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Bharatiya Nagarik Suraksha Sanhita 2023

Act No. 46 of 2023

Enactment date- 25 December 2023

- An Act to consolidate and amend the law relating to Criminal Procedure.
- It enacted by Parliament in the **74th Year of the Republic** of India.
- **The BNSS 2023 repealed the Code of Criminal Procedure Act, 1973.**
- Total Section- **531** Total Chapter- **39** Total Schedule- **2**
- **First Schedule** - Classification of Offences **Second schedule** – Forms

Section-1. Short Title, commencement and extent

- (1) The act may be called The Bharatiya Nagarik Suraksha Sanhita 2023.
 - (2) **The provisions of this Sanhita, other than those relating to Chapters IX, XI and XII thereof, shall not apply—**
 - (a) to the State of Nagaland
 - (b) to the tribal areas,
but the concerned State Government may, by notification, apply such provisions or any of them to the whole or part of the State of Nagaland or such tribal areas, as the case may be, with such supplemental, incidental or consequential modifications, as may be specified in the notification.
- Explanation. -** In this section, "**tribal areas**" means the territories which immediately before the **21st day of January, 1972**, were included in the tribal areas of Assam, as referred to in paragraph 20 of the **Sixth Schedule to the Constitution**, other than those within the local limits of the municipality of Shillong.
- (3) It shall come into force on the **01th July, 2024.**

Section-2. Definitions (1)

- (a) "**Audio-video electronic means**" shall include use of any communication device for the purposes of video conferencing, recording of processes of identification, search and seizure **or** evidence, transmission of electronic communication and for such other purposes and by such other means as the State Government may, by rules provide.
- (b) "**Bail**" means release of a person accused of **or** suspected of commission of an offence from the custody of law upon certain conditions imposed by an officer **or** Court on execution by such person of a bond **or** a bail bond;
- (c) "**Bailable offence**" means an offence which is shown as bailable in the **First Schedule**, or which is made bailable by any other law for the time being in force; and non-bailable offence means any other offence.



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- (d) **“Bail Bond”** means an undertaking for release with surety.
- (e) **“Bond”** means a personal bond or an undertaking for release without surety;
- (f) **“Charge”** includes any head of charge when the charge contains more heads than one.
- (g) **“Cognizable offence”** means an offence for which, and **“cognizable case”** means a case in which, a police officer may, in accordance with the **First Schedule** or under any other law for the time being in force, arrest without warrant;
- (h) **“Complaint”** means any allegation made orally or in writing to a Magistrate, with a view to his taking action under this Sanhita, that some person, whether known or unknown, has committed an offence, but does not include a police report.

Explanation. -A report made by a police officer in a case which discloses, after investigation, the commission of a non-cognizable offence shall be deemed to be a complaint; and the police officer by whom such report is made shall be deemed to be the complainant;

- (i) **“electronic communication”** means the communication of any written, verbal, pictorial information or video content transmitted or transferred (whether from one person to another or from one device to another or from a person to a device or from a device to a person) by means of an electronic device including a telephone, mobile phone, or other wireless telecommunication device, or a computer, or audio-video player or camera or any other electronic device or electronic form as may be specified by notification, by the Central Government.
- (j) **“High Court”** means, -
 - (i) in relation to any State, the High Court for that State
 - (ii) in relation to a Union territory to which the jurisdiction of the High Court for a State has been extended by law, that High Court
 - (iii) in relation to any other Union territory, the highest Court of criminal appeal for that territory other than the Supreme Court of India.
- (k) **“Inquiry”** means every inquiry, other than a trial, conducted under this Sanhita by a Magistrate or Court;
- (l) **“Investigation”** includes all the proceedings under this Sanhita for the collection of evidence conducted by a police officer or by any person (other than a Magistrate) who is authorised by a Magistrate in this behalf.
- (m) **“Judicial proceeding”** includes any proceeding in the course of which evidence is or may be legally taken on oath.
- (n) **“Local jurisdiction”**, in relation to a Court or Magistrate, means the local area within which the Court or Magistrate may exercise all or any of its or his powers under this Sanhita and such local area may comprise the whole of the State, or any part of the State, as the State Government may, by notification, specify.



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- (o) **“Non-cognizable offence”** means an offence for which, and **“non-cognizable case”** means a case in which, a police officer has no authority to arrest without warrant;
- (p) **“Notification”** means a notification published in the Official Gazette;
- (q) **“Offence”** means any act or omission made punishable by any law for the time being in force and includes any act in respect of which a complaint may be made under section 20 of the Cattle trespass Act, 1871 (1 of 1871);
- (r) **“Officer in charge of a police station”**, includes when the officer in charge of the police station is absent from the station-house or unable from illness or other cause to perform his duties, the police officer present at the station-house who is next in rank to such officer and is above the rank of constable or, when the State Government so directs, any other police officer so present;
- (s) **“Place”** includes a house, building, tent, vehicle and vessel;
- (t) **“Police report”** means a report forwarded by a police officer to a Magistrate under sub-section (3) of section 193.
- (u) **“Police station”** means any post or place declared generally or specially by the State Government, to be a police station, and includes any local area specified by the State Government in this behalf.
- (v) **“Public Prosecutor”** means any person appointed under section 18, and includes any person acting under the directions of a Public Prosecutor.
- (w) **“Sub-division”** means a sub-division of a district;
- (x) **“Summons-case”** means a case relating to an offence, and not being a warrant-case;
- (y) **“Victim”** means a person who has suffered any loss or injury caused by reason of the act or omission for which the accused person has been charged and the expression victim includes his or her guardian or legal heir;
- (z) **“Warrant-case”** means a case relating to an offence punishable with death, imprisonment for life or imprisonment for a term exceeding **two years**.
- (2) **“Words and expressions”** used herein and not defined but defined in the Information Technology Act 2000 and The Bharatiya Nyaya Sanhita 2023 shall have the meanings respectively assigned to them in that Act and Sanhita.

Section-84. Proclamation for person absconding

- (1) If any Court has reason to believe (whether after taking evidence or not) that any person against whom a warrant has been issued by it has absconded **or** is concealing himself so that **such warrant cannot be executed**, such Court may **publish a written proclamation** requiring him to appear at a specified place and at a specified time not less than **30 days** from the date of publishing such proclamation.



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- (2) **The proclamation shall be published as follows: -**
- (i) (a) it shall be publicly read in some **conspicuous place of the town** or village in which such person ordinarily resides;
 - (b) it shall be affixed to some conspicuous part of the house or homestead in which such person ordinarily resides or to some conspicuous place of such town or village
 - (c) a copy thereof shall be affixed to some conspicuous part of the Court-house;
 - (ii) the Court may also, if it thinks fit, direct a copy of the proclamation to be published in a **daily newspaper** circulating in the place in which such person ordinarily resides.
- (3) A statement in writing by the Court issuing the proclamation to the effect that the proclamation was duly published on a specified day, in the manner specified in clause (i) of sub-section (2), shall be conclusive evidence that the requirements of this section have been complied with, and that the proclamation was published on such day.
- (4) Where a proclamation published under sub-section (1) is in respect of a person accused of an offence which is made punishable with imprisonment **of 10 years or more**, or imprisonment for life or with death under the **Bharatiya Nyaya Sanhita, 2023** or under any other law for the time being in force, and such person fails to appear at the specified place and time required by the proclamation, the Court may, after making such inquiry as it thinks fit, pronounce him a proclaimed offender and make a declaration to that effect.

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