm caused in good faith for the benefit of a person, even without their consent, if it's impossible for them to provide consent or if they're incapable, without a guardian, and obtaining consent in time is not possible. However, this exception doesn't apply to:
 - the intentional causing of death,
 - the doing something likely to cause death for purposes other than preventing of death or grievous hurt, or curing of any grievous disease or infirmity,
 - the voluntarily causing hurt for purposes other than preventing of death or hurt,
 - the abetment of any offence, to the committing of which offence it would not extend.
 - Example: Z is thrown from his horse, and is insensible. A, a surgeon, finds that Z requires to be trepanned. A, not intending Z's death, but in good faith, for Z's benefit, performs the trepan before Z recovers his power of judging for himself. A has committed no offence.

NOTE:

Mere pecuniary benefit is not benefit within the meaning of sections 26, 27 and this section 30.

INFANCY (SECTION 20 & 21)

- **ACT OF A CHILD UNDER SEVEN YEARS OF AGE (Section 20):**
 - **Children under seven years of age cannot commit any offence.**
 - Thus, this section exempts children under seven years of age from any criminal liability, even if their actions would typically constitute an offense. This exemption is based on the legal presumption that children below seven years of age lack the capacity to distinguish between right and wrong, a concept known as "doli incapax."
- **ACT OF A CHILD ABOVE SEVEN AND UNDER TWELVE YEARS OF AGE OF IMMATURE UNDERSTANDING (Section 21):**
 - **Children above seven and below twelve years**, lacking the maturity to understand their actions, *cannot be held accountable for any offense committed.*
 - Therefore, children in the age group of above seven and below twelve years cannot be convicted if it is expressly found that they lack sufficient maturity to understand the nature and consequences of their criminal act. Whether a child possesses sufficient understanding is determined on a case-by-case basis.

- *Example:* If a child is found guilty and deemed to have enough understanding from their actions, they can be convicted.

INSANITY (SECTION 22)

- **ACT OF A PERSON OF UNSOUND MIND (Section 22):**
 - *No offense is committed by a person who, due to unsoundness of mind at the time, is incapable of understanding the nature of the act or whether it is wrong or against the law.*

DRUNKENNESS (SECTION 23 & 24)

- **ACT OF A PERSON INCAPABLE OF JUDGMENT BY REASON OF INTOXICATION CAUSED AGAINST HIS WILL (Section 23):**
 - No offense is committed by a person who, **at the time of doing it, is unable to understand the nature of the act due to intoxication**, provided that the *intoxicating substance was administered without their knowledge* or against their will.
- **OFFENCE REQUIRING A PARTICULAR INTENT OR KNOWLEDGE COMMITTED BY ONE WHO IS INTOXICATED (Section 24):**
 - In cases where an act requires a particular knowledge or intent, if a person does the act while intoxicated, *they will be treated as if they had the same knowledge as they would have had if they were not intoxicated*, **unless the intoxicating substance was administered to them without their knowledge or against their will.**

CONSENT (SECTION 25 TO 28)

- **ACT NOT INTENDED AND NOT KNOWN TO BE LIKELY TO CAUSE DEATH OR GRIEVOUS HURT, DONE BY CONSENT (Section 25):**
 - Nothing is considered an offense **if it is not intended to cause death or grievous hurt, and the doer is not aware that it is likely to cause such harm.** This applies:
 - *to any harm caused or intended by the doer to a person above eighteen years of age who has given consent, either express or implied, to endure that harm;*
 - when the doer knows that the harm is likely to cause harm to a consenting person who has agreed to take the risk.
 - *Example:* A and Z agree to fence with each other for amusement. This agreement implies the consent of each to suffer any harm which, in the course of such fencing, may be caused without foul play; and if A, while playing fairly, hurts Z, A commits no offence.

- **ACT NOT INTENDED TO CAUSE DEATH, DONE BY CONSENT IN GOOD FAITH FOR PERSON'S BENEFIT (Section 26):**
 - Nothing is considered an offense if it is not intended to cause death. This applies:
 - to any harm caused or intended by the doer in good faith for the benefit of a person who has given consent, either express or implied, to suffer that harm or to take the risk of that harm.
 - *Example:* A, a surgeon, knowing that a particular operation is likely to cause the death of Z, who suffers under the painful complaint, but not intending to cause Z's death, and intending, in good faith, Z's benefit, performs that operation on Z, with Z's consent. A has committed no offence.

- **ACT DONE IN GOOD FAITH FOR BENEFIT OF CHILD OR PERSON OF UNSOUND MIND, BY, OR BY CONSENT OF GUARDIAN (Section 27):**
 - Nothing done in good faith for the benefit of a person under twelve years of age or a person of unsound mind, with the consent (express or implied) of their guardian or lawful charge, is considered an offense by reason of any harm it may cause. However, **this exception doesn't apply to:**
 - intentional causing of death,
 - doing anything likely to cause death for purposes other than prevention of death or grievous hurt or curing of any grievous disease or infirmity,
 - voluntarily causing grievous hurt unless for the purpose of prevention of death or grievous hurt or curing of any grievous disease or infirmity,
 - abetment of an offense.
 - *Example:* A, in good faith, for his child's benefit without his child's consent, has his child cut for the stone by a surgeon knowing it to be likely that the operation will cause the child's death, but not intending to cause the child's death. A is within the exception, in as much as his object was the cure of the child.

- **CONSENT KNOWN TO BE GIVEN UNDER FEAR OR MISCONCEPTION (Section 28):**
 - A consent is not valid under the BNS if:
 - given under fear of injury or due to a misconception of fact, and the person doing the act knows or has reason to believe it was given because of fear or misconception;
 - given by a person who, due to unsoundness of mind or intoxication, is unable to understand the nature and consequences of the consent;
 - unless the context indicates otherwise, given by a person under twelve years of age.

COMPULSION (SECTION 32)

- **ACT TO WHICH A PERSON IS COMPELLED BY THREATS (Section 32):**

- **No act is considered an offence**, except for murder and certain State offenses punishable by death, **if done under the compulsion of threats causing a reasonable fear of instant death**. However, **this does not apply** if the person willingly placed themselves in the situation, anticipating harm short of instant death.
- **If someone willingly joins a gang of dacoits**, either voluntarily or due to the threat of being beaten, knowing their criminal nature, *they are not entitled to the exception that applies to acts done under compulsion or threats within that gang*.
- **If a person is captured by a gang of dacoits and compelled**, under the threat of immediate death, **to commit an offence**, such as a blacksmith being forced to use his tools to break into a house for the dacoits, *that person is entitled to the benefit of this exception*.

TRIFLES (SECTION 33)

- **ACT CAUSING SLIGHT HARM (Section 33):**
 - No act is considered an offense if it causes, intends to cause, or is known to likely cause harm, **as long as the harm is so minor that an ordinary person wouldn't complain about it**.

PRIVATE DEFENCE (SECTION 34 TO 44)

- **THINGS DONE IN PRIVATE DEFENCE (Section 34):**
 - **No act is considered an offense** if it is done in the exercise of the right of private defense.
- **RIGHT OF PRIVATE DEFENCE OF BODY AND OF PROPERTY (Section 35):**
 - Every person has **the right, with certain restrictions, to defend:**
 - *his own body or the body of another person*, against offenses affecting the human body;
 - *the property, whether movable or immovable*, against acts like theft, robbery, mischief, or criminal trespass, or attempts to commit such offenses.
- **RIGHT OF PRIVATE DEFENCE AGAINST ACT OF A PERSON OF UNSOUND MIND, ETC. (Section 36):**
 - If an **action that would typically be deemed an offense is not treated as such because of factors** such as youth, lack of understanding, unsoundness of mind, intoxication, or misconception by the person committing the action, **everyone retains the same right of private defence against that act as they would if it were the actual offense**.
 - *Example: Z*, a person of unsound mind, attempts to kill A; Z is guilty of no offence. But A has the same right of private defence which he would have if Z were sane.

- **ACTS AGAINST WHICH THERE IS NO RIGHT OF PRIVATE DEFENCE (Section 37):**
 - There is **no right of private defence**:
 - *when a public servant, acting in good faith under the authority of his office, does an act that doesn't reasonably cause the fear of death or grievous hurt, even if the act is not strictly justifiable by law;*
 - *when an act is done, or attempted to be done, under the direction of a public servant acting in good faith, even if the direction is not strictly justifiable by law, and it doesn't reasonably cause the fear of death or grievous hurt;*
 - *in situations where there is time to seek help from public authorities.*
 - The right to private defence **can only be used to the extent necessary for protection/defence.**
 - A person is **not deprived of the right of private defence against an act done, or attempted to be done, by a public servant, as such, unless** he knows or has reason to believe, that the person doing the act is such public servant.
 - A **person can use the right of private defence against an act directed by a public servant unless** he knows or have reason to believe that the person doing the act is acting by such direction or unless such person states the authority under which he acts, or if he has authority in writing, unless he produces such authority, if demanded.

- **WHEN RIGHT OF PRIVATE DEFENCE OF BODY EXTENDS TO CAUSING DEATH (Section 38):**
 - The **right of self-defence or private defence of the body extends to causing harm, including death of the assailant, if the offense falls into the specific categories such as:**
 - an assault likely to:
 - ✚ cause death,
 - ✚ cause grievous hurt,
 - assault with intent to:
 - ✚ commit rape,
 - ✚ gratify unnatural lust,
 - ✚ kidnap or abduct,
 - ✚ wrongfully confine under circumstances causing fear of being unable to seek help from public authorities for release,
 - throwing or administering acid with the potential to cause grievous hurt.

- **WHEN SUCH RIGHT EXTENDS TO CAUSING ANY HARM OTHER THAN DEATH (Section 39):**
 - **If the offense does not fall under the categories specified under section 38, one cannot intentionally cause the death of the assailant in self-defence.**

However, one can still cause harm other than death under the conditions specified in section 37.

- **COMMENCEMENT AND CONTINUANCE OF RIGHT OF PRIVATE DEFENCE OF BODY (Section 40):**
 - The **right of private defense of the body commences when there's a reasonable apprehension of danger from an attempt or threat to commit an offense**, even if the offense has not occurred. It lasts as long as the apprehension of danger to the body persists.

- **WHEN RIGHT OF PRIVATE DEFENCE OF PROPERTY EXTENDS TO CAUSING DEATH (Section 41):**
 - The **right of self-defense for property allows causing harm, even death, to the wrong-doer if the offense involves:**
 - *robbery,*
 - *house-breaking after sunset and before sunrise,*
 - *mischief by fire or explosive substance on a dwelling or property storage/ a place for the custody of property,*
 - *theft, mischief, or house-trespass under circumstances likely to cause death or grievous hurt if self-defense is not exercised.*

- **WHEN SUCH RIGHT EXTENDS TO CAUSING ANY HARM OTHER THAN DEATH (Section 42):**
 - **If the offense prompting the right of self-defense involves theft, mischief, or criminal trespass not specified in section 41, one cannot intentionally cause death.** However, one can still cause harm, subject to the restrictions in section 37, to the wrong-doer other than death.

- **COMMENCEMENT AND CONTINUANCE OF RIGHT OF PRIVATE DEFENCE OF PROPERTY (Section 43):**
 - **The right to defend property:**
 - *begins when there's a reasonable fear of danger to the property,*
 - *against theft lasts until the offender retreats with the property, public authorities assist, or the property is recovered;*
 - *against robbery continues as long as the offender causes or attempts to cause death, hurt, or wrongful restraint, or as long as the fear of immediate harm persists;*
 - *against criminal trespass or mischief lasts as long as the offender continues the act;*
 - *against house-breaking after sunset and before sunrise lasts as long as the initiated trespass continues.*

- **RIGHT OF PRIVATE DEFENCE AGAINST DEADLY ASSAULT WHEN THERE IS RISK OF HARM TO INNOCENT PERSON (Section 44):**
 - In exercise of the right of private defence against an assault **which reasonably causes the apprehension of death**, if the *defender is in a situation where protecting themselves involves a risk to an innocent person, they still have the right to defend themselves, even if it means taking that risk.*

OF ABETMENT, CRIMINAL CONSPIRACY AND ATTEMPT CHAPTER IV SECTION 45-62

OF ABETMENT

- **In a crime involving multiple participants**, each person may contribute differently to its commission. Some may instigate, while others offer help at the time of the act. **It is crucial to assess each person's level of involvement to determine their degree of culpability.**
- **ABETMENT OF A THING (SECTION 45):**
 - **A person abets the commission of a crime by:**
 - *instigating someone to do it;*
 - *participating/engaging in a conspiracy, resulting in an act or illegal omission, to accomplish the crime; or*
 - *intentionally helping in the commission of the crime through an act or illegal omission.*
 - **If a person deliberately misrepresents or conceals material facts which they should reveal, and as a result, cause or tries to cause something to happen**, it is considered instigation.
 - *Example: A, a public officer, is authorised by a warrant from a Court to apprehend Z. B, knowing that fact and also that C is not Z, wilfully represents to A that C is Z, and thereby intentionally causes A to apprehend C. Here B abets by instigation the apprehension of C.*
 - **Anyone who, before or during the commission of an act, does something to make it easier and, as a result, contributes to the happening of the act is said to aid in its commission.**
- **ABETTOR (Section 46):**
 - A person abets a crime **by supporting either the actual commission of the offense or the commission of an act that would be an offense if done by someone legally capable of committing it**, with the same intention or knowledge as the abettor.
 - When a person commits any of the following types of acts, **the offence of Abetment stands complete:**
 - *The abetment of the illegal omission of an act may amount to an offence although the abettor may not himself be bound to do that act.*
 - *To constitute the offence of abetment it does not require the abetted act to be committed or the necessary effect for the offence to occur.*

- The person abetted *does not need to be*:
 - ✚ legally capable of committing an offense, nor
 - ✚ do they require the same guilty intention or
 - ✚ knowledge as the abettor.
- *Abetting an offense is a crime, and abetting such an abetment is also a crime.*
- For the offense of abetment by conspiracy, *it is not required that the abettor plans the offense with the person who commits it.* It is enough if the abettor participates in the conspiracy that leads to the offense.
 - ✚ Example: In dowry death cases, the in-laws of the victim are often guilty of abetment by conspiracy. They may do so by constantly taunting, torturing or instigating the victim. Even suicides may take place in this manner through abetment by conspiracy.

NOTE:

Mere providing of help does not amount to abetment by aiding unless the person knows that out of the help which he provides an offence was being committed

▪ **ABETMENT IN INDIA OF OFFENCES OUTSIDE INDIA (Section 47):**

- **A person abets an offense under the BNS if, in India, they encourage the commission of an act outside India** that would be considered an offense if done in India.
 - Example: A, in India, instigates B, a foreigner in country X, to commit a murder in that country, A is guilty of abetting murder.

▪ **ABETMENT OUTSIDE INDIA FOR OFFENCE IN INDIA (Section 48):**

- **A person abets an offense under this law if, outside India, they encourage the commission of an act in India** that would be considered an offense if done within India.
 - Example: A, in country X, instigates B, to commit a murder in India, A is guilty of abetting murder.

SECTION 49 TO 60 PRESCRIBES PUNISHMENTS FOR ABETMENT, DESCRIBING SPECIAL CIRCUMSTANCES UNDER WHICH, WHEN AND HOW ABETMENT HAS TO BE PUNISHED

SECTIONS IN BNS	PROVISIONS SAME/AMENDED/NEW
<ul style="list-style-type: none"> ▪ Section 49: (IPC S. 109, 110, 111) <ul style="list-style-type: none"> • Abetment if the act abetted is committed in consequence and when no express provision is made for its punishment ▪ Section 50: (IPC S. 110) <ul style="list-style-type: none"> • Abetment if person abetted does act with different intention from that of abettor ▪ Section 51: (IPC S. 111) <ul style="list-style-type: none"> • Liability of abettor when one act abetted and different act done ▪ Section 52: (IPC S.112) <ul style="list-style-type: none"> • Abettor when liable to cumulative punishment for act abetted and for act done ▪ Section 53: (IPC S. 113) <ul style="list-style-type: none"> • Abettor's Responsibility for an Unintended Consequence Resulting from the Abetted Act ▪ Section 54 (IPC S. 114) <ul style="list-style-type: none"> • Abettor's Presence During the Commission of the Offense 	<p>SAME Provisions as in IPC: Structural Change in Section no.</p> <p>Be punished as per the penalty designated for the offense</p> <p>Be punished according to the penalty for the offense that would have occurred with the abettor's intention or knowledge and no other.</p> <p>Abettor is responsible for the done act as if directly abetted</p> <p>Abettor is punishable for each of the offenses</p> <p>Abettor is liable for the caused effect as if they had intended it, given they knew the abetted act was likely to cause that effect</p> <p>Person, who would be punishable as an abettor but is absent, is present when the act or offense occurs, they will be treated as having committed that act or offense</p>

SECTIONS IN BNS	PROVISIONS SAME/AMENDED/NEW
<ul style="list-style-type: none"> ▪ Section 55: (IPC S. 115) <ul style="list-style-type: none"> • Abetment of Offence Punishable with Death or Imprisonment For Life ▪ Section 56: (IPC S. 116) <ul style="list-style-type: none"> • Abetment of Offence Punishable with Imprisonment ▪ Section 58: (IPC S. 118) <ul style="list-style-type: none"> • Concealing design to commit offence punishable with death or imprisonment for life ▪ Section 59: (IPC S. 119) <ul style="list-style-type: none"> • Public servant concealing design to commit offence which it is his duty to prevent 	<p>SAME Provisions as in IPC: Structural Change in Section no.</p> <p>Be imprisoned for up to 7 years and fined. If the abetted act causes harm, the abettor may face imprisonment for up to 14 years and a fine</p> <p>Abettor or the person abetted is a public servant tasked with preventing the offense, they may face imprisonment up to one-half of the maximum term prescribed for the offense, a fine, or both. Otherwise, the abettor shall be imprisoned for up to one-fourth of the longest term for that offense, or fined, or both</p> <p>Be punished with imprisonment for up to seven years if the offense is committed, or face imprisonment for up to three years if the offense is not committed, and be liable to a fine</p> <p>Imprisonment up to one-half of the longest term or a fine or both if the offense is committed, face imprisonment up to ten years if the offense is punishable with death or life imprisonment, or face imprisonment up to one-fourth of the longest term or a fine or both if the offense is not committed</p>
<ul style="list-style-type: none"> ▪ Section 57: (IPC 117) <ul style="list-style-type: none"> • Abetting Commission Of offence by Public or by more than ten Persons 	<p>AMENDED PROVISIONS: Structural Change in Section no.</p> <p>Imprisonment for up to seven years and fine</p>

SAME Provisions as in IPC: Structural Change in Section no.

- **Section 60:** (IPC S. 120)
 - Concealing design to commit offence punishable with imprisonment

	Imprisonment up to one-fourth of the longest term or a fine or both if the offence is committed, and face imprisonment up to one-eighth of the longest term or a fine or both if the offence is not committed
--	---

OF CONSPIRACY

CRIMINAL CONSPIRACY SECTION 60

- The offence of conspiracy is all **based on the “agreement” between two or more parties for doing an act which is unlawful.** The main motive of this section is to make even the basic stage of a crime punishable.
- **When two or more people agree with the common intention to either:**
 - *commit an illegal act or*
 - *accomplish a legal act through illegal means,*

it constitutes a criminal conspiracy. However, *a mere agreement, unless accompanied by some act towards committing an offense, does not qualify as a criminal conspiracy.*

- It is **immaterial whether the illegal act is the ultimate object of such agreement, or is merely incidental to that object.**



- **PUNISHMENT FOR CRIMINAL CONSPIRACY**
(SAME PROVISION AS IN IPC S. 120B ONLY STRUCTURAL CHANGES)
 - **Anyone involved in a criminal conspiracy:**

- to commit an offense punishable by death, life imprisonment, or rigorous imprisonment of two years or more, shall **be punished as if they had abetted such an offense, if there's no specific punishment mentioned** in the BNS.
- involved in a criminal conspiracy for offenses other than those punishable as mentioned above, may **face imprisonment for up to six months, or with fine, or both.**

OF ATTEMPT

- **PUNISHMENT FOR ATTEMPTING TO COMMIT OFFENCES PUNISHABLE WITH IMPRISONMENT FOR LIFE OR OTHER IMPRISONMENT SECTION 62**
(SAME PROVISION AS IN IPC S. 511 ONLY STRUCTURAL CHANGES)
 - Attempting to commit an offense punishable by the BNS with imprisonment for life or other imprisonment, and taking any action toward its commission, **results in imprisonment up to one half of the term or the longest term for that offense, or with fine, or with both, if no specific punishment is mentioned** in the BNS for such attempts.

OF OFFENCES AGAINST WOMAN AND CHILD CHAPTER V SECTION 63- 99

OF SEXUAL OFFENCES

- **RAPE (Section 63):**
(SAME PROVISION AS IN IPC S. 375 ONLY STRUCTURAL CHANGES)
 - **A man is guilty of "rape" if he:**
 - *Penetrates his penis, or makes her do so, into her vagina, mouth, urethra, or anus.*
 - *Inserts any object or part of the body (other than the penis) into her vagina, urethra, or anus.*
 - *Manipulates any part of her body to cause penetration.*
 - *Applies his mouth to her vagina, anus, or urethra.*

under the circumstances falling under any of the following seven descriptions:

- *Against her will.*
- *Without her consent.*
- *With her consent obtained through fear of death or harm.*
- *With her consent, knowing that he is not her husband, and the consent is based on a mistaken belief.*
- *With her consent, when she is unable to understand the nature and consequences due to unsoundness of mind, intoxication, or administration of substances.*
- *With or without her consent when she is under eighteen years of age.*

- When she is unable to communicate consent.

In this context:

- "Vagina" includes labia majora.
- "Consent" means a clear, voluntary agreement communicated through words, gestures, or any form of communication. Not physically resisting does not imply consent.
 - Exceptions:
 - ✚ Medical procedures/interventions are not considered rape.
 - ✚ Sexual acts by a man with his wife, who is not under eighteen, are not rape.

Thus, any non-consensual or coerced sexual act can be classified as rape under the outlined conditions.

SECTIONS IN BNS	PROVISIONS SAME/AMENDED/NEW
<ul style="list-style-type: none"> ▪ Section 64: (IPC S. 376) <ul style="list-style-type: none"> • Punishment for Rape • In specific cases like rape by a: <ul style="list-style-type: none"> ○ police officer, ○ public servant, ○ armed forces member, ○ jail or hospital staff, or during certain circumstances such as incapability to give consent or during communal or sectarian violence or being in a position of control or dominance over a woman etc. ▪ Section 65: (IPC S. 376AB & 376DA) <ul style="list-style-type: none"> • Punishment for rape on woman under twelve years of age • Punishment for rape on woman under sixteen years of age ▪ Section 66: (IPC S. 376A) <ul style="list-style-type: none"> • Punishment for causing death or resulting in persistent vegetative state of victim ▪ Section 67: (IPC 376B) <ul style="list-style-type: none"> • Sexual intercourse by husband upon his wife during separation 	<p>SAME Provisions as in IPC: Structural Change in Section no.</p> <p>Rigorous imprisonment for not less than ten years, extendable to life imprisonment, along with a fine</p> <p>Rigorous imprisonment for not less than ten years, extendable to life imprisonment, and fine. If committed repeatedly or causing severe harm, the term is life imprisonment</p> <p>Imprisonment for a term not less than twenty years, extendable to life imprisonment, along with a just and reasonable fine. Imprisonment for life and fine (fine to cover medical expenses and victim rehabilitation, to be paid directly to the victim)</p> <p>Rigorous imprisonment for a minimum of twenty years, up to life imprisonment, or with death penalty</p> <p>Imprisonment ranging from two to seven years, along with a fine</p>

SECTIONS IN BNS	PROVISIONS SAME/AMENDED/NEW
<ul style="list-style-type: none"> ▪ Section 68: (IPC S. 376C) <ul style="list-style-type: none"> • Sexual intercourse by a person in authority ▪ Section 70: (IPC 376D) <ul style="list-style-type: none"> • Gang Rape 	<p>SAME Provisions as in IPC: Structural Change in Section no.</p> <p>Rigorous imprisonment for a term ranging from five to ten years, along with a fine</p> <p>Rigorous imprisonment for a term not less than twenty years, which may extend to life imprisonment, and a fine. (fine be just and reasonable to cover the victim's medical expenses and rehabilitation, and be paid to the victim)</p>
<ul style="list-style-type: none"> ▪ Section 69: <ul style="list-style-type: none"> • Sexual Intercourse by Employing Deceitful Means, Etc. ▪ Section 70: (IPC 376D) <ul style="list-style-type: none"> • Gang Rape: woman under eighteen years of age is raped by a group of individuals 	<p>NEW:</p> <p>Imprisonment for up to ten years, along with a fine</p> <p>Imprisonment for life, meaning imprisonment for the remainder of their natural life, and a fine, or with death</p>

SECTIONS IN BNS	PROVISIONS SAME/AMENDED/NEW
<ul style="list-style-type: none"> ▪ Section 71: (IPC S. 376E) <ul style="list-style-type: none"> • Punishment for Repeat Offenders 	<p>SAME Provisions as in IPC: Structural Change in Section no.</p> <p>Either life imprisonment (meaning imprisonment for the remainder of their natural life) or death</p>

- **DISCLOSURE OF IDENTITY OF VICTIM OF CERTAIN OFFENCES, ETC. (Section 72):**
(SAME PROVISION AS IN IPC S. 228A ONLY STRUCTURAL CHANGES)
 - Anyone who prints or publishes the name or any information that may reveal the identity of a person accused or found guilty of an offence under section 64, 65, 66, 67, 68, 69, 70, or 71 (referred to as the victim) shall **be punished with imprisonment for a term up to two years and is also liable to a fine.**
 - The **above-mentioned provision does not apply to** the printing or publication of the name or any details revealing the identity of the victim in certain circumstances:
 - *If done under the written order of the officer-in-charge of the police station or the investigating police officer acting in good faith for the purpose of the investigation.*
 - *If done with the written authorization of the victim.*
 - *In the case where the victim is deceased, a child, or of unsound mind, if done with the written authorization of the next of kin of the victim.* However, such authorization can only be given to the chairman or secretary of a recognized welfare institution or organization.
 - ✚ *“Recognised welfare institution or organisation” means a social welfare institution or organisation recognised in this behalf by the Central Government or the State Government.*

- **PRINTING OR PUBLISHING ANY MATTER RELATING TO COURT PROCEEDINGS WITHOUT PERMISSION (Section 73):**
(SAME PROVISION AS IN IPC S. 228A ONLY STRUCTURAL CHANGES)
 - Printing or publishing any information about a proceeding before a Court related to an offense under section 72 without the prior permission of the Court shall **be punishable with imprisonment up to two years and a fine.**
 - The printing or publication of the judgment of a High Court or the Supreme Court is not considered an offense under this section.

OF CRIMINAL FORCE AND ASSAULT AGAINST WOMAN

- **SEXUAL HARASSMENT (Section 75):**
 - **A man who engages in:**
 - *unwelcome and explicit sexual advances,*
 - *requests for sexual favors,*
 - *shows pornography against a woman's will, or*
 - *makes sexually colored remarks*

is guilty of the offense of sexual harassment.

SECTIONS IN BNS	PROVISIONS SAME/AMENDED/NEW
<ul style="list-style-type: none"> ▪ Section 74: (IPC S. 354) <ul style="list-style-type: none"> • Assault of criminal force to woman with intent to outrage her modesty ▪ Section 75: (IPC S. 354A) <ul style="list-style-type: none"> • Punishment for sexual harassment: <ul style="list-style-type: none"> ○ Unwelcome and explicit sexual advances, requests for sexual favors, shows pornography against a woman's will ○ Makes sexually colored remarks makes sexually colored remarks ▪ Section 76: (IPC S. 354B) <ul style="list-style-type: none"> • Assault or use of criminal force to woman with intent to disrobe ▪ Section 77: (IPC S. 354C) <ul style="list-style-type: none"> • Voyeurism 	<p>SAME Provisions as in IPC: Structural Change in Section no.</p> <p>Imprisonment ranging from one to five years, along with a fine</p> <p>Rigorous imprisonment for a term which may extend to three years, or with fine, or with both</p> <p>Imprisonment up to one year, or with fine, or with both</p> <p>Imprisonment for a term ranging from three to seven years, and may also be liable to pay a fine</p> <p>Imprisonment for a term ranging from one to three years, along with a fine for the first conviction. Second or subsequent conviction, the punishment may extend to imprisonment for a term ranging from three to seven years, along with a fine.</p>

NOTE:

"Private act" refers to actions such as watching that occur in a location where one reasonably expects privacy, and where the victim's private body parts are exposed, the victim is using a lavatory, or the victim is engaging in a sexual act not typically done in public.

- **STALKING (Section 78):**
(SAME PROVISION AS IN IPC S. 354D ONLY STRUCTURAL CHANGES)
 - **Any man who:**
 - engages in persistent unwanted contact,
 - monitoring a woman's electronic communication, or
 - following her despite clear disinterest

constitutes the offence of stalking. However, certain situations, such as preventing or detecting crime under official duties, complying with legal requirements, or demonstrating reasonable and justified conduct, may not be considered stalking.

 - For the first conviction of stalking, the offender **shall be punished with imprisonment for up to three years and a fine. Subsequent convictions** may lead to **imprisonment for up to five years and an additional fine.**
- **WORD, GESTURE OR ACT INTENDED TO INSULT MODESTY OF A WOMAN (Section 79):**

(SAME PROVISION AS IN IPC S. 509 ONLY SRUCTURAL CHANGES)

- Anyone intending to insult the modesty of a woman by uttering words, making sounds or gestures, or exhibiting any object with the intention of being heard or seen by the woman, or intruding upon her privacy, shall **be punished with simple imprisonment for up to three years and a fine.**

OF OFFENCES RELATING TO MARRIAGE

- **DOWRY DEATH (Section 80):**
 - If a woman's death, caused by burns, bodily injury, or under abnormal circumstances within seven years of marriage, is linked to cruelty or harassment by her husband or his relatives for dowry demands, it is termed "dowry death," and the husband or relative is deemed responsible for her death.
 - "Dowry" shall have the same meaning as in section 2 of the Dowry Prohibition Act, 1961.

SECTIONS IN BNS	PROVISIONS SAME/AMENDED/NEW
<ul style="list-style-type: none"> ▪ Section 80: (IPC S. 304B) <ul style="list-style-type: none"> • Punishment for dowry death 	<p>SAME Provisions as in IPC: Structural Change in Section no.</p> <p>Imprisonment for a term which shall not be less than seven years but which may extend to imprisonment for life</p>
<ul style="list-style-type: none"> ▪ Section 81: (IPC S. 493) <ul style="list-style-type: none"> • Cohabitation caused by a man deceitfully inducing a belief of lawful marriage 	<p>Imprisonment for up to ten years and shall also be liable to fine</p>
<ul style="list-style-type: none"> ▪ Section 82: (IPC S. 494-495) <ul style="list-style-type: none"> • Marrying again during life-time of husband or wife • Contracting a subsequent marriage, conceals the fact of their former marriage from the person they are marrying 	<p>Imprisonment for up to seven years and shall also be liable to fine</p> <p>Imprisonment for up to ten years and shall also be liable to fine</p>
<ul style="list-style-type: none"> ▪ Section 83: (IPC S. 496) <ul style="list-style-type: none"> • Marriage Ceremony Fraudulently Gone Through Without Lawful Marriage 	<p>Imprisonment for up to seven years and shall also be liable to fine</p>
<ul style="list-style-type: none"> ▪ Section 84: (IPC S. 498) <ul style="list-style-type: none"> • Enticing or taking away or detaining with criminal intent a married woman 	<p>Imprisonment for up to two years, or with fine, or with both</p>
<ul style="list-style-type: none"> ▪ Section 85: (IPC S. 498) <ul style="list-style-type: none"> • Husband or relative of husband of a woman subjecting her to cruelty 	<p>Imprisonment for up to three years and shall also be liable to fine</p>
<ul style="list-style-type: none"> ▪ Section 87: (IPC 366) <ul style="list-style-type: none"> • Kidnapping, abducting or inducing woman to compel her marriage, etc. 	<p>Imprisonment for up to ten years, and shall also be liable to fine</p>

NOTE:

IPC SECTION 497: ADULTERY

In view of Apex Court's judgement in Joseph Shine's case the offence of Adultery has been deleted from IPC. However, second BNS retains Section 498 of the IPC (Section 84 BNS) which

penalises a man for enticing the wife of another man so that she may have intercourse with any person.

- **CRUELTY DEFINED (Section 86):**
 - For the purpose of section 85, "Cruelty" means any intentional behavior likely to push a woman to suicide or cause significant harm to her mental or physical well-being. It also includes harassment aimed at coercing her or her relatives to fulfill an unlawful demand for property or valuable security.

OF CAUSING MISCARRIAGE, ETC

SECTIONS IN BNS	PROVISIONS SAME/AMENDED/NEW
<ul style="list-style-type: none"> ▪ Section 88: (IPC S. 312) <ul style="list-style-type: none"> • Causing Miscarriage • If the woman is quick with child ▪ Section 89: (IPC S. 313) <ul style="list-style-type: none"> • Causing miscarriage without woman's consent ▪ Section 90: (IPC S. 314) <ul style="list-style-type: none"> • Death caused by act done with intent to cause miscarriage • Act is done without the woman's consent ▪ Section 91: (IPC S. 315) <ul style="list-style-type: none"> • Act done with intent to prevent child being born alive or to cause it to die after birth ▪ Section 92: (IPC S. 316) <ul style="list-style-type: none"> • Causing death of quick unborn child by act amounting to culpable homicide 	<p>SAME Provisions as in IPC: Structural Change in Section no.</p> <p>Imprisonment for up to three years or with fine or with both To imprisonment for up to seven years, along with a fine</p> <p>Punishable by either life imprisonment or imprisonment for up to ten years, along with a fine</p> <p>Imprisonment for up to ten years and a fine</p> <p>Either be life imprisonment or the specified punishment mentioned in the above provision</p> <p>Imprisonment for up to ten years, or with a fine, or with both</p> <p>Imprisonment for up to ten years, or with a fine, or both.</p>

OF OFFENCES AGAINST CHILD

SECTIONS IN BNS	PROVISIONS SAME/AMENDED/NEW
<ul style="list-style-type: none"> ▪ Section 93: (IPC S. 317) <ul style="list-style-type: none"> • Exposure and abandonment of child under twelve years, by parent or person having care of it ▪ Section 94: (IPC S. 318) <ul style="list-style-type: none"> • Concealment of birth by secret disposal of dead body ▪ Section 96: (IPC S. 366A) <ul style="list-style-type: none"> • Procurator of Child ▪ Section 97: (IPC S. 369) <ul style="list-style-type: none"> • Kidnapping or abducting child under ten years with intent to steal from its person ▪ Section 98: (IPC S. 372) <ul style="list-style-type: none"> • Selling child for the purposes of prostitution, etc. 	<p>SAME Provisions as in IPC: Structural Change in Section no.</p> <p>Imprisonment for up to seven years or with fine, or with both (if the child dies due to the abandonment, the offender can still be tried for murder or culpable homicide)</p> <p>Imprisonment for up to two years, or with fine, or with both</p> <p>Imprisonment for up to ten years and shall also be liable to fine</p> <p>Imprisonment for up to seven years and fine</p> <p>Imprisonment for up to ten years and shall also be liable to finw</p>
<ul style="list-style-type: none"> ▪ Section 99: (IPC S. 373) <ul style="list-style-type: none"> • Buying child for the purposes of prostitution, etc. 	<p>AMENDED</p> <p>Imprisonment for a term ranging from seven to fourteen years and shall also be liable to fine</p>
<ul style="list-style-type: none"> ▪ Section 95: <ul style="list-style-type: none"> • Hiring, Employing or Engaging a Child to Commit an Offence 	<p>NEW</p> <p>Imprisonment for at least three years but up to ten years, along with a fine (• If the offense is committed, the person shall also be punished as if they committed the offense themselves)</p>