



गृह मंत्रालय
MINISTRY OF
HOME AFFAIRS



HANDBOOK ON THE BHARATIYA NYAYA SANHITA, 2023



Bureau of Police Research & Development

'Promoting Good Practices and Standards'

HANDBOOK ON

THE BHARATIYA NYAYA

SANHITA, 2023



Bureau of Police Research & Development
Ministry of Home Affairs, Government of India

पुलिस अनुसंधान एवं विकास ब्यूरो
गृह मंत्रालय, भारत सरकार

अमित शाह



गृह मंत्री एवं सहकारिता मंत्री
भारत सरकार



संदेश

पुलिस अनुसंधान एवं विकास ब्यूरो (BPR&D) द्वारा तीन नए कानूनों पर अलग-अलग हैंडबुक्स का प्रकाशन घर्ष का विषय है।

आरतीय कानून प्रणाली को अत्याधुनिक, समयबद्ध और नागरिक केंद्रित बनाने वाले तीन नए कानून अब जमीनी स्तर पर लागू होकर न्याय केंद्रित शासन की संकल्पना को साकार कर रहे हैं। इन तीन नए कानूनों की सबसे बड़ी विशेषता यह है कि वे सरल, सघज और बोधनमय हैं तथा पारदर्शिता व निष्पक्षता इसके मूल तत्व हैं।

माननीय प्रधानमंत्री श्री नरेंद्र मोदी जी का स्पष्ट मानना है कि कानून का वार्षिक उद्देश्य तभी पूर्ण होता है, जब वह जमीनी स्तर तक पहुंचकर आम लोगों के लिए सघज और सुलभ बनाता है। आपराधिक न्याय प्रणाली के पाँच प्रमुख स्तंभ - पुलिस, न्यायापालिका, जेल, फॉरेंसिक, अभियोजन के त्वरित संटर्भ हेतु तैयार की गई इन पुस्तिकाओं में उल्लिखित नए कानून केवल औपनिवेशिक कानूनों से मुक्ति के प्रतीक मात्र नहीं हैं, बल्कि जटिल कानूनी प्रक्रियाओं को सरल बनाने का माध्यम भी हैं। इस दिशा में, ये हैंडबुक्स अत्यंत उपयोगी सिद्ध होंगी।

मैं इस प्रयास के लिए BPR&D को शुभकामनाएँ देते हुए हैंडबुक्स के सफल प्रकाशन की कामना करता हूँ।

(अमित शाह)

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संदेश

प्रसन्नता का विषय है कि हमारी न्याय प्रणाली को अभिनव स्वरूप देने वाले नए आपराधिक कानूनों पर 3 अलग-अलग पुस्तिकाएँ प्रस्तुत की जा रही हैं। ये तीनों पुस्तिकाएँ भारतीय न्याय संहिता, 2023, भारतीय नागरिक सुरक्षा संहिता, 2023 और भारतीय साक्ष्य अधिनियम, 2023 हैं जिनका उद्देश्य नये कानूनों के क्रियान्वयन में सभी को सहायता पहुंचाना है।

इन पुस्तिकाओं में न्याय प्रणाली के पाँच स्तंभों पुलिस, जेल, अभियोजक, न्यायिक अधिकारी और फोरेंसिक विशेषज्ञों आदि सभी हितधारकों के लिए त्वरित संदर्भ की सुविधा हेतु नये एवं हटाए गए प्रावधानों/शब्दों को अलग रंगों से चिह्नित किया गया है।

मेरी ओर से पुलिस अनुसंधान एवं विकास ब्यूरो (बीपीआरएंडडी) की टीम को शुभकामनाएँ। मुझे आशा है कि ये पुस्तिकाएँ न्याय के स्तंभों को मजबूत करेंगी और कानून के शासन को बनाए रखने के लिए निरंतर प्रयासों में सहायक सिद्ध होंगीं।



(नित्यानन्द राय)

नई दिल्ली
3 अप्रैल, 2025



बंडी संजय कुमार
BANDI SANJAY KUMAR



गृह राज्य मंत्री
भारत सरकार
MINISTER OF STATE FOR
HOME AFFAIRS
GOVERNMENT OF INDIA



संदेश

हमारी आपराधिक न्याय व्यवस्था को नया आयाम देने वाले नये आपराधिक कानूनों पर सरल भाषा में तैयार अलग-अलग पुस्तिकाएँ आप सभी के समक्ष प्रस्तुत करने में मुझे अत्यंत प्रसन्नता हो रही है। भारतीय न्याय संहिता, 2023, भारतीय नागरिक सुरक्षा संहिता, 2023 और भारतीय साक्ष्य अधिनियम, 2023 पर आधारित इन पुस्तिकाओं का उद्देश्य नये कानूनों के क्रियान्वयन में सभी हितधारकों को समुचित सहायता प्रदान करना है।

विधि विशेषज्ञों के सहयोग से तैयार ये पुस्तिकाएँ आपराधिक न्याय प्रणाली के सभी स्तंभों के लिए संदर्भ की सुविधा के लिए नये प्रावधानों एवं हटाए गए प्रावधानों को अलग-अलग रंगों से चिन्हित किया गया है। साथ ही पुस्तिका में यथा-स्थान कानूनी बदलाव के पीछे के तर्क और न्याय प्रशासन पर उनके प्रत्याशित प्रभाव को स्पष्ट करने के लिए टिप्पणियाँ भी शामिल की गई हैं।

मैं पुलिस अनुसंधान एवं विकास ब्यूरो (बीपीआर एंड डी) की टीम को उनके प्रयासों के लिए शुभकामनाएँ देते हुए आशा करता हूँ कि ये पुस्तिकाएँ सभी हितधारकों के लिए नयी न्याय प्रणाली को समझने में सहायक सिद्ध होंगी।


(बंडी संजय कुमार)

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संदेश

नये कानूनों के द्वारा कानूनी ढांचे को मजबूत बनाने के लिए कानूनों में प्रौद्योगिकी का समावेश कर नायरिक केंद्रित बनाया गया है। तीनों कानूनों अर्थात् भारतीय न्याय संहिता, 2023, भारतीय नागरिक सुरक्षा संहिता, 2023 और भारतीय साक्ष्य अधिनियम, 2023 पर तैयार की गई तीन पुस्तिकाँ न्याय प्रणाली के पांचों संभों जैसे पुलिस, जेल, अभियोजन, न्यायिक अधिकारी और फॉरेंसिक विशेषज्ञ, के संदर्भ को सरल बनाने में लाभदायक सिद्ध रहेगी।

इन पुस्तिकाओं में विषय विशेषज्ञों द्वारा अपना सार्थक योगदान देकर इन्हें तैयार किया गया है, जिससे सभी हितधारकों को नए कानूनों के उद्देश्य को समझने और लागू करने में सहयोग मिलेगा। नए और हटाए गए भागों को अलग-अलग रंगों से चिह्नित कर उपयोगकर्ता के लिए नये प्रावधानों को समझने में सहायता मिलेगी। इसके साथ ही व्यापक टिप्पणियों का भी समावेश किया गया है, जो महत्वपूर्ण न्यायिक घोषणाओं और न्याय वितरण में बदलते प्रतिमानों की बारीकियों पर प्रकाश डालती हैं।

मैं बीपीआर एंड डी और उन योगदानकर्ताओं के प्रति हार्दिक आभार व्यक्त करता हूँ जिनके समर्पण ने इस कार्य को संभव बनाया। मुझे उम्मीद है कि नई न्याय प्रणाली को मजबूत करने में ये पुस्तिकाँ मूल्यवान संसाधन के रूप में उपयोग में लाई जाएँगी।

२५२१ अगस्त
(गोविंद मोहन)

स्थान- नई दिल्ली।
दिनांक - 19.02.2025

राजीव कुमार शर्मा, भा.पु.से.
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MESSAGE

As custodians of justice, it is essential to stay aligned with the evolving legal landscape that governs our communities. I am proud to present this handbook on the new criminal laws.

This handbook features a color-coded system which provides a quick reference to the changes brought out in the existing laws and highlight the new additions. This handbook aims to help all stakeholders understand and implement the newly enacted laws - **Bharatiya Nyaya Sanhita, 2023**, **Bharatiya Nagarik Suraksha Sanhita, 2023**, and **Bharatiya Sakshya Adhiniyam, 2023**—with commentaries explaining their rationale and impact.

In today's rapidly changing world, our legal framework must remain robust and adaptive. This handbook examines the new criminal provisions, key judicial decisions, and evolving justice paradigms, emphasizing the balance between deterrence, rehabilitation, and civil liberties.

I extend my gratitude to the contributors for their dedicated work. May this book serve as a valuable resource for strengthening justice and upholding the rule of law.


(Rajeev Kumar Sharma)



PREFACE

This handbook is designed to assist professionals from all the five pillars of the criminal justice system, namely police, prisons, prosecutors/lawyers, judicial officers & forensic experts, in understanding and implementing the new criminal laws, that is, Bharatiya Nyaya Sanhita, 2023, Bharatiya Nagarik Suraksha Sanhita, 2023 & Bharatiya Sakshya Adhiniyam, 2023.

The handbook provides a clear and concise overview of the new criminal laws and facilitates a smooth transition from the old laws to the new laws. The comparative analysis covered in the handbook juxtaposes the old and new laws, highlighting key differences. The colour coding aids in quick reference, that is, green highlights the new additions, red highlights the deleted/modified portion and blue highlights the procedural changes. The commentaries have been added to provide the rationale behind the changes and their potential impact on the implementation of the new criminal laws.

We are thankful to Sh Rajeev Kumar Sharma, DG, BPR&D for his continuous support and vision in developing the handbook. We acknowledge and appreciate the efforts of Ms Aditi Tripathi, Advocate, Delhi for preparing the first draft of the handbook. We thank Sh D. C. Jain, IPS (Retd), Sh Anil Kishore Yadav, IPS, Director, Central Academy of Police Training (CAPT), Bhopal and Sh Neeraj Tiwari, Assistant Professor, NLU, Delhi for providing their input. Ms Nitasha Guria, DIG (Training), BPR&D and her team for editing and giving a final shape to the handbook.

We are sure that by utilizing this handbook, professionals can better understand and apply the new criminal laws, leading to a more efficient, effective, and just criminal justice system.

**Training Division
BPR&D**



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EXECUTIVE SUMMARY

Background

One of the five PRAN of Hon'ble Prime Minister, Sh Narendra Modi, was to end all signs of slavery. The criminal laws passed by the British Parliament were made to strengthen and protect the British rule and their purpose was to punish, not to give justice. In 2019, under the guidance of the Hon'ble Prime Minister, the process of extensive consultation on the crafting of the new criminal laws began. The suggestions were received from 18 States, 06 Union Territories, the Supreme Court, 16 High Courts, 05 Judicial Academies, 22 Law Universities, 142 Members of Parliament, about 270 Members of Legislative Assemblies and the public. The Hon'ble Union Home Minister, Sh Amit Shah, chaired 158 meetings for discussing and reviewing the criminal laws laws.

On 25th December 2023, the President gave her assent to Bharatiya Nyaya Sanhita, 2023 (BNSS), Bharatiya Nagarik Suraksha Sanhita 2023 (BNSSS), and Bharatiya Sakshya Adhiniyam, 2023 (BSA). The three new criminal laws have been implemented from 1st July, 2024 and the abovementioned legislations have replaced the Indian Penal Code, 1860 (IPC), Code of Criminal Procedure, 1973 (CrPC), and the Indian Evidence Act, 1872 (IEA). The soul of the three new laws is to protect all the rights given by the Constitution to the Indian Citizens. The objective is to give justice to the people.

The new criminal laws are an endeavour to make the criminal justice system more accessible, accountable, credible, victim centric, swift and justice driven. With over 600 amendments, additions, and deletions, the criminal laws have been pushed into a transparent, modern, and technologically adept framework, equipped to address challenges that rig the criminal justice dispensation of India.

Key reforms introduced in NCLs -

-
1. Uniform classes of courts nationwide.
 2. Enhanced credibility of evidence and accountability of police and courts through tech integration.
 3. Streamlined procedures for a time-bound, transparent, and accountable justice system.
 4. Victims and witnesses made central to criminal legislation.
 5. Ease of public engagement in the criminal justice system.
 6. Introduced new offences to protect women, children, and national security.
 7. Rationalized Punishment for petty and serious offences.
 8. Reformed bail to reduce prison population and recidivism.
 9. Strengthened prosecution with establishment of District Directorate of Prosecution.
 10. Streamlined the mercy petition process for swift resolution.
 11. Revitalized legal language and embraced Bharatiyata.'
-

Highlights of Bharatiya Nyaya Sanhita, 2023

The Bharatiya Nyaya Sanhita (BNS), replacing the Indian Penal Code, has undergone re-categorization and re-sequencing resulting in a concise, modern, and inclusive substantive criminal law. Originating from colonial roots, the IPC historically prioritized offenses against the State over those affecting individuals. IPC was used to control and punish 'subjects' of the colonial rule. The British formulated offenses that protected their interests and curtailed the life, liberty, and speech of their 'subjects' that spoke and acted in self-interest and against foreign rule. The IPC being over a century old legislation, failed to address the contemporary needs and challenges of the country -it did not provide any law that protected the sovereignty, unity, integrity, and security of India; offenses against women and children were scattered throughout the Code; and minor girl was treated differently from minor boy.

These issues, among many others, have been comprehensively dealt with in BNS. Rights protecting the territorial inviolability of the nation have been introduced, offenses against women and children have been consolidated into a single chapter and given precedence over all other offenses, and the definition of 'child' has been introduced which has replaced the usage of the term 'minor'. The usage of the term 'child' has by default, made offenses affecting children gender-neutral which were previously limited only to 'minor girl'. Such strategic reorganization and re-imagination of criminal legislation marks a significant shift towards prioritizing the rights and safety of vulnerable populations in the legal system.

Archaic terminologies continued to be in use through the old criminal legislation. Terms like 'lunatic', 'idiot', and 'insane' have been replaced with more respectful and contemporary language like 'persons of unsound mind'. The law has become more inclusive through the incorporation of the term 'transgender' within the definition of gender which aligns the law with the broader legal framework of modern Indian society and gives recognition to diverse identities.

The criminal landscape has been expanded to address contemporary facets of criminal activity. 20 new offences have been identified and added as independent as well as sub-category of pre-existing offences to respond to emerging criminal behaviour more effectively.

Punishments of heinous offences have been made more stringent. Certain offences carry heavier penalties; for instance, gang-rape of a child is now punishable with death, and buying a child for the purpose of prostitution now has a mandatory minimum imprisonment of 7 years which is extendable to 14 years from previously being imprisonment extendable to 10 years only.

Mandatory minimum imprisonment has been prescribed for 23 serious offences like culpable homicide not amounting to murder, kidnapping and maiming a child for purposes of begging, exploitation of a trafficked person and dacoity. Quantum of imprisonment has been increased for 45 offences like, rioting with deadly weapon, wrongful confinement, cheating, mischief, criminal breach of trust, and adulteration of drugs. Community Service has been introduced as a form of punishment for 6 minor offences like defamation, attempt to commit suicide to compel or restrain exercise of lawful power, minor thefts etc. Fines prescribed in the IPC were obsolete and ineffective. They have been aligned with the current economic conditions and have been enhanced for over 80 offences. The new law prescribes fines ranging from Rs. 300 (for making documents resembling currency notes) to Rs. 10 lakh (for causing death of any person as a result of an organized crime). It is important to note that Section 106(2) has not been notified to be implemented yet.

This manual meticulously details the additions, modifications, and deletions introduced in the BNS. It offers a comprehensive comparison between the new statute and the former Code, aiming to bridge the gap between the old and new legal frameworks. Each chapter of the manual systematically highlights changes made to the provisions of the old law with respect to their definitions, punishments and fines. To facilitate easier reading and retention, the content is color-coded, ensuring that readers can quickly identify and understand the differences. This manual serves as an essential guide for any stakeholder of the criminal justice system equipping them with the knowledge necessary to navigate through and implement the new provisions effectively.

358 sections in BNS vs. **511** sections in IPC

20 Chapter in BNS vs. **23 Chapters** in IPC

20 new offences added

19 provisions deleted

41 offences - punishment of imprisonment increased

83 offences - punishment of fine enhanced

23 offences - mandatory minimum punishment introduced

6 offences - punishment of 'community service' introduced

The colour coding aids in quick reference

- Green highlights the new additions.
- Red highlights the deleted/modified portions.
- Blue highlights the procedural change.



THE BHARATIYA NYAYA SANHITA, 2023

NO. 45 OF 2023

[25th December, 2023]

An Act to consolidate and amend the provisions relating to offences and for matters connected therewith or incidental there to.

BE it enacted by Parliament in the Seventy-fourth Year of the Republic of India as follows: --

CHAPTER I (CHAPTER I, II)**PRELIMINARY****1. SHORT TITLE, COMMENCEMENT AND APPLICATION.**

- (1) This Act may be called the Bharatiya Nyaya Sanhita, 2023 [Indian Penal Code, 1860 and shall extend to the whole of India].¹
- (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint, and different dates may be appointed for different provisions of this Sanhita.
- (3) Every person shall be liable to punishment under this Sanhita [Code] and not otherwise for every act or omission contrary to the provisions thereof, of which he shall be guilty within India.²
- (4) Any person liable, by any law for the time being in force in India, to be tried for an offence committed beyond India shall be dealt with according to the provisions of this Sanhita [Code] for any act committed beyond India in the same manner as if such act had been committed within India.³
- (5) The provisions of this Sanhita [Code] shall also apply to any offence committed by—⁴
 - (a) any citizen of India in any place without and beyond India;
 - (b) any person on any ship or aircraft registered in India wherever it may be;
 - (c) any person in any place without and beyond India committing offence targeting a computer resource located in India.

Explanation.—In this section, the word “offence” includes every act committed outside India which, if committed in India, would be punishable under this Sanhita.

Illustration

A, who is a citizen of India, commits a murder *in any place without and beyond India* [Uganda]. He can be tried and convicted of murder in any place in India in which he may be found.

¹ Section 1, Title and extent of operation of the Code, IPC, 1860.

² Section 2, Punishment of offences committed within India, IPC, 1860.

³ Section 3, Punishment of offences committed beyond, but which by law may be tried within, India, IPC, 1860.

⁴ Section 4, Extension of Code to extra-territorial offences, IPC, 1860

- (6) Nothing in this Sanhita [Code] shall affect the provisions of any Act for punishing mutiny and desertion of officers, soldiers, sailors or airmen in the service of the Government of India or the provisions of any special or local law.⁵

COMPARISON WITH THE INDIAN PENAL CODE, 1860

Chapter I Preliminary in BNS, 2023 consolidates Chapter I and Chapter II of IPC. Chapter I extends from Section 1 to Section 3 of BNS.

Modification & Additions *Section 1 ‘Short title, commencement and application’ of BNS consolidates Sections 1 to 5 of IPC.*

- In sub section (4) ‘by any Indian law’ has been replaced with ‘by any law for the time being in force in India’.
- In the Illustration to sub section (5), ‘Uganda’ has been replaced with ‘in any place without and beyond India’.
- Sub-section (5) of BNS corresponds to Section 4 of IPC. Explanation (b) ‘computer resource’ to
- Section 4 of IPC has been deleted from Section 1(5) of BNS. This deletion has been made good with the insertion of Section 2(39) BNS.

2. DEFINITIONS.

In this Sanhita, unless the context otherwise requires, --

- (1) “act” [The word] denotes as well a series of acts as a single act;
- (2) “animal” [The word] means [denotes] any living creature, other than a human being;⁶
- (3) “child” means any person below the age of eighteen years;

COMPARISON WITH THE INDIAN PENAL Code, 1860

1. Section 2 ‘Definitions’ of BNS consolidates definitions provided from Section 8 to Section 52A in IPC. Section 2 of BNS has been re-sequenced and arranged alphabetically.
2. The definition of “act” and “omission” contained previously in Section 33 have now been separated into Section 2(1) “act” and Section 2(25) “omission” of the BNS.
3. Section 2(3) of BNS introduces the definition of ‘child’.
- (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.

⁵ Section 5, Certain laws not to be affected by this Act, IPC, 1860

⁶ Section 47, “Animal”, IPC,1860.

Explanation 1.—It is not essential to counterfeiting that the imitation should be exact.

Explanation 2.—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;⁷

- (5) “Court” means [The words “Court of Justice” denotes] a Judge who is empowered by law to act judicially alone, or a body of Judges which is empowered by law to act judicially as a body, when such Judge or body of Judges is acting judicially;⁸

COMPARISON WITH THE INDIAN PENAL Code, 1860

Section 2(5) of BNS ‘Court’ in BNS corresponds to Section 20 ‘Court of Justice’ of IPC. The section been renamed. The term ‘Court of Justice’ has been replaced by the term ‘Court’ throughout the Sanhita.

- Illustration to Section 20 of IPC ‘A Panchayat acting under Regulation VII, 1816, of the Madras Code, having power to try and determine suits, is a Court of Justice.’ has been deleted from Section 2(5) ‘Court’.

(6) “death” means [denotes] the death of a human being, unless the contrary appears from the context;⁹

(7) “dishonestly” means doing [whoever does] anything with the intention of causing wrongful gain to one person or wrongful loss to another person;¹⁰

(8) “document” means [denotes] 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.

Explanation 1.—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 [Court of Justice] or not.

Illustrations

- 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.

⁷ Section 28, “Counterfeit”, IPC,1860.

⁸Section 20, “Court of Justice”,1860.

⁹Section 46, “Death”,IPC,1860.

¹⁰ Section 24, “Dishonesty”, IPC,1860.

Explanation 2.—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.

Illustration

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;

COMPARISON WITH THE INDIAN PENAL Code, 1860

Section 2(8) ‘document’ of BNS corresponds to Section 29 of IPC.

- The term *‘electronic and digital record’* has been added to the definition of ‘document’ to bring it in consonance with the definition of document provided in Bharatiya Sakshya Adhiniyam, 2023.
- The word “must” has been replaced by letter “shall” in the illustration to Explanation 2 of the definition of “document”.

(9) “fraudulently” means doing anything [A person is said to do a thing fraudulently if he does that think] with the intention [intent] to defraud but not otherwise;¹¹

(10) “gender”.—The pronoun “he” and its derivatives are used of any person, whether male, [or] female or transgender.¹²

Explanation.—“transgender” shall have the meaning assigned to it in clause (k) of section 2 of the Transgender Persons (Protection of Rights) Act, 2019 (40 of 2019);

Section 2(10) ‘gender’ of BNS and corresponds to Section 8 of IPC.

The definition is expanded to include the term *‘transgender’*. An explanation has been provided stating that the meaning of *‘transgender’* is the same as that assigned to it in the Transgender Persons (Protection of Rights) Act, 2019.

(11) “good faith”.—Nothing is said to be done or believed in “good faith” which is done or believed without due care and attention;¹³

(12) “Government” means [denotes] the Central Government or a State Government [Government of a State];¹⁴

(13) “harbour” includes supplying a person with shelter, food, drink, money, clothes, arms, ammunition or means of conveyance, or the assisting a person by any means, whether of the same kind as those enumerated in this clause or not, to evade apprehension;¹⁵

¹¹ Section 25, Fraudulently”, PC,1860.

¹² Section 8, “Gender”, IPC,1860.

¹³ Section 52, “Good faith”, IPC,1860.

¹⁴ Section 17, “Government”, IPC, 1860.

¹⁵ Section 52A, “Harbour”,IPC,1860.

(14) “injury” means any harm whatever illegaly caused to any person, in body, mind, reputation or property;¹⁶

(15) “illegal” and “legally bound to do”.—The word “illegal” is applicable to everything which is an offence or which is prohibited by law, or which furnishes ground for a civil action; and a person is said to be “legally bound to do” whatever it is illegal in him to omit;¹⁷

(16) “Judge” means a person who is officially designated as a Judge and includes a person,-.

(i) 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.

(ii) who is one of a body or persons, which body of persons is empowered by law to give such a judgment.

Illustration

A Magistrate exercising jurisdiction in respect of a charge on which he has power to sentence to fine or imprisonment, with or without appeal, is a Judge;¹⁸

Modification of IPC Section 19 “Judge”

Illustrations (a), (c) and (d) to Section 19 of IPC have been deleted from Section 2(16) of BNS as they are no longer relevant.

(17) “life” means the life of a human being, unless the contrary appears from the context;¹⁹

(18) “local law” means a law applicable only to a particular part of India;²⁰

(19) “man” means male human being of any age;²¹

(20) “month” and “year”.—Wherever the word “month” or the word “year” is used, it is to be understood that the month or the year is to be reckoned according to the Gregorian calendar;²²

The phrase “*British calendar*” has been replaced with “*Gregorian calendar*” in BNS.

(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;²³

¹⁶ Section 44, “Injury”, IPC, 1860.

¹⁷ Section 43, “Illegal”. “Legally bound to do”, IPC, 1860.

¹⁸ Section 19, “Judge”, IPC, 1860.

¹⁹ Section 45, “Life”, IPC, 1860.

²⁰ Section 42, “Local Law”, IPC, 1860.

²¹ Section 10, “Man”. “Woman”, IPC, 1860.

²² Section 49, “Year”. “Month”, IPC, 1860.

²³ Section 22, “Movable property”, IPC, 1860. The word corporeal has been removed from previous section

Modification of definition of “movable property”

Earlier Section 22 of IPC described movable property as intending to include ‘*corporeal property*’ of every description. Now in Section 2(21), property is not qualified by the word ‘*corporeal*’. The section has been modified to include ‘*property of every description*’. The phrase ‘*corporeal property*’ has been removed from the definition.

(22) “number”.—Unless the contrary appears from the context, words importing the singular number include the plural number, and words importing the plural number include the singular number;²⁴

(23) “oath” includes a solemn affirmation substituted by law for an oath, and any declaration required or authorised by law to be made before a public servant or to be used for the purpose of proof, whether in a Court or not;²⁵

(24) “offence”.—Except in the Chapters and sections mentioned in sub-clauses (a) and (b), the word “offence” means a thing made punishable by this Sanhita, but—

(a) in Chapter III and in the following sections, namely, sub-sections (2), (3), (4) and (5) of section 8, sections 9, 49, 50, 52, 54, 55, 56, 57, 58, 59, 60, 61, 119, 120, 123, sub-sections (7) and (8) of section 127, 222, 230, 231, 240, 248, 250, 251, 259, 260, 261, 262, 263, sub-sections (6) and (7) of section 308 and sub-section (2) of section 330, the word “offence” means a thing punishable under this Sanhita, or under any special law or local law; and.

(b) in sub-section (1) of section 189, sections 211, 212, 238, 239, 249, 253 and sub-section (1) of section 329, the word “offence” shall have the same meaning when the act punishable under the special law or local law is punishable under such law with imprisonment for a term of six months or more, whether with or without fine;²⁶

Same offences under Section 2(24)(a) and (b) of BNS as were included in the two clauses of Section 40 of IPC

The offences listed in two clauses of Section 40 of IPC are identically included in clauses (a) and (b) of definition of “Offence” under Section 2(24) of BNS with the corresponding new section numbers under BNS.

(25) “omission” denotes as well as a series of omissions as a single omission;²⁷

(26) “person” includes any company or association or body of persons, whether incorporated or not;²⁸

(27) “public” includes any class of the public or any community;²⁹

²⁴ Section 9, “Number”, IPC, 1860.

²⁵ Section 51, “Oath”, IPC, 1860.

²⁶ Section 40, “Offence”, IPC, 1860.

²⁷ Section 33, “Act”. “Omission”, IPC, 1860.

²⁸ Section 11, “Person”, IPC, 1860.

²⁹ Section 12, “Public”, IPC, 1860.

(28) "public servant" means a person falling under any of the descriptions, namely^{30:-}

- (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—
 - (i) in the service or pay of the Government or remunerated by fees or commission for the performance of any public duty by the Government.
 - (ii) in the service or pay of a local authority as defined in clause (31) of section 3 of the General Clauses Act, 1897 (10 of 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 (18 of 2013).

³⁰ Section 21, "Public Servant", IPC, 1860.

Explanation.—.

- (a) persons falling under any of the descriptions made in this clause are public servants, whether appointed by the Government or not.
- (b) every person who is in actual possession of the situation of a public servant, whatever legal defect there may be in his right to hold that situation **is a public servant**.
- (c) “election” **means** an election for the purpose of selecting members of any legislative, municipal or other public authority, of whatever character, the method of selection to which is by, or under any law **for the time being in force**.

Illustration**A Municipal Commissioner is a public servant;**

(29) “reason to believe”.—A person is said to have “reason to believe” a thing, if he has sufficient cause to believe that thing but not otherwise.³¹

(30) “special law” **means** a law applicable to a particular subject.³²

Modifications in the definition of ‘Public Servant’

1.Irrelevant terminologies like ‘Court of Justice’, ‘juryman’, and ‘Provincial Act’ have been deleted as they are no longer relevant.

2. Reference to the old Companies Act has been replaced with reference to the new Companies Act.

3. *‘Central, Provincial or State Act or a Government company as defined in section 617 of the Companies Act, 1956 (1 of 1956)’ in Section 21, Twelfth para sub-clause (b) in IPC corresponding to Section 2(28)(k)(ii) of BNS has been replaced with ‘Central or State Act or a Government company as defined in clause (45) of Section 2 of the Companies Act 2013.’*

(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.³³

Illustration

A writes his name on the back of a bill of exchange. As the effect of this endorsement is to transfer the right to the bill to any person who may become the lawful holder of it, the endorsement is a “valuable security”;

(32) “vessel” **means** anything made for the conveyance by water of human beings or of property;³⁴

³¹ Section 26, “Reason to believe”, IPC, 1860.

³² Section 41, “Special Law”, IPC, 1860.

³³ Section 30, “Valuable Security”, IPC, 1860.

³⁴ Section 42, “Vessel”, IPC, 1860.

(33) “voluntarily”.—A person is said to cause an effect “voluntarily” when he causes it by means whereby he intended to cause it, or by means which, at the time of employing those means, he knew or had reason to believe to be likely to cause it.³⁵

Illustration

A sets fire, by night, to an inhabited house in a large town, for the purpose of facilitating a robbery and thus causes the death of a person. Here, A may not have intended to cause death; and may even be sorry that death has been caused by his act; yet, if he knew that he was likely to cause death, he has caused death voluntarily;

(34) “will” means any testamentary document;³⁶

(35) “woman” means a female human being of any age;³⁷

(36) “wrongful gain” means gain by unlawful means of property to which the person gaining is not legally entitled;³⁸

(37) “wrongful loss” means the loss by unlawful means of property to which the person losing it is legally entitled;³⁹

(38) “gaining wrongfully” and “losing wrongfully”.—A person is said to gain wrongfully when such person retains wrongfully, as well as when such person acquires wrongfully. A person is said to lose wrongfully when such person is wrongfully kept out of any property, as well as when such person is wrongfully deprived of property;⁴⁰ and.

(39) words and expressions used but not defined in this Sanhita but defined in the Information Technology Act, 2000 (21 of 2000) and the Bharatiya Nagarik Suraksha Sanhita, 2023 shall have the meanings respectively assigned to them in that Act and Sanhita

Addition of subsection 39 to section 2 in BNS

Section 2(39) has been introduced in BNS. It specifies that words and expressions used in BNS shall have the same meaning as assigned to them in Information Technology Act, 2000 (21 of 2000) and Bharatiya Nagarik Suraksha Sanhita, 2023.

4 definitions in IPC have been removed from BNS. These are -

1. Section 14- ‘Servant of Government’
2. Section 18- ‘India’
3. Section 29A -‘Electronic record’ –covered more comprehensively in IT Act, 2000.
4. Section 50 -‘Section’ – doesn’t require any definition.

³⁵ Section 39, “Voluntarily” IPC, 1860.

³⁶ Section 31, “A Will”, IPC, 1860.

³⁷ Section 10, “Man”. “Woman”, IPC, 1860

³⁸ Section 23, “Wrongful gain”, IPC, 1860.

³⁹ Section 23, “Wrongful loss”, IPC, 1860

⁴⁰ Section 23, “Gaining wrongfully/Losing wrongfully”, IPC, 1860.

SECTION 3. GENERAL EXPLANATIONS.

(1) Throughout this **Sanhita [Code]** every definition of an offence, every penal provision, and every Illustration of every such definition or penal provision, shall be understood subject to the exceptions contained in the Chapter entitled “General Exceptions”, though those exceptions are not repeated in such definition, penal provision, or Illustration.⁴¹

Illustrations

(a) The sections in this **Sanhita [Code]**, 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.

(b) A, a police officer, without warrant, apprehends Z, who has committed murder. Here A is not guilty of the offence of wrongful confinement; for he was bound by law to apprehend Z, and therefore the case falls within the general exception which provides that “nothing is an offence which is done by a person who is bound by law to do it”.

(2) Every expression which is explained in any Part of this **Sanhita [Code]**, is used in every Part of this **Sanhita [Code]** in conformity with the explanation.⁴²

(3) When property is in the possession of a *person's spouse*, clerk or servant, on account of that person, it is in that person's possession within the meaning of this **Sanhita**.⁴³

Explanation.—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 **subsection**.

(4) In every Part of this **Sanhita [Code]**, except where a contrary intention appears from the context, words which refer to acts done extend also to illegal omissions.⁴⁴

(5) 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.⁴⁵

(6) Whenever an act, which is criminal only by reason of its being done with a criminal knowledge or intention, is done by several persons, each of such persons who joins in the act with such knowledge or intention is liable for the act in the same manner as if the act were done by him alone with that knowledge or intention.⁴⁶

(7) 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.⁴⁷

⁴¹ Section 6, “Definitions in the Code to be understood subject to exceptions”, IPC,1860.

⁴² Section 7, “Sense of expression once explained”, IPC,1860.

⁴³ Section 27, “Property in possession of wife, clerk or servant”, IPC,1860.

⁴⁴ Section 32, “Words referring to acts include illegal commissions”, IPC, 1860.

⁴⁵ Section 34, “Acts done by several persons in furtherance of common intention”, IPC, 1860.

⁴⁶ Section 35, “When such an act is criminal by reason of its being done with a criminal knowledge or intention”, IPC,1860.

⁴⁷ Section 36, “Effect caused partly by act and partly by omission”, IPC, 1860.

Illustration

A intentionally causes Z's death, partly by illegally omitting to give Z food, and partly by beating Z. A has committed murder.

(8) When an offence is committed by means of several acts, whoever intentionally cooperates in the commission of that offence by doing any one of those acts, either singly or jointly with any other person, commits that offence.⁴⁸

Illustration

(a) A and B agree to murder Z by severally and at different times giving him small doses of poison. A and B administer the poison according to the agreement with intent to murder Z. Z dies from the effects the several doses of poison so administered to him. Here A and B intentionally cooperate in the commission of murder and as each of them does an act by which the death is caused, they are both guilty of the offence though their acts are separate.

(b) A and B are joint jailors, and as such have the charge of Z, a prisoner, alternatively for six hours at a time. A and B, intending to cause Z's death, knowingly cooperate in causing that effect by illegally omitting, each during the time of his attendance, to furnish Z with food supplied to them for that purpose. Z dies of hunger. Both A and B are guilty of the murder of Z.

(c) A, a jailor, has the charge of Z, a prisoner. A, intending to cause Z's death, illegally omits to supply Z with food; in consequence of which Z is much reduced in strength, but the starvation is not sufficient to cause his death. A is dismissed from his office, and B succeeds him. B, without collusion or cooperation with A, illegally omits to supply Z with food, knowing that he is likely thereby to cause Z's death. Z dies of hunger. B is guilty of murder, but, as A did not cooperate with B. A is guilty only of an attempt to commit murder.

(9) 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.⁴⁹

Illustration

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.

⁴⁸ Section 37, "Co-operation by doing one of several acts constituting an offence", IPC, 1860.

⁴⁹ Section 38, "Persons concerned in criminal act may be guilty of different offences", IPC, 1860.

Consolidation and Modification under Section 3 BNS.

1. Section 3. General Explanations in BNS consolidates Section 6, Section 7, Section 27, Section 32, Section 34, Section 35, Section 36, Section 37, and Section 38 of IPC.

2. The word '*wife*' in Section 3(3) has been replaced with the word '*spouse*'.

This modification brings gender neutrality and inclusivity to the provision. It includes both husbands and wives within the scope of the law, recognizing that either spouse can hold property on behalf of the other.

INDIAN PENAL Code	BHARATIYA NYAYA SANHITA
CHAPTER I	CHAPTER I
INTRODUCTION	PRELIMINARY
	1 Short title, commencement and application
1. Title and extent of operation of the Code	1(1)
New	1(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint, and different dates may be appointed for different provisions of this Sanhita
2. Punishment of offences committed within India	1(3)
3. Punishment of offences committed beyond, but which by law may be tried within, India	1(4)
4. Extension of Code to extra-territorial offences.	1(5)
5. Certain laws not to be affected by this act.	1(6)
CHAPTER II - GENERAL EXPLANATION	
6. Definitions in the Code to be understood subject to exceptions	3(1)
7. Sense of expression once explained	3(2)
	2 Definitions
8. Gender	2(10) Transgender included in definition
9. Number	2(22)
10. 'man', 'woman'	2(19) 'man'
10. 'man', 'woman'	2(35) 'woman'
11. 'person'	2(26) 'person'

12. 'public'	2(27) 'public'
13. Repealed	Deleted
14. Servant of government	Deleted
15. Repealed	Deleted
16. Repealed	Deleted
17. 'government'	2(12) 'Government'
18. 'India'	Deleted
19. 'judge'	2(16) 'Judge'
20. 'court of justice'	2(5) 'Court'
21. 'public servant'	2(28) 'public servant'
22. 'moveable property'	2(21) 'movable property'
23. 'gaining wrongfully' and 'losing wrongfully'	2(38) 'gaining wrongfully' and 'losing wrongfully'
23. 'wrongful gain'	2(36) 'wrongful gain'
24. 'dishonestly'	2(7) 'dishonestly'
25. 'fraudulently'	2(9) 'fraudulent'
26. 'reason to believe'	2(29) 'reason to believe'
27. Property in possession of wife, clerk or servant	3(3)
28. 'counterfeit'	2(4) 'counterfeit'
29. 'document'	2(8) 'document'
29A. 'electronic record'	Deleted
30. 'valuable security'	2(31) 'valuable security'
31. 'a will'	2(34) 'will'
32. Words referring to acts include illegal omissions	3(4)
33. 'act'. 'omission'	2(25) 'omission'
33. 'act'. 'omission'	2(1) 'act'
New definition	2(3) 'child'
New sub – section	Section 2(39) words and expressions used but not defined in this Sanhita but defined in the Information Technology Act, 2000 (21 of 2000) and the Bharatiya Nagarik Suraksha Sanhita, 2023 shall have the meanings respectively assigned to them in that Act and Sanhita

34. Acts done by several persons in furtherance of common intention	3(5)
35. When such an act is criminal by reason of its being done with a criminal knowledge or intention	3(6)
36. Effect caused partly by act and partly by omission	3(7)
37. Co-operation by doing one of several acts constituting an offence	3(8)
38. Persons concerned in criminal act may be guilty of different offences	3(9)
39. ‘voluntarily’	2(33) ‘voluntarily’
40. ‘offence’	2(24) ‘offence’
41. ‘special law’	2(30) ‘special law’
42. ‘local law’	2(18) ‘local law’
43. ‘illegal’. ‘legally bound to do’	2(15) ‘illegal’
44. ‘injury’	2(14) ‘injury’
45. ‘life’	2(17) ‘life’
46. ‘death’	2(6) ‘death’
47. ‘animal’	2(2) ‘animal’
48. ‘vessel’	2(32) ‘vessel’
49. ‘year’. ‘month’	2(20) ‘month’ and ‘year’
50. ‘section’	Deleted
51. ‘oath’	2(23) ‘oath’
52. ‘good faith’	2(11) ‘good faith’
52A. ‘harbour’	2(13) ‘harbour’

CHAPTER II (CHAPTER III)

OF PUNISHMENTS

4. PUNISHMENTS.⁵⁰

The punishments to which offenders are liable under the provisions of this Sanhita are—

- a) [First] Death;
- b) [Secondly] Imprisonment for life;
- c) [Fourthly] Imprisonment, which is of two descriptions, namely: —
 - 1. Rigorous, that is, with hard labour;
 - 2. Simple;
- d) [Fifthly] Forfeiture of property;
- e) [Sixthly] Fine;
- f) Community Service.

Introduction

Chapter II – Of Punishments in BNS corresponds to Chapter III of IPC. It extends from Section

4 to Section 13 of BNS and corresponds to Section 53 to Section 75 of IPC.

Deletion :- Section 53A of the IPC has been deleted as it is no longer relevant. This section referred to the colonial practice involved transporting or relocating convicted criminals to new locations or settlements to increase the colonial labour force and boost their production. This practice is no longer followed in India.

Modifications & Additions:- Section 4 ‘Punishments’ of BNS corresponds to Section 53 of IPC. In sub section (f) of Section 4 ‘Community Service’ has been added to the list of punishments to which offenders are liable to. **Community Service has been prescribed in 6 offences in BNS.** **Community service** has been explained in **Section 23 of the Bharatiya Nagarik Suraksha Sanhita, 2023** as Court ordered work given to a convict as a form of punishment that benefits the community and which is not entitled to any remuneration.

5. COMMUTATION OF SENTENCE.⁵¹

The appropriate Government may, without the consent of the offender, commute any punishment under this Sanhita to any other punishment in accordance with section 474 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

⁵⁰ Section 53, IPC, 1860.

⁵¹ Section 54 and Section 55, IPC, 1860.

Explanation.— For the purposes of this [In section 54 and 55] section the expression “appropriate Government”means,—

- (a) in cases where the sentence is a sentence of death or is for an offence against any law relating to a matter to which the executive power of the Union extends, the Central Government; and
- (b) in cases where the sentence (whether of death or not) is for an offence against any law relating to a matter to which the executive power of the State extends, the Government of the State within which the offender is sentenced.⁵²

6. FRACTIONS OF TERMS OF PUNISHMENT.⁵³

In calculating fractions of terms of punishment, imprisonment for life shall be reckoned as equivalent to imprisonment for twenty years unless otherwise provided.

7. SENTENCE MAY BE (IN CERTAIN CASES OF IMPRISONMENT) WHOLLY OR PARTLY RIGOROUS OR SIMPLE.⁵⁴

In every case in which an offender is punishable with imprisonment which may be of either description, it shall be competent to the Court which sentences such offender to direct in the sentence that such imprisonment shall be wholly rigorous, or that such imprisonment shall be wholly simple, or that any part of such imprisonment shall be rigorous and the rest simple.

8. AMOUNT OF FINE, LIABILITY IN DEFAULT OF PAYMENT OF FINE, ETC.

(1) Where no sum is expressed to which a fine may extend, the amount of fine to which the offender is liable is unlimited, but shall not be excessive.⁵⁵

(2) In every case of an offence—

(a) punishable with imprisonment as well as fine, in which the offender is sentenced to a fine, whether with or without imprisonment;

(b) punishable with imprisonment or fine, or with fine only, in which the offender is sentenced to a fine, it shall be competent to the Court which sentences such offender to direct by the sentence that, in default of payment of the fine, the offender shall suffer imprisonment for a certain term, in which imprisonment shall be in excess of any other imprisonment to which he may have been sentenced or to which he may be liable under a commutation of a sentence.⁵⁶

(3) The term for which the Court directs the offender to be imprisoned in default of payment of a fine shall not exceed one-fourth of the term of imprisonment which is the maximum fixed for the offence, if the offence be punishable with imprisonment as well as fine.⁵⁷

⁵² Section 55A, "Definition of "appropriate government" IPC, 1860.

⁵³ Section 57, IPC, 1860.

⁵⁴ Section 60, "" IPC, 1860.

⁵⁵ Section 63, "Amount of fine" IPC, 1860

⁵⁶ Section 64, "Sentence of imprisonment for non-payment of fine" IPC, 1860.

⁵⁷ Section 65, "Limit to imprisonment for non-payment of fine, when imprisonment and fine awardable" IPC, 1860.

(4) The imprisonment which the Court imposes in default of payment of a fine or in default of community service may be of any description to which the offender might have been sentenced for the offence.⁵⁸

(5) If the offence is [be] punishable with fine [only] or community service, the imprisonment which the Court imposes in default of payment of the fine or in default to community service shall be simple, and the term for which the Court directs the offender to be imprisoned, in default of payment of fine or in default of community service, shall not exceed,— [the following scale that is to say for any term not excluding]

(a) two months when the amount of the fine does [shall] not exceed five thousand [fifty] rupees;

(b) four months when the amount of the fine does not exceed ten thousand [one hundred] rupees; and

(c) one year [six months] in any other case.⁵⁹

(6) (a) The imprisonment which is imposed in default of payment of a fine shall terminate whenever that fine is either paid or levied by process of law;⁶⁰

(b) If, before the expiration of the term of imprisonment fixed in default of payment, such a proportion of the fine be paid or levied that the term of imprisonment suffered in default of payment is not less than proportional to the part of the fine still unpaid, the imprisonment shall terminate.⁶¹

Illustration

A is sentenced to a fine of one thousand [one hundred] rupees and to four months' imprisonment in default of payment. Here, if seven hundred and fifty [seventh-five] rupees of the fine be paid or levied before the expiration of one month of the imprisonment, A will be discharged as soon as the first month has expired. If seven hundred and fifty [seventh-five] rupees be paid or levied at the time of the expiration of the first month, or at any later time while A continues in imprisonment, A will be immediately discharged. If five hundred [fifty] rupees of the fine be paid or levied before the expiration of two months of the imprisonment, A will be discharged as soon as the two months are completed. If five hundred [fifty] rupees be paid or levied at the time of the expiration of those two months, or at any later time while A continues in imprisonment, A will be immediately discharged.

(7) The fine, or any part thereof which remains unpaid, may be levied at any time within six years after the passing of the sentence, and if, under the sentence, the offender be liable to imprisonment for a longer period than six years, then at any time previous to the expiration of that period; and the death of the offender does not discharge from the liability any property which would, after his death, be legally liable for his debts.⁶²

⁵⁸ Section 66, "Description of imprisonment for non-payment of fine" IPC, 1860.

⁵⁹ Section 67, "Imprisonment for non-payment of fine, when offence punishable with fine only" IPC, 1860.

⁶⁰ Section 68, "Imprisonment to terminate on payment of fine" IPC, 1860.

⁶¹ Section 69, "Termination of imprisonment on payment of proportional part of fine" IPC, 1860.

⁶² Section 70, "Fine leviable within six years, or during imprisonment. Death not to discharge property from liability" IPC, 1860.

Consolidation and Modifications in Section 8 BNS:-Section 8 ‘Amount of fine’, liability in default of payment of fine, etc’ of BNS consolidates Section 63 to Section 70 of IPC. Community service has been added to sub section (4) and (5). Threshold of fines and punishment has been increased in sub section (5).

9. LIMIT OF PUNISHMENT OF OFFENCE MADE UP OF SEVERAL OFFENCES.⁶³

(1) Where anything which is an offence is made up of parts, any of which parts is itself an offence, the offender shall not be punished with the punishment of more than one of such his offences, unless it be so expressly provided.

(2) Where—

(a) anything is an offence falling within two or more separate definitions of any law in force for the time being by which offences are defined or punished; or

(b) several acts, of which one or more than one would by itself or themselves constitute an offence, constitute, when combined, a different offence, the offender shall not be punished with a more severe punishment than the Court which tries him could award for any one of such offences.

Illustrations

(a) A gives Z fifty strokes with a stick. Here A may have committed the offence of voluntarily causing hurt to Z by the whole beating, and also by each of the blows which make up the whole beating. If A were liable to punishment for every blow, he might be imprisoned for fifty years, one for each blow. But he is liable only to one punishment for the whole beating.

(b) But, if, while A is beating Z, Y interferes, and A intentionally strikes Y, here, as the blow given to Y is no part of the act whereby A voluntarily causes hurt to Z, A is liable to one punishment for voluntarily causing hurt to Z, and to another for the blow given to Y.

Sections 9 ‘Limit of punishment of offence made up of several offences’ of BNS corresponds to Section 71 of IPC. The drafting of the Section has been revised. The erstwhile paragraph formulation has been changed into sub section format followed in the Sanhita.

10. PUNISHMENT OF PERSON GUILTY OF ONE OF SEVERAL OFFENCES, JUDGMENT STATING THAT IT IS DOUBTFUL OF WHICH.⁶⁴

In all cases in which judgment is given that a person is guilty of one of several offences specified in the judgment, but that it is doubtful of which of these offences he is guilty, the offender shall be punished for the offence for which the lowest punishment is provided if the same punishment is not provided for all.

⁶³ Section 71, IPC, 1860.

⁶⁴ Section 72, IPC, 1860.

11. SOLITARY CONFINEMENT.⁶⁵

Whenever any person is convicted of an offence for which under this **Sanhita [Code]** the Court has power to sentence him to rigorous imprisonment, the Court may, by its sentence, order that the offender shall be kept in solitary confinement for any portion or portions of the imprisonment to which he is sentenced, not exceeding three months in the whole, according to the following scale, namely: **[that is to say]:—**

- (a) a time not exceeding one month if the term of imprisonment shall not exceed six months;
- (b) a time not exceeding two months if the term of imprisonment shall exceed six months and shall not exceed one year;
- (c) a time not exceeding three months if the term of imprisonment shall exceed one year.

12. LIMIT OF SOLITARY CONFINEMENT.⁶⁶

In executing a sentence of solitary confinement, such confinement shall in no case exceed fourteen days at a time, with intervals between the periods of solitary confinement of not less duration than such periods; and when the imprisonment awarded shall exceed three months, the solitary confinement shall not exceed seven days in any one month of the whole imprisonment awarded, with intervals between the periods of solitary confinement of not less duration than such periods.

13. ENHANCED PUNISHMENT FOR CERTAIN OFFENCES AFTER PREVIOUS CONVICTION.⁶⁷

Whoever, having been convicted **[a]** by a Court in India, of an offence punishable under Chapter **X** **[XII]** or Chapter XVII of this **Sanhita [Code]** with imprisonment of either description for a term of three years or upwards, shall be guilty of any offence punishable under either of those Chapters with like imprisonment for the like term, shall be subject for every such subsequent offence to imprisonment for life, or to imprisonment of either description for a term which may extend to ten years.

⁶⁵ Section 73, IPC, 1860.

⁶⁶ Section 74, IPC, 1860.

⁶⁷ Section 75, IPC, 1860.

CHAPTER III (CHAPTER IV)

GENERAL EXCEPTIONS

14. ACT DONE BY A PERSON BOUND, OR BY MISTAKE OF FACT BELIEVING HIMSELF BOUND BY LAW.⁶⁸

Nothing is an offence which is done by a person who is, or who by reason of a mistake of fact and not by reason of a mistake of law in good faith believes himself to be, bound by law to do it.

Illustrations

(a) 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.

(b) A, an officer of a Court, being ordered by that Court to arrest Y, and, after due enquiry, believing Z to be Y, arrests Z. A has committed no offence.

Chapter III – General Exceptions in BNS and extends from **Section 14 to Section 44** of BNS. It corresponds to Chapter IV of IPC from Section 76 to Section 106. The previous paragraph format of provisions has been streamlined into a sub-section or sub-clause formulation.

15. ACT OF JUDGE WHEN ACTING JUDICIALLY.⁶⁹

Nothing is an offence which is done by a Judge when acting judicially in the exercise of any power which is, or which in good faith he believes to be, given to him by law.

16. ACT DONE PURSUANT TO JUDGMENT OR ORDER OF COURT.⁷⁰

Nothing which is done in pursuance of, or which is warranted by the judgment or order of, a **Court**; [**Court of Justice**]; if done whilst such judgment or order remains in force, is an offence, notwithstanding the Court may have had no jurisdiction to pass such judgment or order, provided the person doing the act in good faith believes that the Court had such jurisdiction.

17. ACT DONE BY A PERSON JUSTIFIED, OR BY MISTAKE OF FACT BELIEVING HIMSELF JUSTIFIED, BY LAW.⁷¹

Nothing is an offence which is done by any person who is justified by law, or who by reason of a mistake of fact and not by reason of a mistake of law in good faith, believes himself to be justified by law, in doing it.

⁶⁸ Section 76, IPC.

⁶⁹ Section 77, IPC.

⁷⁰ Section 78, IPC.

⁷¹ Section 79, IPC.

Illustration

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-defense.

18. ACCIDENT IN DOING A LAWFUL ACT.⁷²

Nothing is an offence which is done by accident or misfortune, and without any criminal intention or knowledge in the doing of a lawful act in a lawful manner by lawful means and with proper care and caution.

Illustration

A is at work with a hatchet; the head flies off and kills a man who is standing by. Here, if there was no want of proper caution on the part of A, his act is excusable and not an offence.

19. ACT LIKELY TO CAUSE HARM, BUT DONE WITHOUT CRIMINAL INTENT, AND TO PREVENT OTHER HARM.⁷³

Nothing is an offence merely by reason of its being done with the knowledge that it is likely to cause harm, if it be done without any criminal intention to cause harm, and in good faith for the purpose of preventing or avoiding other harm to person or property.

Explanation.—It is a question of fact in such a case whether the harm to be prevented or avoided was of such a nature and so imminent as to justify or excuse the risk of doing the act with the knowledge that it was likely to cause harm.

Illustrations

(a) A, the captain of a [steam] vessel, suddenly and without any fault or negligence on his part, finds himself in such a position that, before he can stop his vessel, he must inevitably run down a boat B, with twenty or thirty passengers on board, unless he changes the course of his vessel, and that, by changing his course, he must incur risk of running down a boat C with only two passengers on board, which he may possibly clear. Here, if A alters his course without any intention to run down the boat C and in good faith for the purpose of avoiding the danger to the passengers in the boat B, he is not guilty of an offence, though he may run down the boat C by doing an act which he knew was likely to cause that effect, if it be found as a matter of fact that the danger which he intended to avoid was such as to excuse him in incurring the risk of running down the boat C.

(b) A, in a great fire, pulls down houses in order to prevent the conflagration from spreading. He does this with the intention in good faith of saving human life or property. Here, if it be found that the harm to be prevented was of such a nature and so imminent as to excuse A's act, A is not guilty of the offence.

⁷² Section 80, IPC.

⁷³ Section 81, IPC.

20. ACT OF A CHILD UNDER SEVEN YEARS OF AGE.⁷⁴

Nothing is an offence which is done by a child under seven years of age.

21. ACT OF A CHILD ABOVE SEVEN AND UNDER TWELVE YEARS OF AGE OF IMMATURE UNDERSTANDING.⁷⁵

Nothing is an offence which is done by a child above seven years of age and under twelve *years of age*, who has not attained sufficient maturity of understanding to judge of the nature and consequences of his conduct on that occasion.

22. ACT OF A PERSON OF UNSOUND MIND.⁷⁶

Nothing is an offence which is done by a person who, at the time of doing it, by reason of unsoundness of mind, is incapable of knowing the nature of the act, or that he is doing what is either wrong or contrary to law.

23. ACT OF A PERSON INCAPABLE OF JUDGMENT BY REASON OF INTOXICATION CAUSED AGAINST HIS WILL.⁷⁷

Nothing is an offence which is done by a person who, at the time of doing it, is, by reason of intoxication, incapable of knowing the nature of the act, or that he is doing what is either wrong, or contrary to law; provided that the thing which intoxicated him was administered to him without his knowledge or against his will.

24. OFFENCE REQUIRING A PARTICULAR INTENT OR KNOWLEDGE COMMITTED BY ONE WHO IS INTOXICATED.⁷⁸

In cases where an act done is not an offence unless done with a particular knowledge or intent, a person who does the act in a state of intoxication shall be liable to be dealt with as if he had the same knowledge as he would have had if he had not been intoxicated, unless the thing which intoxicated him was administered to him without his knowledge or against his will.

25. ACT NOT INTENDED AND NOT KNOWN TO BE LIKELY TO CAUSE DEATH OR GRIEVOUS HURT, DONE BY CONSENT.⁷⁹

Nothing which is not intended to cause death, or grievous hurt, and which is not known by the doer to be likely to cause death or grievous hurt, is an offence by reason of any harm which it may cause, or be intended by the doer to cause, to any person, above eighteen years of age, who has given consent, whether express or implied, to suffer that harm; or by reason of any harm which it may be known by the doer to be likely to cause to any such person who has consented to take the risk of that harm.

Illustration

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.

⁷⁴ Section 82, IPC.

⁷⁵ Section 83, IPC.

⁷⁶ Section 84, IPC.

⁷⁷ Section 85, IPC.

⁷⁸ Section 86, IPC.

⁷⁹ Section 87, IPC.

26. ACT NOT INTENDED TO CAUSE DEATH, DONE BY CONSENT IN GOOD FAITH FOR PERSON'S BENEFIT.⁸⁰

Nothing, which is not intended to cause death, is an offence by reason of any harm which it may cause, or be intended by the doer to cause, or be known by the doer to be likely to cause, to any person for whose benefit it is done in good faith, and who has given a consent, whether express or implied, to suffer that harm, or to take the risk of that harm.

Illustration

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.

27. ACT DONE IN GOOD FAITH FOR BENEFIT OF CHILD OR PERSON OF UNSOUND MIND (INSANE PERSON), BY, OR BY CONSENT OF GUARDIAN.⁸¹

Nothing which is done in good faith for the benefit of a person under twelve years of age, or person of unsound mind, by, or by consent, either express or implied, of the guardian or other person having lawful charge of that person, is an offence by reason of any harm which it may cause, or be intended by the doer to cause or be known by the doer to be likely to cause to that person:

Provided that this exception shall not extend to—

- (a) [First] the intentional causing of death, or to the attempting to cause death;
- (b) [Secondly] the doing of anything which the person doing it knows to be likely to cause death, for any purpose other than the preventing of death or grievous hurt, or the curing of any grievous disease or infirmity;
- (c) [Thirdly] the voluntary causing of grievous hurt, or to the attempting to cause grievous hurt, unless it be for the purpose of preventing death or grievous hurt, or the curing of any grievous disease or infirmity;
- (d) [Fourthly] the abetment of any offence, to the committing of which offence it would not extend.

Illustration.

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.

28. CONSENT KNOWN TO BE GIVEN UNDER FEAR OR MISCONCEPTION.⁸²

A consent is not such a consent as is intended by any section of this *Sanhita [Code]*,—

- (a) if the consent is given by a person under fear of injury, or under a misconception of fact, and if the person doing the act knows, or has reason to believe, that the consent was given in consequence of such fear or misconception; or

⁸⁰ Section 88, IPC.

⁸¹ Section 89, IPC.

⁸² Section 90, IPC.

(b) [Consent of insane person] if the consent is given by a person who, from unsoundness of mind, or intoxication, is unable to understand the nature and consequence of that to which he gives his consent; or

(c) [Consent of child] unless the contrary appears from the context, if the consent is given by a person who is under twelve years of age.

29. EXCLUSION OF ACTS WHICH ARE OFFENCES INDEPENDENTLY OF HARM CAUSED.⁸³

The exceptions in **sections 25, 26 and 27 [87, 88 and 89]** do not extend to acts which are offences independently of any harm which they may cause, or be intended to cause, or be known to be likely to cause, to the person giving the consent, or on whose behalf the consent is given.

Illustration

Causing miscarriage (unless caused in good faith for the purpose of saving the life of the woman) is an offence independently of any harm which it may cause or be intended to cause to the woman. Therefore, it is not an offence “by reason of such harm”; and the consent of the woman or of her guardian to the causing of such miscarriage does not justify the act.

Modifications & Additions

- The term '*Insane person*' in Section 27, Section 28 has been replaced with '*a person of unsoundness of mind*'.

30. ACT DONE IN GOOD FAITH FOR BENEFIT OF A PERSON WITHOUT CONSENT.⁸⁴

Nothing is an offence by reason of any harm which it may cause to a person for whose benefit it is done in good faith, even without that person's consent, if the circumstances are such that it is impossible for that person to signify consent, or if that person is incapable of giving consent, and has no guardian or other person in lawful charge of him from whom it is possible to obtain consent in time for the thing to be done with benefit:

Provided that this exception shall not extend to—

(a) [First] the intentional causing of death, or the attempting to cause death;

(b) [Secondly] the doing of anything which the person doing it knows to be likely to cause death, for any purpose other than the preventing of death or grievous hurt, or the curing of any grievous disease or infirmity;

(c) [Thirdly] the voluntary causing of hurt, or to the attempting to cause hurt, for any purpose other than the preventing of death or hurt;

(d) [Fourthly] the abetment of any offence, to the committing of which offence it would not extend.

⁸³ SECTION 91, IPC.

⁸⁴ SECTION 92, IPC.

Illustrations

(1) 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.

(2) Z is carried off by a tiger. A fires at the tiger knowing it to be likely that the shot may kill Z, but not intending to kill Z, and in good faith intending Z's benefit. A's bullet gives Z a mortal wound. A has committed no offence.

(3) A, a surgeon, sees a child suffer an accident which is likely to prove fatal unless an operation be immediately performed. There is no time to apply to the child's guardian. A performs the operation in spite of the entreaties of the child, intending, in good faith, the child's benefit. A has committed no offence.

(4) A is in a house which is on fire, with Z, a child. People below hold out a blanket. A drops the child from the house top, knowing it to be likely that the fall may kill the child, but not intending to kill the child, and intending, in good faith, the child's benefit. Here, even if the child is killed by the fall, A has committed no offence.

Explanation. —Mere pecuniary benefit is not benefit within the meaning [of sections 26, 27 and this section. \[88, 89 and 92\]](#)

31. COMMUNICATION MADE IN GOOD FAITH.⁸⁵

No communication made in good faith is an offence by reason of any harm to the person to whom it is made, if it is made for the benefit of that person.

Illustration

A, a surgeon, in good faith, communicates to a patient his opinion that he cannot live. The patient dies in consequence of the shock. A has committed no offence, though he knew it to be likely that the communication might cause the patient's death.

32. ACT TO WHICH A PERSON IS COMPELLED BY THREATS.⁸⁶

Except murder, and offences against the State punishable with death, nothing is an offence which is done by a person who is compelled to do it by threats, which, at the time of doing it, reasonably cause the apprehension that instant death to that person will otherwise be the consequence:

Provided that the person doing the act did not of his own accord, or from a reasonable apprehension of harm to himself short of instant death, place himself in the situation by which he became subject to such constraint.

Explanation 1. —A person who, of his own accord, or by reason of a threat of being beaten, joins a gang of dacoits, knowing their character, is not entitled to the benefit of this exception, on the ground of his having been compelled by his associates to do anything that is an offence by law.

Explanation 2. —A person seized by a gang of dacoits, and forced, by threat of instant death, to do a thing which is an offence by law; for example, a smith compelled to take his tools and to force the door of a house for the dacoits to enter and plunder it, is entitled to the benefit of this exception.

⁸⁵ Section 93, IPC.

⁸⁶ Section 94, IPC.

33. ACT CAUSING SLIGHT HARM.⁸⁷

Nothing is an offence by reason that it causes, or that it is intended to cause, or that it is known to be likely to cause, any harm, if that harm is so slight that no person of ordinary sense and temper would complain of such harm.

OF RIGHT OF PRIVATE DEFENCE**34. THINGS DONE IN PRIVATE DEFENCE.⁸⁸**

Nothing is an offence which is done in the exercise of the right of private defence.

35. RIGHT OF PRIVATE DEFENCE OF BODY AND OF PROPERTY.⁸⁹

Every person has a right, subject to the restrictions contained in section 37 [99], to defend—

(a) [First] his own body, and the body of any other person, against any offence affecting the human body;

(b) [Secondly] the property, whether movable or immovable, of himself or of any other person, against any act which is an offence falling under the definition of theft, robbery, mischief or criminal trespass, or which is an attempt to commit theft, robbery, mischief or criminal trespass.

36. RIGHT OF PRIVATE DEFENCE AGAINST ACT OF A PERSON OF UNSOUND MIND, ETC.⁹⁰

When an act, which would otherwise be a certain offence, is not that offence, by reason of the youth, the want of maturity of understanding, the unsoundness of mind or the intoxication of the person doing that act, or by reason of any misconception on the part of that person, every person has the same right of private defence against that act which he would have if the act were that offence.

(a) Z, a person of unsound mind [under the influence of madness], 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.

(b) A enters by night a house which he is legally entitled to enter. Z, in good faith, taking A for a house-breaker, attacks A. Here Z, by attacking A under this misconception, commits no offence. But A has the same right of private defence against Z, which he would have if Z were not acting under that misconception.

37. ACTS AGAINST WHICH THERE IS NO RIGHT OF PRIVATE DEFENCE.⁹¹

(1) There is no right of private defence, –

(a) against an act which does not reasonably cause the apprehension of death or of grievous hurt, if done, or attempted to be done, by a public servant acting in good faith under colour of his office, though that act, may not be strictly justifiable by law;

⁸⁷ Section 95, IPC.

⁸⁸ Section 96, IPC.

⁸⁹ Section 97, IPC.

⁹⁰ Section 98, IPC.

⁹¹ Section 99, IPC.

(b) [Extent to which the right may be exercised] against an act which does not reasonably cause the apprehension of death or of grievous hurt, if done, or attempted to be done, by the direction of a public servant acting in good faith under colour of his office, though that direction may not be strictly justifiable by law;

(c) in cases in which there is time to have recourse to the protection of the public authorities.

(2) The right of private defence in no case extends to the inflicting of more harm than it is necessary to inflict for the purpose of defence.

Explanation 1. —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.

Explanation 2. —A person is not deprived of the right of private defence against an act done, or attempted to be done, by the direction of a public servant, unless he knows, or has 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.

38. WHEN RIGHT OF PRIVATE DEFENCE OF BODY EXTENDS TO CAUSING DEATH.⁹²

The right of private defence of the body extends, under the restrictions specified in section 37 [mentioned in the last preceding section], to the voluntary causing of death or of any other harm to the assailant, if the offence which occasions the exercise of the right be of any of the descriptions hereinafter enumerated, namely: —

(a) [First] such an assault as may reasonably cause the apprehension that death will otherwise be the consequence of such assault;

(b) [Secondly] such an assault as may reasonably cause the apprehension that grievous hurt will otherwise be the consequence of such assault;

(c) [Thirdly] an assault with the intention of committing rape;

(d) [Fourthly] an assault with the intention of gratifying unnatural lust;

(e) [Fifthly] an assault with the intention of kidnapping or abducting; .

(f) [Sixthly] an assault with the intention of wrongfully confining a person, under circumstances which may reasonably cause him to apprehend that he will be unable to have recourse to the public authorities for his release;

(g) [Seventhly] an act of throwing or administering acid or an attempt to throw or administer acid which may reasonably cause the apprehension that grievous hurt will otherwise be the consequence of such act.

⁹² Section 100, IPC.

39. WHEN SUCH RIGHT EXTENDS TO CAUSING ANY HARM OTHER THAN DEATH.⁹³

If the offence be not of any of the descriptions specified in section 38, [enumerated in the last preceding section], the right of private defence of the body does not extend to the voluntary causing of death to the assailant, but does extend, under the restrictions specified in section 37, [mentioned in Section 99] to the voluntary causing to the assailant of any harm other than death.

40. COMMENCEMENT AND CONTINUANCE OF RIGHT OF PRIVATE DEFENCE OF BODY.⁹⁴

The right of private defence of the body commences as soon as a reasonable apprehension of danger to the body arises from an attempt or threat to commit the offence though the offence may not have been committed; and it continues as long as such apprehension of danger to the body continues.

41. WHEN RIGHT OF PRIVATE DEFENCE OF PROPERTY EXTENDS TO CAUSING DEATH.⁹⁵

The right of private defence of property extends, under the restrictions specified in section 37 [mentioned in Section 99], to the voluntary causing of death or of any other harm to the wrong-doer, if the offence, the committing of which, or the attempting to commit which, occasions the exercise of the right, be an offence of any of the descriptions hereinafter enumerated, namely:—

- (a) [First] robbery;
- (b) [Secondly] house-breaking after sunset and before sunrise;
- (c) [Thirdly] mischief by fire or any explosive substance committed on any building, tent or vessel, which building, tent or vessel is used as a human dwelling, or as a place for the custody of property;
- (d) [Fourthly] theft, mischief, or house-trespass, under such circumstances as may reasonably cause apprehension that death or grievous hurt will be the consequence, if such right of private defence is not exercised.

42. WHEN SUCH RIGHT EXTENDS TO CAUSING ANY HARM OTHER THAN DEATH.⁹⁶

If the offence, the committing of which, or the attempting to commit which occasions the exercise of the right of private defence, be theft, mischief, or criminal trespass, not of any of the descriptions specified in section 41 [enumerated in last preceding section], that right does not extend to the voluntary causing of death, but does extend, subject to the restrictions specified in section 37, [mentioned in section 99] to the voluntary causing to the wrong-doer of any harm other than death.

⁹³ Section 101, IPC.

⁹⁴ Section 102, IPC.

⁹⁵ Section 103, IPC.

⁹⁶ Section 104, IPC.

43. COMMENCEMENT AND CONTINUANCE OF RIGHT OF PRIVATE DEFENCE OF PROPERTY.⁹⁷

The right of private defence of property, –

- (a) commences when a reasonable apprehension of danger to the property commences;
- (b) against theft continues till the offender has effected his retreat with the property or either the assistance of the public authorities is obtained, or the property has been recovered;
- (c) against robbery continues as long as the offender causes or attempts to cause to any person death or hurt or wrongful restraint or as long as the fear of instant death or of instant hurt or of instant personal restraint continues;
- (d) against criminal trespass or mischief continues as long as the offender continues in the commission of criminal trespass or mischief;
- (e) against house-breaking after sunset and before sunrise [by night] continues as long as the house-trespass which has been begun by such house-breaking continues.

44. RIGHT OF PRIVATE DEFENCE AGAINST DEADLY ASSAULT WHEN THERE IS RISK OF HARM TO INNOCENT PERSON.⁹⁸

If in the exercise of the right of private defence against an assault which reasonably causes the apprehension of death, the defender be so situated that he cannot effectually exercise that right without risk of harm to an innocent person, his right of private defence extends to the running of that risk.

Illustration

A is attacked by a mob who attempt to murder him. He cannot effectually exercise his right of private defence without firing on the mob, and he cannot fire without risk of harming young children who are mingled with the mob. A commits no offence if by so firing he harms any of the children.

⁹⁷ Section 105, IPC.

⁹⁸ Section 106, IPC.

INDIAN PENAL Code	BHARATIYA NYAYA SANHITA
CHAPTER IV	CHAPTER III
GENERAL EXCEPTIONS	GENERAL EXCEPTIONS
76. Act done by a person bound, or by mistake of fact believing himself bound, by law.	14. Act done by a person bound, or by mistake of fact believing himself bound, by law.
77. Act of Judge when acting judicially.	15. Act of Judge when acting judicially.
78. Act done pursuant to the judgment or order of Court.	16. Act done pursuant to the judgment or order of Court.
79. Act done by a person justified, or by mistake of fact believing himself, justified, by law.	17. Act done by a person justified, or by mistake of fact believing himself, justified, by law.
80. Accident in doing a lawful act.	18. Accident in doing a lawful act.
81. Act likely to cause harm, but done without criminal intent, and to prevent other harm.	19. Act likely to cause harm, but done without criminal intent, and to prevent other harm.
82. Act of a child under seven years of age.	20. Act of a child under seven years of age.
83. Act of a child above seven and under twelve of immature understanding.	21. Act of a child above seven and under twelve of immature understanding.
84. Act of a person of unsound mind.	22. Act of a person of unsound mind.
85. Act of a person incapable of judgment by reason of intoxication caused against his will.	23. Act of a person incapable of judgment by reason of intoxication caused against his will.
86. Offence requiring a particular intent or knowledge committed by one who is intoxicated.	24. Offence requiring a particular intent or knowledge committed by one who is intoxicated.
87. Act not intended and not known to be likely to cause death or grievous hurt, done by consent.	25. Act not intended and not known to be likely to cause death or grievous hurt, done by consent.
88. Act not intended to cause death, done by consent in good faith for person's benefit.	26. Act not intended to cause death, done by consent in good faith for person's benefit.
89. Act done in good faith for benefit of child or insane person, by or by consent of guardian.	27. Act done in good faith for benefit of child or person of unsound mind, by or by consent of guardian.
90. Consent known to be given under fear or misconception.	28. Consent known to be given under fear or misconception.
91. Exclusion of acts which are offences independently of harm caused.	29. Exclusion of acts which are offences independently of harm caused.

92. Act done in good faith for benefit of a person without consent.	30. Act done in good faith for benefit of a person without consent.
93. Communication made in good faith.	31. Communication made in good faith.
94. Act to which a person is compelled by threats.	32. Act to which a person compelled by threats.
95. Act causing slight harm.	33. Act causing slight harm.
<i>Of the Right of Private Defence</i>	<i>Of Right of Private Defence</i>
96. Things done in private defence.	34. Things done in private defence.
97. Right of private defence of the body and of property.	35. Right of private defence of the body and of property.
98. Right of private defence against the act of a person of unsound mind, etc.	36. Right of private defence against the act of a person of unsound mind, etc.
99. Acts against which there is no right of private defence.	37. Acts against which there is no right of private defence.
100. When the right of private defence of the body extends to causing death.	38. When the right of private defence of the body extends to causing death.
101. When such right extends to causing any harm other than death.	39. When such right extends to causing any harm other than death.
102. Commencement and continuance of the right of private defence of the body.	40. Commencement and continuance of the right of private defence of the body.
103. When the right of private defence of property extends to causing death.	41. When the right of private defence of property extends to causing death.
104. When such right extends to causing any harm other than death.	42. When such right extends to causing any harm other than death.
105. Commencement and continuance of the right of private defence of property.	43. Commencement and continuance of the right of private defence of property.
106. Right of private defence against deadly assault when there is risk of harm to innocent person.	44. Right of private defence against deadly assault when there is risk of harm to innocent person.

CHAPTER IV (CHAPTER V, VA,XXIII)
OF ABETMENT, CRIMINAL CONSPIRACY AND ATTEMPT
Of Abetment

INTRODUCTION

Chapter IV - Of Abetment, Criminal Conspiracy and Attempt of BNS extends from **Sections 45 to 62**. It has consolidated **inchoate offences** of Abetment, Criminal Conspiracy and Attempt previously contained in separate chapters under Chapters V, VA and XXIII respectively of the IPC, 1860.

45. ABETMENT OF A THING.⁹⁹

A person abets the doing of a thing, who—

- (a) [First] instigates any person to do that thing; or
- (b) [Secondly] engages with one or more other person or persons in any conspiracy [Thirdly] for the doing of that thing, if an act or illegal omission takes place in pursuance of that conspiracy, and in order to the doing of that thing; or
- (c) intentionally aids, by any act or illegal omission, the doing of that thing.

Explanation 1.—A person who, by wilful misrepresentation, or by wilful concealment of a material fact which he is bound to disclose, voluntarily causes or procures, or attempts to cause or procure, a thing to be done, is said to instigate the doing of that thing.

Illustration

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.

Explanation 2.—Whoever, either prior to or at the time of the commission of an act, does anything in order to facilitate the commission of that act, and thereby facilitates the commission thereof, is said to aid the doing of that act.

46. ABETTOR.¹⁰⁰

A person abets an offence, who abets either the commission of an offence, or the commission of an act which would be an offence, if committed by a person capable by law of committing an offence with the same intention or knowledge as that of the abettor.

Explanation 1.—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.

Explanation 2.—To constitute the offence of abetment it is not necessary that the act abetted should be committed, or that the effect requisite to constitute the offence should be caused.

⁹⁹ Section 107, IPC, 1860.

¹⁰⁰ Section 108, IPC, 1860.

Illustrations

(a) A instigates B to murder C. B refuses to do so. A is guilty of abetting B to commit murder.

(b) A instigates B to murder D. B in pursuance of the instigation stabs D. D recovers from the wound. A is guilty of instigating B to commit murder.

Explanation 3.—It is not necessary that the person abetted should be capable by law of committing an offence, or that he should have the same guilty intention or knowledge as that of the abettor, or any guilty intention or knowledge.

Illustrations

(a) A, with a guilty intention, abets a child or a person of unsound mind [lunatic]¹⁰¹ to commit an act which would be an offence, if committed by a person capable by law of committing an offence, and having the same intention as A. Here A, whether the act be committed or not, is guilty of abetting an offence.

(b) A, with the intention of murdering Z, instigates B, a child under seven years of age, to do an act which causes Z's death. B, in consequence of the abetment, does the act in the absence of A and thereby causes Z's death. Here, though B was not capable by law of committing an offence, A is liable to be punished in the same manner as if B had been capable by law of committing an offence, and had committed murder, and he is therefore subject to the punishment of death.

(c) A instigates B to set fire to a dwelling-house. B, in consequence of his unsoundness of mind, being incapable of knowing the nature of the act, or that he is doing what is wrong or contrary to law, sets fire to the house in consequence of A's instigation. B has committed no offence, but A is guilty of abetting the offence of setting fire to a dwelling-house, and is liable to the punishment provided for that offence.

(d) A, intending to cause a theft to be committed, instigates B to take property belonging to Z out of Z's possession. A induces B to believe that the property belongs to A. B takes the property out of Z's possession, in good faith, believing it to be A's property. B, acting under this misconception, does not take dishonestly, and therefore does not commit theft. But A is guilty of abetting theft, and is liable to the same punishment as if B had committed theft.

Explanation 4.—The abetment of an offence being an offence, the abetment of such an abetment is also an offence.

Illustration

A instigates B to instigate C to murder Z. B accordingly instigates C to murder Z, and C commits that offence in consequence of B's instigation. B is liable to be punished for his offence with the punishment for murder; and, as A instigated B to commit the offence, A is also liable to the same punishment.

Explanation 5.—It is not necessary to the commission of the offence of abetment by conspiracy that the abettor should concert the offence with the person who commits it. It is sufficient if he engages in the conspiracy in pursuance of which the offence is committed.

¹⁰¹ The term 'lunatic' has been replaced with 'person of unsound mind'.

Illustration

A concert with B a plan for poisoning Z. It is agreed that A shall administer the poison. B then explains the plan to C mentioning that a third person is to administer the poison, but without mentioning A's name. C agrees to procure the poison, and procures and delivers it to B for the purpose of its being used in the manner explained. A administers the poison; Z dies in consequence. Here, though A and C have not conspired together, yet C has been engaged in the conspiracy in pursuance of which Z has been murdered. C has therefore committed the offence defined in this section and is liable to the punishment for murder.

47. ABETMENT IN INDIA OF OFFENCES OUTSIDE INDIA.¹⁰²

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

Illustration

A, in India, instigates B, a foreigner in **country X [Goa]**, to commit a murder in **that country, [Goa]** A is guilty of abetting murder.

48. ABETMENT OUTSIDE INDIA FOR OFFENCE IN INDIA.

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.

Section 48 'Abetment outside India for offence in India' is a new section introduced in BNS. With the inclusion of this provision, the Indian legal framework now has the necessary tools to fairly investigate, inquire, and adjudicate cases involving abetment from foreign territories for offences to be committed in India.

49. PUNISHMENT OF ABETMENT IF ACT ABETTED IS COMMITTED IN CONSEQUENCE AND WHERE NO EXPRESS PROVISION IS MADE FOR ITS PUNISHMENT.¹⁰³

Whoever abets any offence shall, if the act abetted is committed in consequence of the abetment, and no express provision is made by this **Sanhita [Code]** for the punishment of such abetment, be punished with the punishment provided for the offence.

Explanation.—An act or offence is said to be committed in consequence of abetment, when it is committed in consequence of the instigation, or in pursuance of the conspiracy, or with the aid which constitutes the abetment.

¹⁰² Section 108A, IPC, 1860, Illustration to Section 47 has been altered by replacing 'Goa' with 'country X'.

¹⁰³ Section 109, IPC, 1860.

Illustrations

(a) [b] A instigates B to give false evidence. B, in consequence of the instigation, commits that offence. A is guilty of abetting that offence, and is liable to the same punishment as B.

(b) [c] A and B conspire to poison Z. A, in pursuance of the conspiracy, procures the poison and delivers it to B in order that he may administer it to Z. B, in pursuance of the conspiracy, administers the poison to Z in A's absence and thereby causes Z's death. Here B is guilty of murder. A is guilty of abetting that offence by conspiracy, and is liable to the punishment for murder.

Section 49 of BNS corresponds with **Section 109 of IPC**. **Illustration (a)** to **Section 109 IPC** has been deleted from BNS. It pertained to public servant taking gratification other than legal remuneration which has been repealed by the Prevention of Corruption Act, 1988.

50. PUNISHMENT OF ABETMENT IF PERSON ABETTED DOES ACT WITH DIFFERENT INTENTION FROM THAT OF ABETTOR.¹⁰⁴

Whoever abets the commission of an offence shall, if the person abetted does the act with a different intention or knowledge from that of the abettor, be punished with the punishment provided for the offence which would have been committed if the act had been done with the intention or knowledge of the abettor and with no other.

51. LIABILITY OF ABETTOR WHEN ONE ACT ABETTED AND DIFFERENT ACT DONE.¹⁰⁵

When an act is abetted and a different act is done, the abettor is liable for the act done, in the same manner and to the same extent as if he had directly abetted it:

[Proviso.-] Provided that the act done was a probable consequence of the abetment, and was committed under the influence of the instigation, or with the aid or in pursuance of the conspiracy which constituted the abetment.

Illustrations

(a) A instigates a child to put poison into the food of Z, and gives him poison for that purpose. The child, in consequence of the instigation, by mistake puts the poison into the food of Y, which is by the side of that of Z. Here, if the child was acting under the influence of A's instigation, and the act done was under the circumstances a probable consequence of the abetment, A is liable in the same manner and to the same extent as if he had instigated the child to put the poison into the food of Y.

(b) A instigates B to burn Z's house, B sets fire to the house and at the same time commits theft of property there. A, though guilty of abetting the burning of the house, is not guilty of abetting the theft; for the theft was a distinct act, and not a probable consequence of the burning.

¹⁰⁴ Section 110, IPC, 1860.

¹⁰⁵ Section 111, IPC, 1860.

(c) A instigates B and C to break into an inhabited house at midnight for the purpose of robbery, and provides them with arms for that purpose. B and C break into the house, and being resisted by Z, one of the inmates, murder Z. Here, if that murder was the probable consequence of the abetment, A is liable to the punishment provided for murder.

52. ABETTOR WHEN LIABLE TO CUMULATIVE PUNISHMENT FOR ACT ABETTED AND FOR ACT DONE.¹⁰⁶

If the act for which the abettor is liable under section 51 [the last preceding section] is committed in addition to the act abetted, and constitute a distinct offence, the abettor is liable to punishment for each of the offences.

Illustration

A instigates B to resist by force a distress made by a public servant. B, in consequence, resists that distress. In offering the resistance, B voluntarily causes grievous hurt to the officer executing the distress. As B has committed both the offence of resisting the distress, and the offence of voluntarily causing grievous hurt, B is liable to punishment for both these offences; and, if A knew that B was likely voluntarily to cause grievous hurt in resisting the distress, A will also be liable to punishment for each of the offences.

53. LIABILITY OF ABETTOR FOR AN EFFECT CAUSED BY ACT ABETTED DIFFERENT FROM THAT INTENDED BY ABETTOR.¹⁰⁷

When an act is abetted with the intention on the part of the abettor of causing a particular effect, and an act for which the abettor is liable in consequence of the abetment, causes a different effect from that intended by the abettor, the abettor is liable for the effect caused, in the same manner and to the same extent as if he had abetted the act with the intention of causing that effect, provided he knew that the act abetted was likely to cause that effect.

Illustration

A instigates B to cause grievous hurt to Z. B, in consequence of the instigation, causes grievous hurt to Z. Z dies in consequence. Here, if A knew that the grievous hurt abetted was likely to cause death, A is liable to be punished with the punishment provided for murder.

54. ABETTOR PRESENT WHEN OFFENCE IS COMMITTED.¹⁰⁸

Whenever any person, who is absent would be liable to be punished as an abettor, is present when the act or offence for which he would be punishable in consequence of the abetment is committed, he shall be deemed to have committed such act or offence.

55. ABETMENT OF OFFENCE PUNISHABLE WITH DEATH OR IMPRISONMENT FOR LIFE [IF OFFENCE NOT COMMITTED].¹⁰⁹

Whoever abets the commission of an offence punishable with death or imprisonment for life, shall, if that offence be not committed in consequence of the abetment, and

¹⁰⁶ Section 112, IPC, 1860.

¹⁰⁷ Section 113, IPC, 1860.

¹⁰⁸ Section 114, IPC, 1860.

¹⁰⁹ Section 115, IPC, 1860.

no express provision is made under this *Sanhita [Code]* for the punishment of such abetment, be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine; *[if act causing harm be done in consequence.]* and if any act for which the abettor is liable in consequence of the abetment, and which causes hurt to any person, is done, the abettor shall be liable to imprisonment of either description for a term which may extend to fourteen years, and shall also be liable to fine.

Illustration

A instigates B to murder Z. The offence is not committed. If B had murdered Z, he would have been subject to the punishment of death or imprisonment for life. Therefore, A is liable to imprisonment for a term which may extend to seven years and also to a fine; and if any hurt be done to Z in consequence of the abetment, he will be liable to imprisonment for a term which may extend to fourteen years, and to fine.

56. ABETMENT OF OFFENCE PUNISHABLE WITH IMPRISOMENT [IF OFFENCE BE NOT COMMITTED].¹¹⁰

Whoever abets an offence punishable with imprisonment shall, if that offence be not committed in consequence of the abetment, and no express provision is made under this *Sanhita [Code]* for the punishment of such abetment, be punished with imprisonment of any description provided for that offence for a term which may extend to one-fourth part of the longest term provided for that offence; or with such fine as is provided for that offence, or with both; *[if the abettor or the person abetted is a public servant whose duty it is to prevent offence]* and if the abettor or the person abetted is a public servant, whose duty it is to prevent the commission of such offence, the abettor shall be punished with imprisonment of any description provided for that offence, for a term which may extend to one-half of the longest term provided for that offence, or with such fine as is provided for the offence, or with both.

Illustrations

(a) [b] A instigates B to give false evidence. Here, if B does not give false evidence, A has nevertheless committed the offence defined in this section, and is punishable accordingly.

(b) [c] A, a police officer, whose duty it is to prevent robbery, abets the commission of robbery. Here, though the robbery be not committed, A is liable to one-half of the longest term of imprisonment provided for that offence, and also to fine.

(c) [d] B abets the commission of a robbery by A, a police officer, whose duty it is to prevent that offence. Here, though the robbery be not committed, B is liable to one-half of the longest term of imprisonment provided for the offence of robbery, and also to fine.

57. ABETTING COMMISSION OF OFFENCE BY PUBLIC OR BY MORE THAN TEN PERSONS.¹¹¹

Whoever abets the commission of an offence by the public generally or by any number or class of persons exceeding ten, shall be punished with imprisonment of either description for a term which may extend to *seven years and with fine [three year, or with fine, or with both]*.

¹¹⁰ Section 116, IPC, 1860.

¹¹¹ Section 117, IPC, 1860.

Illustration

A affixes in a public place a placard instigating a sect consisting of more than ten members to meet at a certain time and place, for the purpose of attacking the members of an adverse sect, while engaged in a procession. A has committed the offence defined in this section.

The quantum of Punishment has been increased for one offence under this chapter :-

IPC Punishment	BNS Punishment
Section 117 Abetting commission of offence by public or by more than ten persons Imprisonment of 3 years or with fine or both	Section 57 Abetting commission of offence by public or by more than ten persons Imprisonment of 7 years, and with fine

58. CONCEALING DESIGN TO COMMIT OFFENCE PUNISHABLE WITH DEATH OR IMPRISONMENT FOR LIFE.¹¹²

Whoever intending to facilitate or knowing it to be likely that he will thereby facilitate the commission of an offence punishable with death or imprisonment for life, voluntarily conceals by any act or omission, or by the use of encryption or any other information hiding tool, the existence of a design to commit such offence or makes any representation which he knows to be false respecting such design [if the offence be committed-if the offence or not committed-] shall,--

- (a) if that offence be committed, be punished with imprisonment of either description for a term which may extend to seven years; or
 - (b) if the offence be not committed, with imprisonment of either description, for a term which may extend to three years,
- and [in either case] shall also be liable to fine.

Illustration

A, knowing that dacoity is about to be committed at B, falsely informs the Magistrate that a dacoity is about to be committed at C, a place in an opposite direction, and thereby misleads the Magistrate with intent to facilitate the commission of the offence. The dacoity is committed at B in pursuance of the design. A is punishable under this section.

59. PUBLIC SERVANT CONCEALING DESIGN TO COMMIT OFFENCE WHICH IT IS HIS DUTY TO PREVENT.¹¹³

Whoever, being a public servant, intending to facilitate or knowing it to be likely that he will thereby facilitate the commission of an offence which it is his duty as such public servant to prevent, voluntarily conceals, by any act or omission or by the use of encryption or any other information hiding tool, the existence of a design to commit such offence, or makes any representation which he knows to be false respecting such design shall,--

- (a) [if offence be committed] if the offence be committed, be punished with imprisonment of any description provided for the offence, for a term which may

¹¹² Section 118, IPC, 1860.

¹¹³ Section 119, IPC, 1860.

extend to one-half of the longest term of such imprisonment, or with such fine as is provided for that offence, or with both; or

(b) [if the offence be punishable with death, etc.-or] if the offence be punishable with death or imprisonment for life, with imprisonment of either description for a term which may extend to ten years; or

(c) [if the offence be not committed] if the offence be not committed, shall be punished with imprisonment of any description provided for the offence for a term which may extend to one-fourth part of the longest term of such imprisonment or with such fine as is provided for the offence, or with both.

Illustration

A, an officer of police, being legally bound to give information of all designs to commit robbery which may come to his knowledge, and knowing that B designs to commit robbery, omits to give such information, with intent to so facilitate the commission of that offence. Here A has by an illegal omission concealed the existence of B's design, and is liable to punishment according to the provision of this section.

60. CONCEALING DESIGN TO COMMIT OFFENCE PUNISHABLE WITH IMPRISONMENT.¹¹⁴

Whoever, intending to facilitate or knowing it to be likely that he will thereby facilitate the commission of an offence punishable with imprisonment, voluntarily conceals, by any act or illegal omission, the existence of a design to commit such offence, or makes any representation which he knows to be false respecting such design shall,--

(a) [if offence be committed-if offence be not committed] if the offence be committed, be punished with imprisonment of the description provided for the offence, for a term which may extend to one-fourth; and

(b) if the offence be not committed, to one-eighth, of the longest term of such imprisonment, or with such fine as is provided for the offence, or with both.

Of Criminal Conspiracy

CRIMINAL CONSPIRACY.

61. (1) [IPC 120A Definition of criminal conspiracy] When two or more persons agree with the common object to do, or cause to be done--

(a) [1] an illegal act; or

(b) [2] an act which is not illegal by illegal means, such an agreement is designated a criminal conspiracy:

Provided that no agreement except an agreement to commit an offence shall amount to a criminal conspiracy unless some act besides the agreement is done by one or more parties to such agreement in pursuance thereof.

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

¹¹⁴ Section 120, IPC, 1860.

(2) [IPC 120B Punishment of criminal conspiracy] Whoever is a party to a criminal conspiracy,—

(a) [1] to commit an offence punishable with death, imprisonment for life or rigorous imprisonment for a term of two years or upwards, shall, where no express provision is made in this [Sanhita \[Code\]](#) for the punishment of such a conspiracy, be punished in the same manner as if he had abetted such offence;

(b) [2] other than a criminal conspiracy to commit an offence punishable as aforesaid shall be punished with imprisonment of either description for a term not exceeding six months, or with fine or with both.

Section 61 ‘Criminal Conspiracy’ of BNS is the consolidation of **Section 120A and Section 120B of the IPC.**

- The word ‘**common object**’ has been inserted in Section 61(1). The addition of the term ‘common object’ is done with an object to prevent the misuse of the provisions which gets triggered merely at the stage of agreement.
- The addition of ‘common object’ requires prosecutors to establish more than mere agreement to fasten the criminal liability.

Of Attempt

62. PUNISHMENT FOR ATTEMPTING TO COMMIT OFFENCES PUNISHABLE WITH IMPRISONMENT FOR LIFE OR OTHER IMPRISONMENT.¹¹⁵

Whoever attempts to commit an offence punishable by this [Sanhita \[Code\]](#) with imprisonment for life or imprisonment, or to cause such an offence to be committed, and in such attempt does any act towards the commission of the offence, shall, where no express provision is made by this [Sanhita \[Code\]](#) for the punishment of such attempt, be punished with imprisonment of any description provided for the offence, for a term which may extend to one-half of the imprisonment for life or, as the case may be, one-half of the longest term of imprisonment provided for that offence, or with such fine as is provided for the offence, or with both.

Illustrations

(a) A makes an attempt to steal some jewels by breaking open a box, and finds after so opening the box, that there is no jewel in it. He has done an act towards the commission of theft, and therefore is guilty under this section.

(b) A makes an attempt to pick the pocket of Z by thrusting his hand into Z’s pocket. A fails in the attempt in consequence of Z’s having nothing in his pocket. A is guilty under this section.

¹¹⁵ Section 511, IPC, 1860.

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OF ABETMENT	OF ABETMENT, CRIMINAL CONSPIRACY AND ATTEMPT
107. Abetment of a thing.	45. Abetment of a thing.
108. Abettor.	46. Abettor.
108A. Abetment in India of offences outside India.	47. Abetment in India of offences outside India.
(New Section)	48. Abetment outside India for offence in India.
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111. Liability of abettor when one act abetted and different act done.	51. Liability of abettor when one act abetted and different act done.
112. Abettor when liable to cumulative punishment for act abetted and for act done.	52. Abettor when liable to cumulative punishment for act abetted and for act done.
113. Liability of abettor for an effect caused by the act abetted different from that intended by the abettor.	53. Liability of abettor for an effect caused by the act abetted different from that intended by the abettor.
114. Abettor present when offence is committed.	54. Abettor present when offence is committed.
115. Abetment of offence punishable with death or imprisonment for life.— if offence not committed.	55. Abetment of offence punishable with death or imprisonment for life.
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117. Abetting commission of offence by the public or by more than ten persons.	57. Abetting commission of offence by the public or by more than ten persons.
118. Concealing design to commit offence punishable with death or imprisonment for life.	58. Concealing design to commit offence punishable with death or imprisonment for life.

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CHAPTER V

OF OFFENCES AGAINST WOMAN AND CHILD

OF SEXUAL OFFENCES

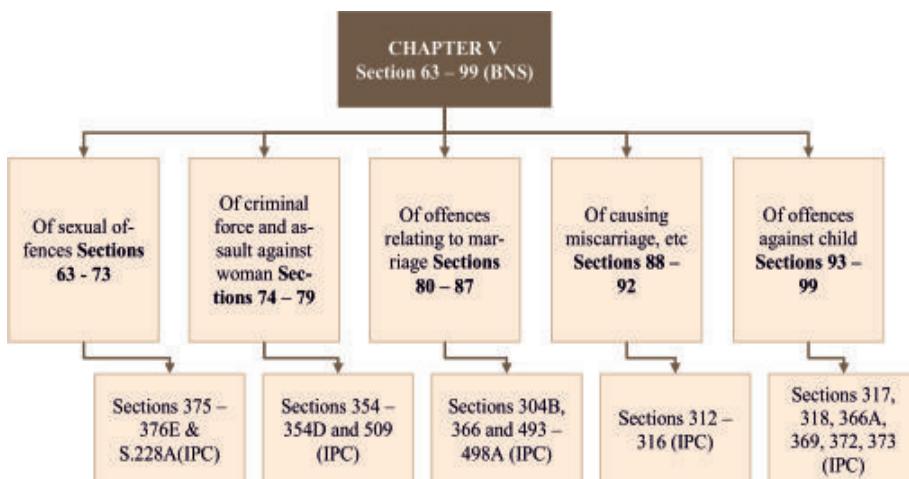
INTRODUCTION

Chapter V – Of Offences Against Woman and Child is a newly inserted Chapter in BNS that exclusively deals with offences against women and children. This chapter has been created by extracting relevant provisions from the following Chapters of IPC –

- Chapter XI (*Of False Evidence and Offences Against Public Justice*)
- Chapter XVI (*Of Offences Affecting the Human Body*)
- Chapter XX (*Of Offences Relating to Marriage*)
- Chapter XXA (*Of Cruelty by Husband or Relatives of Husband*)
- Chapter XXII (*Of Criminal Intimidation, Insult and Annoyance*)

Section 377 ‘Unnatural Offences’ and Section 497 ‘Adultery’ of IPC have been deleted from BNS in light of Supreme Court judgments in **Navtej Singh Johar v. Union of India, 2018** and **Joseph Shine v. Union of India, 2018** respectively.

This restructuring aims to provide a more focused and comprehensive legal framework for addressing crimes affecting women and children. The chart below explains the restructuring comprehensively.



63. RAPE.¹¹⁶

A man is said to commit “rape” if he—

- a) penetrates his penis, to any extent, into the vagina, mouth, urethra or anus of a woman or makes her to do so with him or any other person; or
- b) inserts, to any extent, any object or a part of the body, not being the penis, into the vagina, the urethra or anus of a woman or makes her to do so with him or any other person; or
- c) manipulates any part of the body of a woman so as to cause penetration into the vagina, urethra, anus or any part of body of such woman or makes her to do so with him or any other person; or
- d) applies his mouth to the vagina, anus, urethra of a woman or makes her to do so with him or any other person, under the circumstances falling under any of the following seven descriptions:—
 - i. [First] against her will;
 - ii. [Secondly] without her consent;
 - iii. [Thirdly] with her consent, when her consent has been obtained by putting her or any person in whom she is interested, in fear of death or of hurt;
 - iv. [Fourthly] with her consent, when the man knows that he is not her husband and that her consent is given because she believes that he is another man to whom she is or believes herself to be lawfully married;
 - v. [Fifthly] with her consent when, at the time of giving such consent, by reason of ss of mind or intoxication or the administration by him personally or through another of any stupefying or unwholesome substance, she is unable to understand the nature and consequences of that to which she gives consent;
 - vi. [Sixthly] with or without her consent, when she is under eighteen years of age;
 - vii. [Seventhly] when she is unable to communicate consent.

Explanation 1.— For the purposes of this section, “vagina” shall also include labia majora.

Explanation 2.— Consent means an unequivocal voluntary agreement when the woman by words, gestures or any form of verbal or non-verbal communication, communicates willingness to participate in the specific sexual act:

Provided that a woman who does not physically resist to the act of penetration shall not by the reason only of that fact, be regarded as consenting to the sexual activity.

¹¹⁶ Section 375, IPC, 1860.

Exception 1.--A medical procedure or intervention shall not constitute rape.

Exception 2.--Sexual intercourse or sexual acts by a man with his own wife, the wife not being under **eighteen [fifteen] years of age** is not rape.

Section 63 of BNS provides the definition of '**Rape**' and **replaces Section 375 of IPC**. There has been one change introduced in the definition of rape.

1. **Exception 2** to this section pertains to sexual intercourse by a man with his own wife.
2. In **Section 375 of IPC**, such an act was not considered rape if the wife was above the age of 15 years, thereby granting protection only to girls below the age of 15 years.
3. In **Exception 2** to Section 63 of BNS, this threshold for age has been increased from 15 years to 18 years. Now, girls below the age of 18 years are protected from the act of sexual intercourse by their husbands.
4. This revision of age has been introduced in line with Supreme Court ruling in *Independent thought v. Union of India* and **The Prohibition of Child Marriage Act, 2006**.

64. PUNISHMENT FOR RAPE.¹¹⁷

(1) Whoever, except in the cases provided for in sub-section (2), commits rape, shall be punished with rigorous imprisonment of either description for a term which shall not be less than ten years, but which may extend to imprisonment for life, and shall also be liable to fine.

(2) Whoever,—

- (a) being a police officer, commits rape,—
 - i. within the limits of the police station to which such police officer is appointed; or
 - ii. in the premises of any station house; or
 - iii. on a woman in such police officer's custody or in the custody of a police officer subordinate to such police officer; or
- (b) being a public servant, commits rape on a woman in such public servant's custody or in the custody of a public servant subordinate to such public servant; or
- (c) being a member of the armed forces deployed in an area by the Central Government or a State Government commits rape in such area; or

¹¹⁷ Section 376(1) and 376(2), IPC, 1860.

- (d) being on the management or on the staff of a jail, remand home or other place of custody established by or under any law for the time being in force or of a women's or children's institution, commits rape on any inmate of such jail, remand home, place or institution; or
- (e) being on the management or on the staff of a hospital, commits rape on a woman in that hospital; or
- (f) being a relative, guardian or teacher of, or a person in a position of trust or authority towards the woman, commits rape on such woman; or
- (g) commits rape during communal or sectarian violence; or
- (h) commits rape on a woman knowing her to be pregnant; or
- (i) [i] commits rape, on a woman incapable of giving consent; or
- (j) [k] being in a position of control or dominance over a woman, commits rape on such woman; or
- (k) [l] commits rape on a woman suffering from mental or physical disability ;or
- (l) [m] while committing rape causes grievous bodily harm or maims or disfigures or endangers the life of a woman; or
- (m) [n] commits rape repeatedly on the same woman,

shall be punished with rigorous imprisonment for a term which shall not be less than ten years, but which may extend to imprisonment for life, which shall mean imprisonment for the remainder of that person's natural life, and shall also be liable to fine.

Explanation.—For the purposes of this sub-section,—

- (a) “**armed forces**” means the naval , army (**military**) and air forces and includes any member of the Armed Forces constituted under any law for the time being in force, including the paramilitary forces and any auxiliary forces that are under the control of the Central Government or the State Government;
- (b) “**hospital**” means the precincts of the hospital and includes the precincts of any institution for the reception and treatment of persons during convalescence or of persons requiring medicalattention or rehabilitation;
- (c) “**police officer**” shall have the same meaning as assigned to the expression “police” under the Police Act, 1861;
- (d) “**women's or children's institution**” means an institution, whether called an orphanage or a home for neglected women or children or a widow's home or an institution called by any other name, which is established and maintained for the reception and care of women or children.

65. PUNISHMENT FOR RAPE IN CERTAIN CASES.¹¹⁸

- (1) Whoever, commits rape on a woman under sixteen years of age shall be punished with rigorous imprisonment for a term which shall not be less than twenty years, but which may extend to imprisonment for life, which shall mean imprisonment for the remainder of that person's natural life, and shall also be liable to fine:

Provided that such fine shall be just and reasonable to meet the medical expenses and rehabilitation of the victim:

Provided further that any fine imposed under this sub-section shall be paid to the victim.

- (2) [IPC 376 AB Punishment for rape on women under twelve years of age,-]

Whoever, commits rape on a woman under twelve years of age shall be punished with rigorous imprisonment for a term which shall not be less than twenty years, but which may extend to imprisonment for life, which shall mean imprisonment for the remainder of that person's natural life, and with fine or with death:

Provided that such fine shall be just and reasonable to meet the medical expenses and rehabilitation of the victim:

Provided further that any fine imposed under this sub-section shall be paid to the victim.

66. PUNISHMENT FOR CAUSING DEATH OR RESULTING IN PERSISTENT VEGETATIVE STATE OF VICTIM.¹¹⁹

Whoever, commits an offence punishable under sub-section (1) or sub-section (2) of section 64 [376] and in the course of such commission inflicts an injury which causes the death of the woman or causes the woman to be in a persistent vegetative state, shall be punished with rigorous imprisonment for a term which shall not be less than twenty years, but which may extend to imprisonment for life, which shall mean imprisonment for the remainder of that person's natural life, or with death.

67. SEXUAL INTERCOURSE BY HUSBAND UPON HIS WIFE DURING SEPARATION.¹²⁰

Whoever has sexual intercourse with his own wife, who is living separately, whether under a decree of separation or otherwise, without her consent, shall be punished with imprisonment of either description for a term which shall not be less than two years but which may extend to seven years, and shall also be liable to fine.

Explanation.—In this section, “sexual inter course” shall mean any of the acts mentioned in clauses (a) to (d) of section 63 [375].

68. SEXUAL INTERCOURSE BY A PERSON IN AUTHORITY.¹²¹

Whoever, being—

- (a) in a position of authority or in a fiduciary relationship; or

¹¹⁸ Section 376(3) and 376AB, IPC, 1860.

¹¹⁹ Section 376A, IPC, 1860.

¹²⁰ Section 376B, IPC, 1860.

¹²¹ Section 376C, IPC, 1860.

- (b) a public servant; or
- (c) superintendent or manager of a jail, remand home or other place of custody established by or under any law for the time being in force, or a women's or children's institution; or
- (d) on the management of a hospital or being on the staff of a hospital, abuses such position or fiduciary relationship to induce or seduce any woman either in his custody or under his charge or present in the premises to have sexual intercourse with him, such sexual intercourse not amounting to the offence of rape, shall be punished with rigorous imprisonment of either description for a term which shall not be less than five years, but which may extend to ten years, and shall also be liable to fine.

Explanation 1.— In this section, “sexual intercourse” shall mean any of the acts mentioned in clauses (a) to (d) of section 63. [375]

Explanation 2.— For the purposes of this section, Explanation 1 to section 63 shall also be applicable.

Explanation 3.—“Superintendent”, in relation to a jail, remand home or other place of custody or a women's or children's institution, includes a person holding any other office in such jail, remand home, place or institution by virtue of which such person can exercise any authority or control over its inmates.

Explanation 4.—The expressions “hospital” and “womens' or children's institution” shall respectively have the same meanings as in clauses (b) and (d) of the Explanation to sub-section (2) of section 64. [376]

69. SEXUAL INTERCOURSE BY EMPLOYING DECEITFUL MEANS, etc.

Whoever, by deceitful means or by making promise to marry to a woman without any intention of fulfilling the same, 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 inducement for, or false promise of employment or promotion, or marrying by suppressing identity.

A new offence has been added to the list of sexual offences against women. **Section 69 ‘Sexual intercourse by employing deceitful means, etc.’**

- This section penalizes acts of sexual intercourse by a man on a woman by employing
- deceitful means or making a promise to marry without any intention of fulfilling the same.
- Such a sexual intercourse is penalized with a punishment of imprisonment extendable to 10 years and fine, it does not amount to an act of rape.
- An explanation is provided to this section that clarifies the term '**deceitful means**' to include 'inducement for, or false promise of employment or promotion, or marrying by suppressing identity'.

70. GANG RAPE.¹²²

(1) Where a woman is raped by one or more persons constituting a group or acting in furtherance of a common intention, each of those persons shall be deemed to have committed the offence of rape and shall be punished with rigorous imprisonment for a term which shall not be less than twenty years, but which may extend to imprisonment for life which shall mean imprisonment for the remainder of that person's natural life, and with fine:

Provided that such fine shall be just and reasonable to meet the medical expenses and rehabilitation of the victim:

Provided further that any fine imposed under this sub-section shall be paid to the victim.

(2) [Punishment for gang rape on women under twelve years of age] Where a woman under eighteen [twelve] years of age is raped by one or more persons constituting a group or acting in furtherance of a common intention, each of those persons shall be deemed to have committed the offence of rape and shall be punished with imprisonment for life, which shall mean imprisonment for the remainder of that person's natural life, and with fine, or with death:

Provided that such fine shall be just and reasonable to meet the medical expenses and rehabilitation of the victim:

Provided further that any fine imposed under this sub-section shall be paid to the victim.

Section 70 'Gang Rape' of BNS consolidates Section 376D, Section 376DA and Section 376DB of IPC. The following modifications have been done in the older law:-

- The different age thresholds provided in Section 376DA (16 years) and in Section 376DB (12 years) of IPC have been removed and instead in Section 70(2) of BNS a new age threshold of 18 years has been provided.
- Punishment for gang-rape on a woman below the age of 18 years has been enhanced.
- Death has been provided as an alternate form of punishment to the existing imprisonment for life, which shall mean imprisonment for the remainder of that person's natural life, and with fine.

71. PUNISHMENT FOR REPEAT OFFENDERS.¹²³

Whoever has been previously convicted of an offence punishable under section 64 or section 65 or section 66 or section 70 [376 or 376 A or 376 AB or 376D or 376DA or 376DB] and is subsequently convicted of an offence punishable under any of the said sections shall be punished with imprisonment for life which shall mean imprisonment for the remainder of that person's natural life, or with death.

72. DISCLOSURE OF IDENTITY OF VICTIM OF CERTAIN OFFENCES, etc.¹²⁴

(1) Whoever prints or publishes the name or any matter which may make known the identity of any person against whom an offence under section 64 or section 65 or section 66 or section 67 or section 68 or section 69 or section 70 or section 71 is alleged or found to have been committed (hereafter in this section referred to as the

¹²² Sections 376D, 376 DA, 376 DB, IPC, 1860.

¹²³ Sections 376E IPC, 1860.

¹²⁴ Sections 228A(1)/(2) IPC, 1860.

victim) shall be punished with imprisonment of either description for a term which may extend to two years and shall also be liable to fine.

(2) Nothing in sub-section (1) extends to any printing or publication of the name or any matter which may make known the identity of the victim if such printing or publication is—

(a) by or under the order in writing of the officer-in-charge of the police station or the police officer making the investigation into such offence acting in good faith for the purposes of such investigation; or

(b) by, or with the authorisation in writing of, the victim; or

(c) where the victim is dead or a child (minor) or of unsound mind, by, or with the authorisation in writing of, the next of kin of the victim:

Provided that no such authorisation shall be given by the next of kin to anybody other than the chairman or the secretary, by whatever name called, of any recognised welfare institution or organisation.

Explanation.—For the purposes of this sub-section, “recognised welfare institution or organisation” means a social welfare institution or organisation recognised in this behalf by the Central Government or the State Government.

73. PRINTING OR PUBLISHING ANY MATTER RELATING TO COURT PROCEEDINGS WITHOUT PERMISSION.¹²⁵

Whoever prints or publishes any matter in relation to any proceeding before a Court with respect to an offence referred to in section 72 [sub-section (1)] without the previous permission of such Court shall be punished with imprisonment of either description for a term which may extend to two years and shall also be liable to fine.

Explanation.—The printing or publication of the judgment of any High Court or the Supreme Court does not amount to an offence within the meaning of this section.

Section 228A of IPC has been bifurcated in Section 72 and Section 73 of BNS.

While **Section 72 ‘Disclosure of identity of victim of certain offences, etc.’** of BNS corresponds to **Section 228A(1) and 228A(2)** of IPC; **Section 73 ‘Printing or publishing any matter relating to Court proceedings without permission’** of BNS corresponds to **Section 228A(3)** of IPC.

Of Criminal Force And Assault Against Woman

74. ASSAULT OR USE OF CRIMINAL FORCE TO WOMAN WITH INTENT TO OUTRAGE HER MODESTY.¹²⁶

Whoever assaults or uses criminal force to any woman, intending to outrage or knowing it to be likely that he will thereby outrage her modesty, shall be punished with imprisonment of either description for a term which shall not be less than one year but which may extend to five years, and shall also be liable to fine.

¹²⁵ Sections 228A (3) IPC, 1860.

¹²⁶ Section 354, IPC, 1860.

75. SEXUAL HARASSMENT.¹²⁷ [AND PUNISHMENT FOR SEXUAL HARASSMENT]

(1) A man committing any of the following acts:—

- (i) physical contact and advances involving unwelcome and explicit sexual overtures; or
- (ii) a demand or request for sexual favours; or
- (iii) showing pornography against the will of a woman; or
- (iv) making sexually coloured remarks,

shall be guilty of the offence of sexual harassment.

(2) Any man who commits the offence specified in clause (i) or clause (ii) or clause (iii) of sub- section (1) shall be punished with rigorous imprisonment for a term which may extend to three years, or with fine, or with both.

(3) Any man who commits the offence specified in clause (iv) of sub-section (1) shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

76. ASSAULT OR USE OF CRIMINAL FORCE TO WOMAN WITH INTENT TO DISROBE.¹²⁸

Whoever (Any man who) assaults or uses criminal force to any woman or abets such act with the intention of disrobing or compelling her to be naked, shall be punished with imprisonment of either description for a term which shall not be less than three years but which may extend to seven years, and shall also be liable to fine.

77. VOYEURISM.¹²⁹

Whoever (Any man who) watches, or captures the image of a woman engaging in a private act in circumstances where she would usually have the expectation of not being observed either by the perpetrator or by any other person at the behest of the perpetrator or disseminates such image shall be punished on first conviction with imprisonment of either description for a term which shall not be less than one year, but which may extend to three years, and shall also be liable to fine, and be punished on a second or subsequent conviction, with imprisonment of either description for a term which shall not be less than three years, but which may extend to seven years, and shall also be liable to fine.

Explanation 1.—For the purposes of this section, “private act” includes an act of watching carried out in a place which, in the circumstances, would reasonably be expected to provide privacy and where the victim’s genitals, posterior or breasts are exposed or covered only in underwear; or the victim is using a lavatory; or the victim is doing a sexual act that is not of a kind ordinarily done in public.

¹²⁷ Section 354A, IPC, 1860.

¹²⁸ Section 354B, IPC, 1860

¹²⁹ Section 354C, IPC, 1860.

Explanation 2.—Where the victim consents to the capture of the images or any act, but not to their dissemination to third persons and where such image or act is disseminated, such dissemination shall be considered an offence under this section.

Section 76 and Section 77 of BNS correspond to **Section 354B and Section 354C of IPC** respectively. Both these sections have been made **gender neutral for the accused**. The words ‘*Any man*’ in Section 354B and Section 354C of IPC have been replaced with ‘*Whoever*’ in section 76 and Section 77, BNS. With this modification women and transgender come within the ambit of these offences.

78. STALKING.¹³⁰

(1) Any man who—

- (i) follows a woman and contacts, or attempts to contact such woman to foster personal interaction repeatedly despite a clear indication of disinterest by such woman; or
- (ii) monitors the use by a woman of the internet, e-mail or any other form of electronic communication, commits the offence of stalking;

Provided that such conduct shall not amount to stalking if the man who pursued it proves that—

- (i) it was pursued for the purpose of preventing or detecting crime and the man accused of stalking had been entrusted with the responsibility of prevention and detection of crime by the State; or
- (ii) it was pursued under any law or to comply with any condition or requirement imposed by any person under any law; or
- (iii) in the particular circumstances such conduct was reasonable and justified.

(2) Whoever commits the offence of stalking shall be punished on first conviction with imprisonment of either description for a term which may extend to three years and shall also be liable to fine; and be punished on a second or subsequent conviction, with imprisonment of either description for a term which may extend to five years, and shall also be liable to fine.

79. WORD, GESTURE OR ACT INTENDED TO INSULT MODESTY OF A WOMAN.¹³¹

Whoever, intending to insult the modesty of any woman, utters any words, makes any sound or gesture, or exhibits any object in any form, intending that such word or sound shall be heard, or that such gesture or object shall be seen, by such woman, or intrudes upon the privacy of such woman, shall be punished with simple imprisonment for a term which may extend to three years, and also with fine.

¹³⁰ Section 354D, IPC, 1860.

¹³¹ Section 509, IPC, 1860.

Section 79 of BNS corresponds to Section 509 in IPC. The phrase '*or exhibits any object in any form*' broadens the scope of the section.

Of Offences Relating To Marriage

80. DOWRY DEATH.¹³²

(1) Where the death of a woman is caused by any burns or bodily injury or occurs otherwise than under normal circumstances within seven years of her marriage and it is shown that soon before her death she was subjected to cruelty or harassment by her husband or any relative of her husband for, or in connection with, any demand for dowry, such death shall be called "dowry death", and such husband or relative shall be deemed to have caused her death.

Explanation.—For the purposes of this sub-section, "dowry" shall have the same meaning as in section 2 of the Dowry Prohibition Act, 1961. (28 of 1961)

(2) Whoever commits dowry death shall be punished with imprisonment for a term which shall not be less than seven years but which may extend to imprisonment for life.

81. COHABITATION CAUSED BY MAN DECEITFULLY INDUCING BELIEF OF LAWFUL MARRIAGE.¹³³

Every man who by deceit causes any woman who is not lawfully married to him to believe that she is lawfully married to him and to cohabit or have sexual inter course with him in that belief, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

82. MARRYING AGAIN DURING LIFETIME OF HUSBAND OR WIFE.¹³⁴

(1) Whoever, having a husband or wife living, marries in any case in which such marriage is void by reason of its taking place during the life of such husband or wife, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Exception.—This sub-section does not extend to any person whose marriage with such husband or wife has been declared void by a Court of competent jurisdiction, nor to any person who contracts a marriage during the life of a former husband or wife, if such husband or wife, at the time of the subsequent marriage, shall have been continually absent from such person for the space of seven years, and shall not have been heard of by such person as being alive within that time provided the person contracting such subsequent marriage shall, before such marriage takes place, in form the person with whom such marriage is contracted of the real state of facts so far as the same are within his or her knowledge.

(2) (S. 495 IPC-Same offence with concealment of former marriage from person with whom subsequent marriage is contracted.) Whoever commits the offence under sub-section (1) [defined in last preceding section] having concealed from the person with whom the subsequent marriage is contracted, the fact of the former marriage, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

¹³² Section 354D, IPC, 1860.

¹³³ Section 509, IPC, 1860.

¹³⁴ Section 494 and Section 495, IPC, 1860.

Sub-section (1) and (2) of Section 82 'Marrying again during lifetime of husband or wife' of BNS consolidates Section 494 'Marrying again during lifetime of husband or wife' and Section 495 'Same offence with concealment of former marriage from person with whom subsequent marriage is contracted' of IPC respectively.

83. MARRIAGE CEREMONY FRAUDULENTLY ONE THROUGH WITHOUT LAWFUL MARRIAGE.¹³⁵

Whoever, dishonestly or with a fraudulent intention, goes through the ceremony of being married, knowing that he is not thereby lawfully married, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

84. ENTICING OR TAKING AWAY OR DETAINING WITH CRIMINAL INTENT A MARRIED WOMAN.¹³⁶

Whoever takes or entices away any woman who is and whom he knows or has reason to believe to be the wife of any other man, [from that man, or from any person having the care of her on behalf of that man] with intent that she may have illicit intercourse with any person, or conceals or detains with that intent any such woman, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Section 84 of BNS corresponds to Section 498 of IPC. The section has been re-drafted and the term '**from that man, or from any person having the care of her on behalf of that man**' has been deleted as it equated married women to chattel. The deletion restores dignity and equality of women by not considering her to be the property of the husband.

85. HUSBAND OR RELATIVE OF HUSBAND OF A WOMAN SUBJECTING HER TO CRUELTY.¹³⁷

Whoever, being the husband or the relative of the husband of a woman, subjects such woman to cruelty shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine.

86. CRUELTY DEFINED.¹³⁸

For the purposes of section 85, [of this section] "cruelty" means—

(a) any wilful conduct which is of such a nature as is likely to drive the woman to commit suicide or to cause grave injury or danger to life, limb or health (whether mental or physical) of the woman; or

(b) harassment of the woman where such harassment is with a view to coercing her or any person related to her to meet any unlawful demand for any property or valuable security or is on account of failure by her or any person related to her to meet such demand.

¹³⁵ Section 496, PC, 1860.

¹³⁶ Section 498, IPC, 1860.

¹³⁷ Section 498A, IPC, 1860.

¹³⁸ Section 498A Explanation, IPC, 1860.

87. KIDNAPPING, ABDUCTING OR INDUCING WOMAN TO COMPEL HER MARRIAGE, ETC.¹³⁹

Whoever kidnaps or abducts any woman with intent that's he may be compelled, or knowing it to be likely that she will be compelled, to marry any person against her will, or in order that she may be forced or seduced to illicit intercourse, or knowing it to be likely that she will be forced or seduced to illicit intercourse, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine; and whoever, by means of criminal intimidation as defined in this *Sanhita [Code]* or of abuse of authority or any other method of compulsion, induces any woman to go from any place with intent that she may be, or knowing that it is likely that she will be, forced or seduced to illicit intercourse with another person shall also be punishable as aforesaid.

Of Causing Miscarriage, Etc.

88. CAUSING MISCARRIAGE.¹⁴⁰

Whoever voluntarily causes a woman with child to miscarry, shall, if such miscarriage be not caused in good faith for the purpose of saving the life of the woman, be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both; and, if the woman be quick with child, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Explanation.—A woman who causes herself to miscarry, is within the meaning of this section.

89. CAUSING MISCARRIAGE WITHOUT WOMAN'S CONSENT.¹⁴¹

Whoever commits the offence *under section 88 [defined in the last preceding section]* without the consent of the woman, whether the woman is quick with child or not, shall be punished with imprisonment for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

90. DEATH CAUSED BY ACT DONE WITH INTENT TO CAUSE MISCARRIAGE.¹⁴²

(1) Whoever, with intent to cause them to miscarry of a woman with child, does any act which causes the death of such woman, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

(2) [if act done without woman's] Where the act referred to in sub-section (1) [and if the act] is done without the consent of the woman, shall be punishable [punished] [above mentioned] either with imprisonment for life, or with the punishment specified in said sub-section.

Explanation.—It is not essential to this offence that the offender should know that the act is likely to cause death.

¹³⁹ Section 366, IPC, 1860.

¹⁴⁰ Section 312, IPC, 1860.

¹⁴¹ Section 313, IPC, 1860.

¹⁴² Section 314, IPC, 1860.

91. ACT DONE WITH INTENT TO PREVENT CHILD BEING BORN ALIVE OR TO CAUSE TO DIE AFTER BIRTH.¹⁴³

Whoever before the birth of any child does any act with the intention of thereby preventing that child from being born alive or causing it to die after its birth, and does by such act prevent that child from being born alive, or causes it to die after its birth, shall, if such act be not caused in good faith for the purpose of saving the life of the mother, be punished with imprisonment of either description for a term which may extend to ten years, or with fine, or with both.

92. CAUSING DEATH OF QUICK UNBORN CHILD BY ACT MOUNTING TO CULPABLE HOMICIDE.¹⁴⁴

Whoever does any act under such circumstances, that if he thereby caused death he would be guilty of culpable homicide, and does by such act cause the death of a quick unborn child, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Illustration

A, knowing that he is likely to cause the death of a pregnant woman, does an act which, if it caused the death of the woman, would amount to culpable homicide. The woman is injured, but does not die; but the death of an unborn quick child with which she is pregnant is thereby caused. A is guilty of the offence defined in this section.

Of Offences Against Child

93. EXPOSURE AND ABANDONMENT OF CHILD UNDER TWELVE YEARS OF AGE, BY PARENT OR PERSON HAVING CARE OF IT.¹⁴⁵

Whoever being the father or mother of a child under the age of twelve years, or having the care of such child, shall expose or leave such child in any place with the intention of wholly abandoning such child, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.

Explanation.—This section is not intended to prevent the trial of the offender for murder or culpable homicide, as the case may be, if the child die in consequence of the exposure.

94. CONCEALMENT OF BIRTH BY SECRET DISPOSAL OF DEAD BODY.¹⁴⁶

Whoever, by secretly burying or otherwise disposing of the dead body of a child whether such child die before or after or during its birth, intentionally conceals or endeavours to conceal the birth of such child, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

¹⁴³ Section 315, IPC, 1860.

¹⁴⁴ Section 316, IPC, 1860.

¹⁴⁵ Section 317, IPC, 1860.

¹⁴⁶ Section 318, IPC, 1860.

95. HIRING, EMPLOYING OR ENGAGING A CHILD TO COMMIT AN OFFENCE.

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.¹⁴⁶.

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

A new offence has been added to the list of offences against children. **Section 95 ‘Hiring, employing or engaging a child to commit an offence’.**

1. It punishes anybody hiring, employing or engaging any child to commit an offence.
2. It punishes the act of hiring, employing or engaging any child to commit an offence with imprisonment not less than 3 years and extendable to 10 years.
3. In case the offence is committed, the person hiring, employing or engaging such a child, shall also be liable to the punishment provided for that offence as if the offence has been committed by such person himself.

An explanation to this section clarifies that hiring, employing, engaging or using a child for sexual exploitation or pornography is covered within the meaning of this section.

96. PROCURATION OF CHILD (MINOR GIRL).¹⁴⁷

Whoever, by any means whatsoever, induces any child [minor girl under the age of eighteen years] to go from any place or to do any act with intent that such child may be, or knowing that it is likely that such child will be, forced or seduced to illicit intercourse with another person shall be punishable with imprisonment which may extend to ten years, and shall also be liable to fine.

Section 96 ‘Procurement of child’ in BNS corresponds to Section 366A of IPC. The terminologies ‘minor girl under the age of eighteen years’ and ‘girl’ have been replaced with ‘child’. This section brings gender neutrality with respect to the victim. It extends protection to both male and female child under the age of 18 years instead of providing protection only to minor girls.

97. KIDNAPPING OR ABDUCTING CHILD UNDER TEN YEARS OF AGE WITH INTENT TO STEAL FROM ITS PERSON.¹⁴⁸

Whoever kidnaps or abducts any child under the age of ten years with the intention of taking dishonestly any movable property from the person of such child, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

¹⁴⁷ Section 366A, IPC, 1860.

¹⁴⁸ Section 369, IPC, 1860.

98. SELLING CHILD [MINOR] FOR PURPOSES OF PROSTITUTION, etc.¹⁴⁹

Whoever sells, lets to hire, or otherwise disposes of any child [person under the age of 18 years] with intent that such child [person] shall at any age be employed or used for the purpose of prostitution or illicit intercourse with any person or for any unlawful and immoral purpose, or knowing it to be likely that such child [person] will at any age be employed or used for any such purpose, 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 1.—When a female under the age of eighteen years is sold, let for hire, or otherwise disposed of to a prostitute or to any person who keeps or manages a brothel, the person so disposing of such female shall, until the contrary is proved, be presumed to have disposed of her with the intent that she shall be used for the purpose of prostitution.

Explanation 2.—For the purposes of this section “illicit intercourse” means sexual intercourse between persons not united by marriage or by any union or tie which, though not amounting to a marriage, is recognized by the personal law or custom of the community to which they belong or, where they belong to different communities, of both such communities, as constituting between them a quasi-marital relation.

Section 98 ‘Selling child for purposes of prostitution, etc’ of BNS corresponds to Section 372 of IPC. The term ‘minor’ has been replaced with the word ‘child’ in BNS.

99. BUYING CHILD [MINOR] FOR PURPOSES OF PROSTITUTION, etc¹⁵⁰

Whoever buys, hires or otherwise obtains possession of any child [person under the age of eighteen years] with intent that such child [person] shall at any age be employed or used for the purpose of prostitution or illicit intercourse with any person or for any unlawful and immoral purpose, or knowing it to be likely that such child [person] will at any age be employed or used for any such purpose, shall be punished with imprisonment of either description for a term which shall not be less than seven years but which may extend to fourteen (ten) years, and shall also be liable to fine.

Explanation 1.—Any prostitute or any person keeping or managing a brothel, who buys, hires or otherwise obtains possession of a female under the age of eighteen years shall, until the contrary is proved, be presumed to have obtained possession of such female with the intent that she shall be used for the purpose of prostitution.

Explanation 2.—“Illicit intercourse” has the same meaning as in section 98. [372 IPC]

Section 99 ‘Buying child for purpose of prostitution, etc’ in BNS corresponds to Section 373 of IPC. The term ‘minor’ has been replaced with the term ‘child’. The punishment has been increased from 10 years and fine to imprisonment not less than seven years but which may extend to fourteen years, and fine.

149 Section 372, IPC, 1860.

150 Section 373, IPC, 1860.

Punishment has been enhanced : Mandatory Minimum sentence and death punishment has been introduced in the following provisions.

IPC Punishment	BNS Punishment
Section 376DA <i>Punishment for gang rape on woman under sixteen years of age</i> imprisonment for life, which shall mean imprisonment for the remainder of that person's natural life, and with fine Section 376DB Punishment for gang rape on woman under twelve years of age. imprisonment for the remainder of that person's natural life, and with fine, or with death	Section 70(2) imprisonment for life, which shall mean imprisonment for the remainder of that person's natural life, and with fine, or with death
Section 373 <i>Buying minor for purposes of prostitution, etc.</i> a term which <u>may extend to ten years</u> , and shall also be liable to fine	Section 99 imprisonment of either description for a term which shall not be less than 7 years but which may extend to fourteen years , and shall also be liable to fine

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376. Punishment for rape.	64. Punishment for rape.
376(3).	65(1).
376A. Punishment for causing death or resulting in persistent vegetative state of victim.	66. Punishment for causing death or resulting in persistent vegetative state of victim.
376AB. Punishment for rape on woman under twelve years of age.	65(2).
376B. Sexual intercourse by husband upon his wife during separation.	67. Sexual intercourse by husband upon his wife during separation or by a person in authority.
376C. Sexual intercourse by a person in authority.	68. Sexual intercourse by a person in authority.
New Section	69. Sexual intercourse by employing deceitful means etc.
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376DA. Punishment for gang rape on woman under sixteen years of age.	70(2).

376DB. Punishment for gang rape on woman under twelve years of age.	71. Punishment for repeat offenders.
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377. Unnatural offences.	Deleted.
CHAPTER XI	
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<i>Of the causing of Miscarriage, of Injuries to unborn Children, of the Exposure of Infants, and of the concealment of Births</i>	<i>Of Causing Miscarriage, Etc</i>
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313. Causing miscarriage without woman's consent.	89. Causing miscarriage without woman's consent.
314. Death caused by act done with intent to cause miscarriage.	90. Death caused by act done with intent to cause miscarriage.
315. Act done with intent to prevent child being born alive or to cause it to die after birth.	91. Act done with intent to prevent child being born alive or to cause it to die after birth.
316. Causing death of quick unborn child by act amounting to culpable homicide.	92. Causing death of quick unborn child by act amounting to culpable homicide.
	<i>Of Offences Against Child</i>
317. Exposure and abandonment of child under twelve years, by parent or person having care of it.	93. Exposure and abandonment of child under twelve years, by parent or person having care of it.
318. Concealment of birth by secret disposal of dead body.	94. Concealment of birth by secret disposal of dead body.
New Section	95. Hiring, employing or engaging a child to commit an offence.
CHAPTER XVI	
OF OFFENCES AFFECTING THE HUMAN BODY	

<i>Of Kidnapping, abduction, slavery and forced labour</i>	<i>Of Offences Relating To Marriage</i>
366. Kidnapping, abducting or inducing woman to compel her marriage, etc.	87. Kidnapping, abducting or inducing woman to compel her marriage, etc.
<i>Of Offences Against Child</i>	
366A. Procuration of minor girl.	96. Procuration of child.
369. Kidnapping or abducting child under ten years with intent to steal from its person.	97. Kidnapping or abducting child under ten years with intent to steal from its person.
372. Selling minor for purposes of prostitution, etc.	98. Selling child for purposes of prostitution, etc.
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CHAPTER XX	
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497. Adultery.	Deleted
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509. Word, gesture or act intended to insult the modesty of a woman.	79. Word, gesture or act intended to insult the modesty of a woman.

CHAPTER VI (CHAPTER XVI)**OF OFFENCES AFFECTING THE HUMAN BODY***Of Offences Affecting Life***INTRODUCTION**

Chapter VI – Of Offences Affecting the Human Body of BNS corresponds to **Chapter XVI of IPC**. It extends from Section 100 to Section 146 of BNS. Sections 309 ‘Attempt to commit suicide’, 310 ‘Thug’ and section 311 regarding ‘Punishment for being convicted as a thug’ under IPC have been deleted in BNS.

100. CULPABLE HOMICIDE.¹⁵¹

Whoever causes death by doing an act with the intention of causing death, or with the intention of causing such bodily injury as is likely to cause death, or with the knowledge that he is likely by such act to cause death, commits the offence of culpable homicide.

Illustrations

- (a) A lays sticks and turf over a pit, with the intention of thereby causing death, or with the knowledge that death is likely to be thereby caused. Z, believing the ground to be firm, treads on it, falls in and is killed. A has committed the offence of culpable homicide.
- (b) A knows Z to be behind a bush. B does not know it. A, intending to cause, or knowing it to be likely to cause Z’s death, induces B to fire at the bush. B fires and kills Z. Here B may be guilty of no offence; but A has committed the offence of culpable homicide.
- (c) A, by shooting at a fowl with intent to kill and steal it, kills B, who is behind a bush; A not knowing that he was there. Here, although A was doing an unlawful act, he was not guilty of culpable homicide, as he did not intend to kill B, or to cause death by doing an act that he knew was likely to cause death.

Explanation 1.—A person who causes bodily injury to another who is labouring under a disorder, disease or bodily infirmity, and thereby accelerates the death of that other, shall be deemed to have caused his death.

Explanation 2.—Where death is caused by bodily injury, the person who causes such bodily injury shall be deemed to have caused the death, although by resorting to proper remedies and skilful treatment the death might have been prevented.

Explanation 3.—The causing of the death of a child in the mother’s womb is not homicide. But it may amount to culpable homicide to cause the death of a living child, if any part of that child has been brought forth, though the child may not have breathed or been completely born.

¹⁵¹ Section 299, IPC, 1860.

101. MURDER.¹⁵²

Except in the cases hereinafter excepted, culpable homicide is murder,—

- (a) if the act by which the death is caused [it] is done with the intention of causing death; or
- (b) [secondly] if the act by which the death is caused is done with the intention of causing such bodily injury as the offender knows to be likely to cause the death of the person to whom the harm is caused; or
- (c) [thirdly] if the act by which the death is caused is done with the intention of causing bodily injury to any person and the bodily injury intended to be inflicted is sufficient in the ordinary course of nature to cause death; or
- (d) [fourthly] if the person committing the act by which the death is caused, knows that it is so imminently dangerous that it must, in all probability, cause death, or such bodily injury as is likely to cause death, and commits such act without any excuse for incurring the risk of causing death or such injury as aforesaid.

Illustrations

- (a) A shoots Z with the intention of killing him. Z dies in consequence. A commits murder.
- (b) A, knowing that Z is labouring under such a disease that a blow is likely to cause his death, strikes him with the intention of causing bodily injury. Z dies in consequence of the blow. A is guilty of murder, although the blow might not have been sufficient in the ordinary course of nature to cause the death of a person in a sound state of health. But if A, not knowing that Z is labouring under any disease, gives him such a blow as would not in the ordinary course of nature kill a person in a sound state of health, here A, although he may intend to cause bodily injury, is not guilty of murder, if he did not intend to cause death, or such bodily injury as in the ordinary course of nature would cause death.
- (c) A intentionally gives Z a sword-cut or club-wound sufficient to cause the death of a man in the ordinary course of nature. Z dies in consequence. Here A is guilty of murder, although he may not have intended to cause Z's death.
- (d) A without any excuse fires a loaded cannon into a crowd of persons and kills one of them. A is guilty of murder, although he may not have had a premeditated design to kill any particular individual.

Exception 1.— [when culpable homicide is not murder] Culpable homicide is not murder if the offender, whilst deprived of the power of self-control by grave and sudden provocation, causes the death of the person who gave the provocation or causes the death of any other person by mistake or accident: [the above exception is subject to the following provisos:]

152 Section 299, IPC, 1860.

Provided that the provocation is not,-

- (a) [First- That the provocation is not] sought or voluntarily provoked by the offender as an excuse for killing or doing harm to any person;
- (b) [Secondly - That the provocation is not] given by anything done in obedience to the law, or by a public servant in the lawful exercise of the powers of such public servant;
- (c) [Thirdly - That the provocation is not] given by anything done in the lawful exercise of the right of private defence.

Explanation.—Whether the provocation was grave and sudden enough to prevent the offence from amounting to murder is a question of fact.

Illustrations

- (a) A, under the influence of passion excited by a provocation given by Z, intentionally kills Y, Z's child. This is murder, in as much as the provocation was not given by the child, and the death of the child was not caused by accident or misfortune in doing an act caused by the provocation.
- (b) Y gives grave and sudden provocation to A. A, on this provocation, fires a pistol at Y, neither intending nor knowing himself to be likely to kill Z, who is near him, but out of sight. A kills Z. Here A has not committed murder, but merely culpable homicide.
- (c) A is lawfully arrested by Z, a bailiff. A is excited to sudden and violent passion by the arrest, and kills Z. This is murder, in as much as the provocation was given by a thing done by a public servant in the exercise of his powers.
- (d) A appears as a witness before Z, a Magistrate. Z says that he does not believe a word of A's deposition, and that A has perjured himself. A is moved to sudden passion by these words, and kills Z. This is murder.
- (e) A attempts to pull Z's nose. Z, in the exercise of the right of private defence, lays hold of A to prevent him from doing so. A is moved to sudden and violent passion in consequence, and kills Z. This is murder, in as much as the provocation was [given] giving by a thing done in the exercise of the right of private defence.
- (f) Z strikes B. B is by this provocation excited to violent rage. A, a bystander, intending to take advantage of B's rage, and to cause him to kill Z, puts a knife into B's hand for that purpose. B kills Z with the knife. Here B may have committed only culpable homicide, but A is guilty of murder.

Exception 2.—Culpable homicide is not murder if the offender in the exercise in good faith of the right of private defence of person or property, exceeds the power given to him by law and causes the death of the person against whom he is exercising such right of defence without premeditation, and without any intention of doing more harm than is necessary for the purpose of such defence.

Illustration

Z attempts to horsewhip A, not in such a manner as to cause grievous hurt to A. A draws out a pistol. Z persists in the assault. A believing in good faith that he can by no other means prevent himself from being horsewhipped, shoots Z dead. A has not committed murder, but only culpable homicide.

Exception 3.—Culpable homicide is not murder if the offender, being a public servant or aiding a public servant acting for the advancement of public justice, exceeds the powers given to him by law, and causes death by doing an act which he, in good faith, believes to be lawful and necessary for the due discharge of his duty as such public servant and without ill-will towards the person whose death is caused.

Exception 4.—Culpable homicide is not murder if it is committed without premeditation in a sudden fight in the heat of passion upon a sudden quarrel and without the offender's having taken undue advantage or acted in a cruel or unusual manner.

Explanation.—It is immaterial in such cases which party offers the provocation or commits the first assault.

Exception 5.—Culpable homicide is not murder when the person whose death is caused, being above the age of eighteen years, suffers death or takes the risk of death with his own consent.

Illustration

A, by instigation, voluntarily causes Z, a child (person under eighteen years of age) to commit suicide. Here, on account of Z's youth, he was incapable of giving consent to his own death; A has therefore abetted murder.

102. CULPABLE HOMICIDE BY CAUSING DEATH OF PERSON OTHER THAN PERSON WHOSE DEATH WAS INTENDED.¹⁵³

If a person, by doing anything which he intends or knows to be likely to cause death, commits culpable homicide by causing the death of any person, whose death he neither intends nor knows himself to be likely to cause, the culpable homicide committed by the offender is of the description of which it would have been if he had caused the death of the person whose death he intended or knew himself to be likely to cause.

103. PUNISHMENT FOR MURDER.¹⁵⁴

(1) Whoever commits murder shall be punished with death or imprisonment for life, and shall also be liable to fine.

(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 similar ground each member of such group shall be punished with death or with imprisonment for life, and shall also be liable to fine.

¹⁵³ Section 301, IPC, 1860

¹⁵⁴ Section 302, IPC, 1860.

Addition of Section 103(2) provides punishment for mob murders on grounds of caste, community, race etc. It corresponds to Section 302 of IPC when murder is under special circumstances i.e. committed by a group of five or more persons on the grounds of the victim's race, caste, community, sex, place of birth, language, personal belief or any other similar ground. The punishment of death, or imprisonment for life and fine has been prescribed for this offence.

104. PUNISHMENT FOR MURDER BY LIFE-CONVICT.¹⁵⁵

Whoever, being under sentence of imprisonment for life, commits murder, shall be punished with death **or with imprisonment for life, which shall mean the remainder of that person's natural life.**

105. PUNISHMENT FOR CULPABLE HOMICIDE NOT AMOUNTING TO MURDER.¹⁵⁶

Whoever commits culpable homicide not amounting to murder, shall be punished with imprisonment for life, or imprisonment of either description for a term **which shall not be less than five years but** which may extend to ten years, and shall also be liable to fine, if the act by which the death is caused is done with the intention of causing death, or of causing such bodily injury as is likely to cause death; or with imprisonment of either description for a term which may extend to ten years **and [or]** with fine **[or with both]**, if the act is done with the knowledge that it is likely to cause death, but without any intention to cause death, or to cause such bodily injury as is likely to cause death.

106. CAUSING DEATH BY NEGLIGENCE.

(1) Whoever causes death of any person by doing any rash or negligent act not amounting to culpable homicide, shall be punished with imprisonment of either description for a term which may extend to **five (two)** years **(or with fine, or with both.)**, and shall also be liable to fine; and if such act is done by a registered medical practitioner while performing medical procedure, he shall be punished with imprisonment of either description for a term which may extend to two years, and shall also be liable to fine.¹⁵⁷

Explanation.— For the purposes of this sub-section, “registered medical practitioner” means a medical practitioner who possesses any medical qualification recognised under the National Medical Commission Act, 2019 (30 of 2019) and whose name has been entered in the National Medical Register or a State Medical Register under that Act.

Section 106 ‘Causing death by negligence’ of BNS corresponds to Section 304A of IPC.

- Section 106(1) prescribes a higher punishment for causing death by any rash or negligent act not amounting to culpable homicide – the punishment has been increased from imprisonment extendable to 2 years or fine to **imprisonment extendable to 5 years and fine.**

¹⁵⁵ Section 303, IPC, 1860.

¹⁵⁶ Section 304, IPC, 1860

¹⁵⁷ Section 304A, IPC, 1860

- Section 106(1) has been elaborated to specify that if such a rash or negligent act is **committed by a registered medical practitioner** while performing a medical procedure, there is a **lesser punishment of imprisonment extendable to 2 years and fine**.
- An Explanation to sub-section (1) has been added which clarifies that the meaning of 'registered medical practitioner' means a medical practitioner who possesses any medical qualification recognised under the National Medical Commission Act, 2019 and whose name has been entered in the National Medical Register or a State Medical Register under that Act.
- Sub-section (2) to Section 106 of BNS has been introduced to address instances of hit and run cases. However, **Section 106(2) has not been notified to be implemented yet**.
- Section 106(2) of BNS penalises a person who causes death of any person by rash and negligent driving of vehicle, and escapes without reporting it to a police officer or a Magistrate soon after the incident. The punishment of **imprisonment extendable to 10 years and fine** is prescribed for this offence.

(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.

107. ABETMENT OF SUICIDE OF CHILD OR PERSON OF UNSOUND MIND.¹⁵⁸ [INSANE PERSON]

If any child, any person of unsound mind, [under 18 years of age, any insane person] any delirious person [any idiot] or any person in a state of intoxication, commits suicide, whoever abets the commission of such suicide, shall be punished with death or imprisonment for life, or imprisonment for a term not exceeding ten years, and shall also be liable to fine.

Section 107 'Abetment of suicide of child or person of unsound mind' of BNS corresponds to Section 305 of IPC. The phrase '*insane person*' has been replaced with '*person of unsound mind*'.

108. ABETMENT OF SUICIDE.¹⁵⁹

If any person commits suicide, whoever abets the commission of such suicide, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

109. ATTEMPT TO MURDER.¹⁶⁰

(1) Whoever does any act with such intention or knowledge, and under such circumstances that, if he by that act caused death, he would be guilty of murder, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine; and if hurt is caused to any

¹⁵⁸ Section 305, IPC, 1860.

¹⁵⁹ Section 306, IPC, 1860.

¹⁶⁰ Section 307, IPC, 1860.

person by such act, the offender shall be liable either to imprisonment for life, or to such punishment as is hereinbefore mentioned.

(2) [Attempts by life-convicts] When any person offending under sub-section (1) [this section] is under sentence of imprisonment for life, he may, if hurt is caused, be punished with death or with imprisonment for life, which shall mean the remainder of that person's natural life.

Illustrations

- (a) A shoots at Z with intention to kill him, under such circumstances that, if death ensued, A would be guilty of murder. A is liable to punishment under this section.
- (b) A, with the intention of causing the death of a child of tender years, exposes it in a desert place. A has committed the offence defined by this section, though the death of the child does not ensue.
- (c) A, intending to murder Z, buys a gun and loads it. A has not yet committed the offence. A fires the gun at Z. He has committed the offence defined in this section, and, if by such firing he wounds Z, he is liable to the punishment provided by the latter part of sub-section (1). [this first paragraph of this section]
- (d) A, intending to murder Z by poison, purchases poison and mixes the same with food which remains in A's keeping; A has not yet committed the offence defined in this section. A places the food on Z's table or delivers it to Z's servants to place it on Z's table. A has committed the offence defined in this section.

110. ATTEMPT TO COMMIT CULPABLE HOMICIDE.¹⁶¹

Whoever does any act with such intention or knowledge and under such circumstances that, if he by that act caused death, he would be guilty of culpable homicide not amounting to murder, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both; and, if hurt is caused to any person by such act, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.

Illustration

A, on grave and sudden provocation, fires a pistol at Z, under such circumstances that if he thereby caused death, he would be guilty of culpable homicide not amounting to murder. A has committed the offence defined in this section.

New Sections have been added to the BNS

1. Section 111 'Organized Crime' is a new offences introduced in BNS.

- 'Organized Crime' has been included in basic criminal law of the country. This offence has been drafted in line with State Acts like MCOCA, 1999 etc.

¹⁶¹ Section 308, IPC, 1860.

- When 2 or more persons act as a gang or a syndicate and continuously indulge in - kidnapping, vehicle theft, robbery, extortion, land grabbing, contract killing, cyber-crimes, trafficking of persons, drugs, weapons, illicit goods, trafficking for prostitution, forgery, breach of trust, counterfeiting, hawala transactions, mass marketing fraud, or schemes defrauding persons, banks and financial institutions – they are said to commit organized crime.
- This provision stipulates punishments for different aspects of the crime like – abetment, attempt, conspiracy, membership, harbouring or concealing an offender, possessing property derived from organized criminal activity, and causing death.
- The provision provides severe punishments ranging from mandatory minimum imprisonment of 3 years to death penalty and fines ranging from Rs. 1 lakh to Rs. 10 lakhs.

2. Section 112 ‘Petty Organized Crime’ is a new offence introduced in BNS.

- ‘Petty Organized Crime’ has been introduced to address organized crime committed on a smaller scale.
- It encompasses criminal activities of theft, snatching, cheating, unauthorised selling of tickets and public examination question papers, unauthorised gambling and betting etc. committed by anyone, being a member of a group or gang, either singly or jointly.
- It penalizes any of the foregoing activities when continuously carried out by members of a group or gang with a mandatory imprisonment of not less than 1 year which is extendable to 7 years and fine.

3. Section 113 ‘Terrorist Act’ is a new offence introduced in BNS.

- The offence of terrorist act has been introduced in the general criminal law of the country. It has been drafted on the lines of UAPA, 1967.
- It penalises acts threatening the sovereignty, unity and integrity of India or acts of striking terror in the people of India using a wide range of explosives, noxious, or destructive materials.
- It includes damage, destruction or loss of life, property, essential services and monetary stability among other forms of injury to national assets and interests.
- The detailed provision provides punishment to various inchoate activities attached to
- terrorist acts like abetment, attempt, conspiracy, organizing camps, membership, harbouring or concealing an offender, and possessing property derived from a terrorist act.

- The Explanation to this section clarifies that an **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.
- Stringent punishments ranging from mandatory imprisonment of not less than 3 years to death penalty have been provided for this offence.

111. ORGANISED CRIME.

(1) Any continuing unlawful activity including kidnapping, robbery, vehicle theft, extortion, land grabbing, contract killing, economic offence, cyber-crimes, trafficking of persons, drugs, weapons or illicit goods or services, human trafficking for prostitution or ransom, by any person or a group of persons 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, or by any other unlawful means to obtain direct or indirect material benefit including a financial benefit, shall constitute organised crime.

Explanation.—For the purposes of this sub-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.

(2). Whoever commits organised crime shall,—

- (a) if such offence has resulted in the death of any person, be punished with death or imprisonment for life, and shall also be liable to fine which shall not be less than ten lakh rupees;
- (b) in any other case, be punished with imprisonment for a term which shall not be less than five years but which may extend to imprisonment for life, and shall also be liable to fine which shall not be less than five lakh rupees.

(3). Whoever abets, attempts, conspires or knowingly facilitates the commission of an organised crime, or otherwise engages in any act preparatory to an organised crime,

shall be punished with imprisonment for a term which shall not be less than five years but which may extend to imprisonment for life, and shall also be liable to fine which shall not be less than five lakh rupees.

(4). Any person who is a member of an organised crime syndicate shall be punished with imprisonment for a term which shall not be less than five years but which may extend to imprisonment for life, and shall also be liable to fine which shall not be less than five lakh rupees.

(5). Whoever, intentionally, harbours or conceals any person who has committed the offence of an organised crime shall be punished with imprisonment for a term which shall not be less than three years but which may extend to imprisonment for life, and shall also be liable to fine which shall not be less than five lakh rupees:

Provided that this sub-section shall not apply to any case in which the harbour or concealment is by the spouse of the offender.

(6). Whoever possesses any property derived or obtained from the commission of an organised crime or proceeds of any organised crime or which has been acquired through the organised crime, shall be punishable with imprisonment for a term which shall not be less than three years but which may extend to imprisonment for life and shall also be liable to fine which shall not be less than two lakh rupees.

(7). If any person on behalf of a member of an organised crime syndicate is, or at any time has been in possession of movable or immovable property which he cannot satisfactorily account for, shall be punishable with imprisonment for a term which shall not be less than three years but which may extend to imprisonment for ten years and shall also be liable to fine which shall not be less than one lakh rupees.

112. PETTY ORGANISED CRIME.

(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.

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.

(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.

113. TERRORIST ACT.

(1) 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.
- (2) Whoever commits a terrorist act shall,—
- (a) if such offence has resulted in the death of any person, be punished with death or imprisonment for life, and shall also be liable to fine;
 - (b) in any other case, be punished with imprisonment for a term which shall not be less than five years but which may extend to imprisonment for life, and shall also be liable to fine.
- (3) Whoever conspires or attempts to commit, or advocates, abets, advises or incites, directly or knowingly facilitates the commission of a terrorist act or any act preparatory to the commission of a terrorist act, shall be punished with

imprisonment for a term which shall not be less than five years but which may extend to imprisonment for life, and shall also be liable to fine.

- (4) Whoever organises or causes to be organised any camp or camps for imparting training in terrorist act, or recruits or causes to be recruited any person or persons for commission of a terrorist act, shall be punished with imprisonment for a term which shall not be less than five years but which may extend to imprisonment for life, and shall also be liable to fine.
- (5) Any person who is a member of an organisation which is involved in terrorist act, shall be punished with imprisonment for a term which may extend to imprisonment for life, and shall also be liable to fine.
- (6) Whoever voluntarily harbours or conceals, or attempts to harbour or conceal any person knowing that such person has committed a terrorist act shall be punished with imprisonment for a term which shall not be less than three years but which may extend to imprisonment for life, and shall also be liable to fine:

Provided that this sub-section shall not apply to any case in which the harbour or concealment is by the spouse of the offender.

- (7) Whoever knowingly possesses any property derived or obtained from commission of any terrorist act or acquired through the commission of any terrorist act shall be punished with imprisonment for a term which may extend to imprisonment for life, and shall also be liable to fine.

Explanation.—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

114. HURT.¹⁶²

Whoever causes bodily pain, disease or infirmity to any person is said to cause hurt.

115. VOLUNTARILY TO CAUSING HURT.

- (1) Whoever does any act with the intention of thereby causing hurt to any person, or with the knowledge that he is likely thereby to cause hurt to any person, and does thereby cause hurt to any person, is said “voluntarily to cause hurt”.¹⁶³
- (2) [Punishment for voluntarily causing hurt] Whoever, except in the case provided for by sub-section (1) of section 122 [section 334] voluntarily causes hurt, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine which may extend to ten thousand rupees, [one thousand] or with both.¹⁶⁴

¹⁶² Section 319, IPC, 1860.

¹⁶³ Section 321, Voluntarily causing hurt , IPC, 1860.

¹⁶⁴ Section 323, Punishment for voluntarily causing hurt, IPC, 1860.

116. GRIEVOUS HURT.

The following kinds of hurt only are designated as “grievous”, namely:—

- (a) [First] Emasculation;
- (b) [Secondly] Permanent privation of the sight of either eye;
- (c) [Thirdly] Permanent privation of the hearing of either ear;
- (d) [Fourthly] Privation of any member or joint;
- (e) [Fifthly] Destruction or permanent impairing of the powers of any member or joint;
- (f) [Sixthly] Permanent disfiguration of the head or face;
- (g) [Seventhly] Fracture or dislocation of a bone or tooth;
- (h) [Eighthly] Any hurt which endangers life or which causes the sufferer to be during the space of fifteen days (twenty days) in severe bodily pain, or unable to follow his ordinary pursuits.

Section 116 ‘Grievous hurt’ in BNS corresponds to **Section 320 of IPC**. In **Section 116, clause (h)**, the threshold for defining grievous hurt based on the duration of suffering severe bodily pain has been reduced from **20 days to 15 days**.

117. VOLUNTARILY CAUSING GRIEVOUS HURT.

- (1) Whoever voluntarily causes hurt, if the hurt which he intends to cause or knows himself to be likely to cause is grievous hurt, and if the hurt which he causes is grievous hurt, is said “voluntarily to cause grievous hurt”.¹⁶⁵

Explanation.— A person is not said voluntarily to cause grievous hurt except when he both causes grievous hurt and intends or knows himself to be likely to cause grievous hurt. But he is said voluntarily to cause grievous hurt, if intending or knowing himself to be likely to cause grievous hurt of one kind, he actually causes grievous hurt of another kind.

Illustration

A, intending of knowing himself to be likely permanently to disfigure Z’s face, gives Z a blow which does not permanently disfigure Z’s face, but which causes Z to suffer severe bodily pain for the space of fifteen days. [twenty days] A has voluntarily caused grievous hurt.

- (2) [Punishment for voluntarily causing grievous hurt] Whoever, except in the case provided for by sub-section (2) of section 122, [section 335] voluntarily causes grievous hurt, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.¹⁶⁶

- (3) Whoever commits an offence under sub-section (1) and in the course of such commission causes any hurt to a person which causes that person to be in permanent disability or in persistent vegetative state, shall be punished with rigorous imprisonment for a term which shall not be less than ten years but which may extend to imprisonment for life, which shall mean imprisonment for the remainder of that person’s natural life.

¹⁶⁵ Section 322, Voluntarily causing grievous hurt, IPC, 1860

¹⁶⁶ Section 325, Punishment for voluntarily causing grievous hurt, IPC, 1860

(4) When a group of five or more persons acting in concert, causes grievous hurt to a person on the ground of his race, caste or community, sex, place of birth, language, personal belief or any other similar ground, each member of such group shall be guilty of the offence of causing grievous hurt, and shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

This section has expanded the scope of grievous hurt by making two significant additions to it.

- **Section 117(3)** introduces grievous hurt resulting in '**permanent disability or in persistent vegetative state**' which is made punishable with rigorous imprisonment for not less than ten years, which may be extendable to imprisonment for life, which shall mean imprisonment for the remainder of that person's natural life.
- **Section 117(4)** introduces grievous hurt caused on the grounds of the victim's race, caste or community, sex, place of birth, language, personal belief or any other similar ground by a group of 5 or more persons acting in concert. It penalizes the act of mob violence causing grievous hurt with imprisonment extendable to 7 years and fine.

118. VOLUNTARILY CAUSING HURT OR GRIEVOUS HURT BY DANGEROUS WEAPONS OR MEANS.

- (1) Whoever, except in the case provided for by **sub-section (1) of section 122, [section 334]** voluntarily causes hurt by means of any instrument for shooting, stabbing or cutting, or any instrument which, used as a weapon of offence, is likely to cause death, or by means of fire or any heated substance, or by means of any poison or any corrosive substance, or by means of any explosive substance, or by means of any substance which it is deleterious to the human body to inhale, to swallow, or to receive into the blood, or by means of any animal, shall be punished with imprisonment of either description for a term which may extend to three years, or with **fine which may extend to twenty thousand rupees**, or with both.¹⁶⁷
- (2) [**Punishment for voluntarily causing hurt or grievous hurt by dangerous weapons or means**] Whoever, except in the case provided for by **sub-section (2) of section 122,[section 333]** voluntarily causes grievous hurt by any means [of any instrument for shooting, stabbing or cutting, or any instrument which, used as a weapon of offence, is likely to cause death, or by means of fire or any heated substance, or by means of any poison or any corrosive substance, or by means of any explosive substance, or by means of any substance which it is deleterious to the human body to inhale, to swallow, or to receive into the blood, or by means of any animal, shall be punished with imprisonment for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine] referred to in sub-section (1), shall be punished with imprisonment for life, or with imprisonment of either description for a term **which shall not be less than one year but** which may extend to ten years, and shall also be liable to fine.¹⁶⁸

¹⁶⁷ Section 324, IPC, 1860.

¹⁶⁸ Section 326, IPC, 1860.

119. VOLUNTARILY CAUSING HURT OR GRIEVOUS HURT TO EXTORT PROPERTY, OR TO CONSTRAIN TO AN ILLEGAL ACT.¹⁶⁹

- (1) Whoever voluntarily causes hurt for the purpose of extorting from the sufferer, or from any person interested in the sufferer, any property or valuable security, or of constraining the sufferer or any person interested in such sufferer to do anything which is illegal or which may facilitate the commission of an offence, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.
- (2) Whoever voluntarily causes grievous hurt **for any purpose referred to in sub-section (1)** [for the purpose of extorting from the sufferer or from any person interested in the sufferer any property or valuable security, or of constraining the sufferer or any person interested in such sufferer to do anything that is illegal or which may facilitate the commission of an offence], shall be punished with imprisonment for life, or imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.¹⁷⁰

120. VOLUNTARILY CAUSING HURT OR GRIEVOUS HURT TO EXTORT CONFESSION, OR TO COMPEL RESTORATION OF PROPERTY.

- (1) Whoever voluntarily causes hurt for the purpose of extorting from the sufferer or from any person interested in the sufferer, any confession or any information which may lead to the detection of an offence or misconduct, or for the purpose of constraining the sufferer or any person interested in the sufferer to restore or to cause the restoration of any property or valuable security or to satisfy any claim or demand, or to give information which may lead to the restoration of any property or valuable security, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.¹⁷¹

Illustrations

- (a) A, a police officer, tortures Z in order to induce Z to confess that he committed a crime. A is guilty of an offence under this section.
- (b) A, a police officer, tortures B to induce him to point out where certain stolen property is deposited. A is guilty of an offence under this section.
- (c) A, a revenue officer, tortures Z in order to compel him to pay certain arrears of revenue due from Z. A is guilty of an offence under this section.
- (d) A, a zamindar, tortures a raiyat in order to compel him to pay his rent. A is guilty of an offence under this section.]
- (2) Whoever voluntarily causes grievous hurt **for any purpose referred to in sub-section (1)** [for the purpose of extorting from the sufferer or from any person interested in the sufferer any confession or any information which may lead to the detection of an offence or misconduct, or for the purpose of constraining the sufferer or any person interested in the sufferer to restore or to cause the restoration of any property or valuable security, or to satisfy any claim or demand or to give information which may lead to the restoration of any property or valuable security] shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.¹⁷²

¹⁶⁹ Section 327, IPC, 1860.

¹⁷⁰ Section 329, IPC, 1860.

¹⁷¹ Section 330, IPC, 1860. **Illus.(d)** pertaining to 'zamindar' and 'raiyat' has been removed from BNS.

¹⁷² Section 331, IPC, 1860.

121. VOLUNTARILY CAUSING HURT OR GRIEVOUS HURT TO DETER PUBLIC SERVANT FROM HIS DUTY.

- (1) Whoever voluntarily causes hurt to any person being a public servant in the discharge of his duty as such public servant, or with intent to prevent or deter that person or any other public servant from discharging his duty as such public servant or in consequence of anything done or attempted to be done by that person in the lawful discharge of his duty as such public servant, shall be punished with imprisonment of either description for a term which may extend to **five (three)** years, or with fine, or with both.¹⁷³
- (2) Whoever voluntarily causes grievous hurt to any person being a public servant in the discharge of his duty as such public servant, or with intent to prevent or deter that person or any other public servant from discharging his duty as such public servant or in consequence of anything done or attempted to be done by that person in the lawful discharge of his duty as such public servant, shall be punished with imprisonment of either description for a term **which shall not be less than one year but** which may extend to ten years, and shall also be liable to fine.¹⁷⁴

122. VOLUNTARILY CAUSING HURT OR GRIEVOUS HURT ON PROVOCATION.

- (1) Whoever voluntarily causes hurt on grave and sudden provocation, if he neither intends nor knows himself to be likely to cause hurt to any person other than the person who gave the provocation, shall be punished with imprisonment of either description for a term which may extend to one month, or with fine which may extend to five **thousand (hundred)** rupees, or with both.¹⁷⁵
- (2) Whoever voluntarily causes grievous hurt on grave and sudden provocation, if he neither intends nor knows himself to be likely to cause grievous hurt to any person other than the person who gave the provocation, shall be punished with imprisonment of either description for a term which may extend to **five (four)** years, or with fine which may extend to **ten (two)** thousand rupees, or with both.¹⁷⁶

Explanation.—This section is subject to the same proviso as Exception 1 of **section 101. [section 300]**

123. CAUSING HURT BY MEANS OF POISON, etc., WITH INTENT TO COMMIT AN OFFENCE.¹⁷⁷

Whoever administers to or causes to be taken by any person any poison or any stupefying, intoxicating or unwholesome drug, or other thing with intent to cause hurt to such person, or with intent to commit or to facilitate the commission of an

¹⁷³ Section 332, IPC, 1860.

¹⁷⁴ Section 333, IPC, 1860.

¹⁷⁵ Section 334, IPC, 1860.

¹⁷⁶ Section 335, IPC, 1860.

¹⁷⁷ Section 328, IPC, 1860.

offence or knowing it to be likely that he will thereby cause hurt, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

124. VOLUNTARILY CAUSING GRIEVOUS HURT BY USE OF ACID, etc.

(1) Whoever causes permanent or partial damage or deformity to, or burns or maims or disfigures or disables, any part or parts of the body of a person or causes grievous hurt by throwing acid on or by administering acid to that person, or by using any other means with the intention of causing or with the knowledge that he is likely to cause such injury or hurt or *causes a person to be in a permanent vegetative state* shall be punished with imprisonment of either description for a term which shall not be less than ten years but which may extend to imprisonment for life, and with fine:¹⁷⁸

Provided that such fine shall be just and reasonable to meet the medical expenses of the treatment of the victim:

Provided further that any fine imposed under this sub-section shall be paid to the victim.

(2) Whoever throws or attempts to throw acid on any person or attempts to administer acid to any person, or attempts to use any other means, with the intention of causing permanent or partial damage or deformity or burns or maiming or disfigurement or disability or grievous hurt to that person, shall be punished with imprisonment of either description for a term which shall not be less than five years but which may extend to seven years, and shall also be liable to fine.¹⁷⁹

Explanation 1.—For the purposes of [section 326A and] this section, “acid” includes any substance which has acidic or corrosive character or burning nature, that is capable of causing bodily injury leading to scars or disfigurement or temporary or permanent disability.

Explanation 2.—For the purposes of this [section 326A and] section, permanent or partial damage or deformity or *permanent vegetative state* shall not be required to be irreversible.

The offence of ‘*Voluntarily causing grievous hurt by use of acid*’ in **Section 124 of BNS**, has been expanded to include ‘*permanent vegetative state*’. And the second explanation to the section provides that the ‘*permanent vegetative state*’ is not required to be irreversible to invoke this section.

125. ACT ENDANGERING LIFE OR PERSONAL SAFETY OF OTHERS.

Whoever does any act so rashly or negligently as to endanger human life or the personal safety of others, shall be punished with imprisonment of either description for a term which may extend to three months or with fine which may extend to two thousand five hundred (two hundred and fifty) rupees, or with both,¹⁸⁰

but—

- (a) [Causing hurt by act endangering life or personal safety of others.—Whoever causes hurt to any person by doing any act so rashly or negligently as to

178 Section 326A, IPC, 1860.

179 Section 326B, IPC, 1860.

180 Section 336, IPC, 1860.

endanger human life, or the personal safety of others] where hurt is caused, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to five thousand (hundred) rupees, or with both;¹⁸¹

- (b) [Causing grievous hurt by act endangering life or personal safety of others.— Whoever causes grievous hurt to any person by doing any act so rashly or negligently as to endanger human life, or the personal safety of others] where grievous hurt is caused, shall be punished with imprisonment of either description for a term which may extend to three (two) years, or with fine which may extend to ten (one) thousand rupees, or with both.¹⁸²

Of Wrongful Restraint And Wrongful Confinement

126. WRONGFUL RESTRAINT

(1) Whoever voluntarily obstructs any person so as to prevent that person from proceeding in any direction in which that person has a right to proceed, is said wrongfully to restrain that person.¹⁸³

Exception.—The obstruction of a private way over land or water which a person in good faith believes himself to have a lawful right to obstruct, is not an offence within the meaning of this section.

Illustration

A obstructs a path along which Z has a right to pass, A not believing in good faith that he has a right to stop the path. Z is thereby prevented from passing. A wrongfully restrains Z.

(2) [Punishment for Wrongful restraint] Whoever wrongfully restrains any person shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to five thousand (hundred) rupees, or with both.¹⁸⁴

127. WRONGFUL CONFINEMENT

(1) Whoever wrongfully restrains any person in such a manner as to prevent that person from proceedings beyond certain circumscribing limits, is said “wrongfully to confine” that person.¹⁸⁵

Illustrations

- (a) A causes Z to go within a walled space, and locks Z in. Z is thus prevented from proceeding in any direction beyond the circumscribing line of wall. A wrongfully confines Z.
- (b) A places men with firearms at the outlets of a building, and tells Z that they will fire at Z if Z attempts to leave the building. A wrongfully confines Z.

181 Section 337, IPC, 1860.

182 Section 338, IPC, 1860

183 Section 339, IPC, 1860.

184 Section 341, IPC, 1860.

185 Section 340, IPC, 1860.

(2) [Punishment for wrongful confinement] Whoever wrongfully confines any person shall be punished with imprisonment of either description for a term which may extend to one year, or with fine which may extend to five (one) thousand rupees, or with both.¹⁸⁶

(3) [Wrongful confinement for three or more days] Whoever wrongfully confines any person for three days, or more, shall be punished with imprisonment of either description for a term which may extend to three [two] years, or with fine which may extend to ten thousand rupees, or with both.¹⁸⁷

(4) [Wrongful confinement for ten or more days] Whoever wrongfully confines any person for ten days or more, shall be punished with imprisonment of either description for a term which may extend to five [three] years, and shall also be liable to fine which shall not be less than ten thousand rupees.¹⁸⁸

(5) [Wrongful confinement of person for whose liberation writ has been issued] Whoever keeps any person in wrongful confinement, knowing that a writ for the liberation of that person has been duly issued, shall be punished with imprisonment of either description for a term which may extend to two years in addition to any term of imprisonment to which he may be liable under any other section of this Chapter and shall also be liable to fine.¹⁸⁹

(6) [Wrongful confinement in secret] Whoever wrongfully confines any person in such manner as to indicate an intention that the confinement of such person may not be known to any person interested in the person so confined, or to any public servant, or that the place of such confinement may not be known to or discovered by any such person or public servant as hereinbefore mentioned, shall be punished with imprisonment of either description for a term which may extend to three years in addition to any other punishment to which he may be liable for such wrongful confinement and shall also be liable to fine.¹⁹⁰

(7) [Wrongful confinement to extort properly or constrain to illegal act] Whoever wrongfully confines any person for the purpose of extorting from the person confined, or from any person interested in the person confined, any property or valuable security or of constraining the person confined or any person interested in such person to do anything illegal or to give any information which may facilitate the commission of an offence, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.¹⁹¹

(8) [Wrongful confinement to extort confession or compel restoration of property] Whoever wrongfully confines any person for the purpose of extorting from the person confined or any person interested in the person confined any confession or any information which may lead to the detection of an offence or misconduct, or for the purpose of constraining the person confined or any person interested in the person confined to restore or to cause the restoration of any property or valuable security or to satisfy any claim or demand, or to give information which may lead to the restoration of any property or valuable security, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.¹⁹²

¹⁸⁶ Section 342, IPC, 1860

¹⁸⁷ Section 343, IPC, 1860.

¹⁸⁸ Section 344, IPC, 1860.

¹⁸⁹ Section 345, IPC, 1860.

¹⁹⁰ Section 346, IPC, 1860.

¹⁹¹ Section 347, IPC, 1860.

¹⁹² Section 348, IPC, 1860

*Of Criminal Force And Assault***128. FORCE.¹⁹³**

A person is said to use force to another if he causes motion, change of motion, or cessation of motion to that other, or if he causes to any substance such motion, or change of motion, or cessation of motion as brings that substance into contact with any part of that other's body, or with anything which that other is wearing or carrying, or with anything so situated that such contact affects that other's sense of feeling:

Provided that the person causing the motion, or change of motion, or cessation of motion, causes that motion, change of motion, or cessation of motion in one of the following three ways, namely:- [three ways hereinafter described]

- (a) [First] by his own bodily power;
- (b) [Secondly] by disposing any substance in such a manner that the motion or change or cessation of motion takes place without any further act on his part, or on the part of any other person;
- (c) [Thirdly] by inducing any animal to move, to change its motion, or to cease to move.

129. CRIMINAL FORCE.¹⁹⁴

Whoever intentionally uses force to any person, without that person's consent, in order to the committing of any offence, or intending by the use of such force to cause, or knowing it to be likely that by the use of such force he will cause injury, fear or annoyance to the person to whom the force is used, is said to use criminal force to that other.

Illustrations

- (a) Z is sitting in a moored boat on a river. A unfastens the moorings, and thus intentionally causes the boat to drift down the stream. Here A intentionally causes motion to Z, and he does this by disposing substances in such a manner that the motion is produced without any other action on any person's part. A has therefore intentionally used force to Z; and if he has done so without Z's consent, in order to the committing of any offence, or intending or knowing it to be likely that this use of force will cause injury, fear or annoyance to Z, A has used criminal force to Z.
- (b) Z is riding in a chariot. A lashes Z's horses, and thereby causes them to quicken their pace. Here A has caused change of motion to Z by inducing the animals to change their motion. A has therefore used force to Z; and if A has done this without Z's consent, intending or knowing it to be likely that he may thereby injure, frighten or annoy Z, A has used criminal force to Z.
- (c) Z is riding in a palanquin. A, intending to rob Z, seizes the pole and stops the palanquin. Here A has caused cessation of motion to Z, and he has done this by his own bodily power. A has therefore used force to Z; and as A has acted thus intentionally, without Z's consent, in order to the commission of an offence. A has used criminal force to Z.

193 Section 349, IPC, 1860.

194 Section 350, IPC, 1860

- (d) A intentionally pushes against Z in the street. Here A has by his own bodily power moved his own person so as to bring it into contact with Z. He has therefore intentionally used force to Z; and if he has done so without Z's consent, intending or knowing it to be likely that he may thereby injure, frighten or annoy Z, he has used criminal force to Z.
- (e) A throws a stone, intending or knowing it to be likely that the stone will be thus brought into contact with Z, or with Z's clothes, or with something carried by Z, or that it will strike water and dash up the water against Z's clothes or something carried by Z. Here, if the throwing of the stone produce the effect of causing any substance to come into contact with Z, or Z's clothes, A has used force to Z, and if he did so without Z's consent, intending thereby to injure, frighten or annoy Z, he has used criminal force to Z.
- (f) A intentionally pulls up a woman's veil. Here A intentionally uses force to her, and if he does so without her consent intending or knowing it to be likely that he may thereby injure, frighten or annoy her, he has used criminal force to her.
- (g) Z is bathing. A pours into the bath water which he knows to be boiling. Here A intentionally by his own bodily power causes such motion in the boiling water as brings that water into contact with Z, or with other water so situated that such contact must affect Z's sense of feeling; A has therefore intentionally used force to Z; and if he has done this without Z's consent intending or knowing it to be likely that he may thereby cause injury, fear or annoyance to Z, A has used criminal force.
- (h) A incites a dog to spring upon Z, without Z's consent. Here, if A intends to cause injury, fear or annoyance to Z, he uses criminal force to Z.

130. ASSAULT.¹⁹⁵

Whoever makes any gesture, or any preparation intending or knowing it to be likely that such gesture or preparation will cause any person present to apprehend that he who makes that gesture or preparation is about to use criminal force to that person, is said to commit an assault.

Explanation.—Mere words do not amount to an assault. But the words which a person uses may give to his gestures or preparation such a meaning as may make those gestures or preparations amount to an assault.

Illustrations

- (a) A shakes his fist at Z, intending or knowing it to be likely that he may thereby cause Z to believe that A is about to strike Z. A has committed an assault.
- (b) A begins to unloose the muzzle of a ferocious dog, intending or knowing it to be likely that he may thereby cause Z to believe that he is about to cause the dog to attack Z. A has committed an assault upon Z.

195 Section 351, IPC, 1860.

- (c) A takes up a stick, saying to Z, "I will give you a beating". Here, though the words used by A could in no case amount to an assault, and though the mere gesture, unaccompanied by any other circumstances, might not amount to an assault, the gesture explained by the words may amount to an assault.

131. PUNISHMENT FOR ASSAULT OR CRIMINAL FORCE OTHERWISE THAN ON GRAVE PROVOCATION.¹⁹⁶

Whoever assaults or uses criminal force to any person otherwise than on grave and sudden provocation given by that person, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine which may extend to **one thousand (five hundred)** rupees, or with both.

Explanation 1.—Grave and sudden provocation will not mitigate the punishment for an offence under this section,—

- (a) if the provocation is sought or voluntarily provoked by the offender as an excuse for the offence; or
- (b) if the provocation is given by anything done in obedience to the law, or by a public servant, in the lawful exercise of the powers of such public servant; or
- (c) if the provocation is given by anything done in the lawful exercise of the right of private defence.

Explanation 2.—Whether the provocation was grave and sudden enough to mitigate the offence, is a question of fact.

132. ASSAULT OR CRIMINAL FORCE TO DETER PUBLIC SERVANT FROM DISCHARGE OF HIS DUTY.¹⁹⁷

Whoever assaults or uses criminal force to any person being a public servant in the execution of his duty as such public servant, or with intent to prevent or deter that person from discharging his duty as such public servant, or in consequence of anything done or attempted to be done by such person in the lawful discharge of his duty as such public servant, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

133. ASSAULT OR CRIMINAL FORCE WITH INTENT TO DISHONOUR PERSON, OTHERWISE THAN ON GRAVE PROVOCATION.¹⁹⁸

Whoever assaults or uses criminal force to any person, intending thereby to dishonour that person, otherwise than on grave and sudden provocation given by that person, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

¹⁹⁶ Section 352, IPC, 1860.

¹⁹⁷ Section 353, IPC, 1860.

¹⁹⁸ Section 355, IPC, 1860.

134. ASSAULT OR CRIMINAL FORCE IN ATTEMPT TO COMMIT THEFT OF PROPERTY CARRIED BY A PERSON.¹⁹⁹

Whoever assaults or uses criminal force to any person, in attempting to commit theft on any property which that person is then wearing or carrying, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both

135. ASSAULT OR CRIMINAL FORCE IN ATTEMPT TO WRONGFULLY CONFINING A PERSON.²⁰⁰

Whoever assaults or uses criminal force to any person, in attempting wrongfully to confine that person, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine which may extend to **five (one)** thousand rupees, or with both.

136. ASSAULT OR CRIMINAL FORCE ON GRAVE PROVOCATION.²⁰¹

Whoever assaults or uses criminal force to any person on grave and sudden provocation given by that person, shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to **one thousand (two hundred)** rupees, or with both.

Explanation.—This section is subject to the same Explanation as section 131 [S. 352 IPC]

Of Kidnapping, Abduction, Slavery And Forced Labour

137. KIDNAPPING.

- (1) Kidnapping is of two kinds: kidnapping from India, and kidnapping from lawful guardianship²⁰²—
 - (a) [Kidnapping from India] whoever conveys any person beyond the limits of India without the consent of that person, or of some person legally authorised to consent on behalf of that person, is said to kidnap that person from India;²⁰³
 - (b) [Kidnapping from lawful guardianship] whoever takes or entices any child [minor under sixteen years of age if a male, or under eighteen years of age if a female] or any person of unsound mind, out of the keeping of the lawful guardian of such child or person of unsound mind, without the consent of such guardian, is said to kidnap such child (minor) or person from lawful guardianship.²⁰⁴

Explanation.—The words “lawful guardian” in this clause include any person lawfully entrusted with the care or custody of such child (minor) or other person.

Exception.—This clause does not extend to the act of any person who in good faith believes himself to be the father of an illegitimate child, or who in good faith believes himself to be entitled to the lawful custody of such child, unless such act is committed for an immoral or unlawful purpose.

199 Section 356, IPC, 1860.

200 Section 357, IPC, 1860.

201 Section 358, IPC, 1860.

202 Section 359, IPC, 1860.

203 Section 360, IPC, 1860.

204 Section 361, IPC, 1860.

(2) [Punishment for kidnapping] Whoever kidnaps any person from India or from lawful guardianship shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.²⁰⁵

138. ABDUCTION.²⁰⁶

Whoever by force compels, or by any deceitful means induces, any person to go from any place, is said to abduct that person.

Section 137 'Kidnapping' of BNS corresponds to Section 359, Section 360, Section 361, and Section 363 of IPC.

- The definition provided in IPC provided different age thresholds for boy and girl - '*any minor under sixteen years of age if a male, or under eighteen years of age if a female*'.
- The different ages prescribed for male and female child have been removed and the abovementioned phrase has been replaced with '*any child*' in section 137(1)(b) of BNS, thereby granting equal protection of law to **both girls and boys under the age of 18 years**.
- The Explanation to Section 137(1) also replaces the terminology of '*minor*' with '*child*'.

139. KIDNAPPING OR MAIMING A CHILD [MINOR] FOR PURPOSES OF BEGGING.²⁰⁷

- (1) Whoever kidnaps any **child [minor]** or, not being the lawful guardian of such **child, [minor]** obtains the custody of the **child, [minor]** in order that such **child [minor]** may be employed or used for the purposes of begging shall be punishable with **rigorous imprisonment [of either description]** for a term which **shall not be less than ten years but which may extend to imprisonment for life [may extend to ten years]**, and shall also be liable to fine.
- (2) Whoever maims any **child [minor]** in order that such **child [minor]** may be employed or used for the purposes of begging shall be punishable with **imprisonment which shall not be less than twenty years, but which may extend to life which shall mean imprisonment for the remainder of that person's natural life, and with fine. [imprisonment for life, and shall also be liable to fine]**
- (3) Where any person, not being the lawful guardian of a **child [minor]** employs or uses such **child [minor]** for the purposes of begging, it shall be presumed, unless the contrary is proved, that he kidnapped or otherwise obtained the custody of such **child [minor]** in order that such **child [minor]** might be employed or used for the purposes of begging.
- (4) In this section [(a)] "begging" means—
 - (i) soliciting or receiving alms in a public place, whether under the pretence of singing, dancing, fortune telling, performing tricks or selling articles or otherwise;

²⁰⁵ Section 363, IPC, 1860.

²⁰⁶ Section 362, IPC, 1860.

²⁰⁷ Section 363A, IPC, 1860. This BNS provision replaces the word '**minor**' with the word '**child**'.

- (ii) entering on any private premises for the purpose of soliciting or receiving alms;
- (iii) exposing or exhibiting, with the object of obtaining or extorting alms, any sore, wound, injury, deformity or disease, whether of himself or of any other person or of an animal;
- (iv) using such child [a minor] as an exhibit for the purpose of soliciting or receiving alms.

[(b) "minor" means—

- (i) in the case of a male, a person under sixteen years of age; and
- (ii) in the case of a female, a person under eighteen years of age]

140. KIDNAPPING OR ABDUCTING IN ORDER TO MURDER OR FOR RANSOM, etc.²⁰⁸

(1) Whoever kidnaps or abducts any person in order that such person may be murdered or may be so disposed of as to be put in danger of being murdered, shall be punished with imprisonment for life or rigorous imprisonment for a term which may extend to ten years, and shall also be liable to fine.

Illustrations

(a) A kidnaps Z from India, intending or knowing it to be likely that Z may be sacrificed to an idol. A has committed the offence defined in this section.

(b) A forcibly carries or entices B away from his home in order that B may be murdered. A has committed the offence defined in this section.

(2) [Kidnapping for ransom, etc.] Whoever kidnaps or abducts any person or keeps a person in detention after such kidnapping or abduction, and threatens to cause death or hurt to such person, or by his conduct gives rise to a reasonable apprehension that such person may be put to death or hurt, or causes hurt or death to such person in order to compel the Government or any foreign State or international inter-governmental organisation or any other person to do or abstain from doing any act or to pay a ransom, shall be punishable with death, or imprisonment for life, and shall also be liable to fine.²⁰⁹

(3) [Kidnapping or abducting with intent secretly and wrongfully to confine person.] Whoever kidnaps or abducts any person with intent to cause that person to be secretly and wrongfully confined, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.²¹⁰

(4) [Kidnapping or abducting in order to subject person to grievous hurt, slavery, etc] Whoever kidnaps or abducts any person in order that such person may be subjected, or may be so disposed of as to be put in danger of being subjected to grievous hurt, or slavery, or to the unnatural lust of any person, or knowing it to be likely that such person will be so subjected or disposed of, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.²¹¹

²⁰⁸ Section 364, IPC, 1860

²⁰⁹ Section 364A, IPC, 1860.

²¹⁰ Section 365, IPC, 1860.

²¹¹ Section 367, IPC, 1860

Consolidation of Related Offences

Section 364, Section 364A, Section 365 and Section 367 of IPC relate to Kidnapping and have been merged to form **Section 140 'Kidnapping or abducting in order to murder or for ransom, etc' of BNS**. Such consolidation of sections reduces redundancy and makes it easier to read and navigate through the provisions in BNS.

141. IMPORTATION OF GIRL OR BOY FROM FOREIGN COUNTRY.²¹²

Whoever imports into India from any country outside India [or from the State of Jammu and Kashmir] any girl under the age of twenty-one years or any boy under the age of eighteen years with intent that girl or boy [she] may be, or knowing it to be likely that girl or boy [she] will be, forced or seduced to illicit intercourse with another person, shall be punishable with imprisonment which may extend to ten years and shall also be liable to fine.

- In IPC the offences pertained only to 'any girl under the age of 21 years', thereby excluding male child from the ambit of its protection.
- In BNS, this definition has been revised and the phrase 'any boy under the age of eighteen years' has been inserted after 'any girl under the age of 21 years'.
- This inclusion brings gender neutrality for the victim and extends equal protection of law to both girls and boys.

142. WRONGFULLY CONCEALING OR KEEPING IN CONFINEMENT, KIDNAPPED OR ABDUCTED PERSON.²¹³

Whoever, knowing that any person has been kidnapped or has been abducted, wrongfully conceals or confines such person, shall be punished in the same manner as if he had kidnapped or abducted such person with the same intention or knowledge, or for the same purpose as that with or for which he conceals or detains such person in confinement.

143. TRAFFICKING OF PERSON.²¹⁴

(1) Whoever, for the purpose of exploitation [a] recruits, [b] transports, [c] harbours, [d] transfers, or [e] receives a person or persons, by—

- (a) [First] using threats; or
- (b) [Secondly] using force, or any other form of coercion; or
- (c) [Thirdly] by abduction; or
- (d) [Fourthly] by practising fraud, or deception; or
- (e) [Fifthly] by abuse of power; or

²¹² Section 366B, IPC, 1860.

²¹³ Section 368, IPC, 1860.

²¹⁴ Section 370, IPC, 1860.

(f) [Sixthly] by inducement, including the giving or receiving of payments or benefits, in order to achieve the consent of any person having control over the person recruited, transported, harboured, transferred or received, commits the offence of trafficking.

Explanation 1.—The expression “exploitation” shall include any act of physical exploitation or any form of sexual exploitation, slavery or practices similar to slavery, servitude, beggary or forced removal of organs.

Explanation 2.—The consent of the victim is immaterial in determination of the offence of trafficking.

(2) Whoever commits the offence of trafficking shall be punished with rigorous imprisonment for a term which shall not be less than seven years, but which may extend to ten years, and shall also be liable to fine.

(3) Where the offence involves the trafficking of more than one person, it shall be punishable with rigorous imprisonment for a term which shall not be less than ten years but which may extend to imprisonment for life, and shall also be liable to fine.

(4) Where the offence involves the trafficking of a child, [minor] it shall be punishable with rigorous imprisonment for a term which shall not be less than ten years, but which may extend to imprisonment for life, and shall also be liable to fine.

(5) Where the offence involves the trafficking of more than one child, [minor] it shall be punishable with rigorous imprisonment for a term which shall not be less than fourteen years, but which may extend to imprisonment for life, and shall also be liable to fine.

(6) If a person is convicted of the offence of trafficking of a child [minor] on more than one occasion, then such person shall be punished with imprisonment for life, which shall mean imprisonment for the remainder of that person’s natural life, and shall also be liable to fine.

(7) When a public servant or a police officer is involved in the trafficking of any person then, such public servant or police officer shall be punished with imprisonment for life, which shall mean imprisonment for the remainder of that person’s natural life, and shall also be liable to fine.

Section 143 ‘Trafficking of person’ in BNS corresponds to Section 370 of IPC.

- The word ‘**beggary**’ has been added to Explanation 1 to sub-section (1) of Section 143.
- The word ‘**minor**’ has been replaced with the term ‘**child**’ in sub-sections (4), (5) and (6) of Section 143.

144. EXPLOITATION OF A TRAFFICKED PERSON.²¹⁵

(1) Whoever, knowingly or having reason to believe that a child [minor] has been trafficked, engages such child [minor] for sexual exploitation in any manner,

²¹⁵ Section 370A, IPC, 1860.

shall be punished with rigorous imprisonment for a term which shall not be less than five years, but which may extend to **ten years (seven years)**, and shall also be liable to fine.

- (2) Whoever, knowingly or having reason to believe that a person has been trafficked, engages such person for sexual exploitation in any manner, shall be punished with rigorous imprisonment for a term which shall not be less than three years, but which may extend to **seven (five)** years, and shall also be liable to fine.

Section 144 'Exploitation of a trafficked person' of BNS corresponds to Section 370A of IPC.

The term '*minor*' has been replaced with the term '*child*' in the provision.

145. HABITUAL DEALING IN SLAVES.²¹⁶

Whoever habitually imports, exports, removes, buys, sells, traffics or deals in slaves, shall be punished with imprisonment for life, or with imprisonment of either description for a term not exceeding ten years, and shall also be liable to fine.

146. UNLAWFUL COMPULSORY LABOUR.²¹⁷

Whoever unlawfully compels any person to labour against the will of that person, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

The Bharatiya Nyaya Sanhita has consolidated many sections under the Chapter VI Of Offences Affecting The Human Body, into one single section. The list is as follows:-

IPC SECTIONS	BNS SECTIONS
321. Voluntarily causing hurt. 323. Punishment for voluntarily causing hurt.	115. Voluntarily causing hurt. 115(1) 115(2)
322. Voluntarily causing grievous hurt. 325. Punishment for voluntarily causing grievous hurt.	117. Voluntarily causing grievous hurt. 117(1) 117(2)
324. Voluntarily causing hurt by dangerous weapons or means. 326. Voluntarily causing grievous hurt.	118. Voluntarily causing hurt or grievous hurt by dangerous weapons or means. 118(1) 118(2)
327. Voluntarily causing hurt to extort property, or to constrain to an illegal act. 329. Voluntarily causing grievous hurt to extort property, or to constrain to an illegal act.	119. Voluntarily causing hurt or grievous hurt to extort property, or to constrain to an illegal act. 119(1) 119(2)

²¹⁶ Section 371, IPC, 1860.

²¹⁷ Section 374, IPC, 1860.

330. Voluntarily causing hurt to extort confession, or to compel restoration of property.	120. Voluntarily causing hurt or grievous hurt to extort confession, or to compel restoration of property.
331. Voluntarily causing grievous hurt to extort confession, or to compel restoration of property.	120(1) 120(2)
332. Voluntarily causing hurt to deter public servant from his duty.	121. Voluntarily causing hurt or grievous hurt to deter public servant from his duty.
333. Voluntarily causing grievous hurt to deter public servant from his duty.	121(1) 121(2)
334. Voluntarily causing hurt on provocation.	122. Voluntarily causing hurt or grievous hurt on provocation.
335. Voluntarily causing grievous hurt on provocation.	122(1) 122(2)
326A. Voluntarily causing grievous hurt by use of acid, etc.	124. Voluntarily causing grievous hurt by use of acid, etc.
326B. Voluntarily throwing or attempting to throw acid.	124(1) 124(2)
336. Act endangering life or personal safety of others.	125. Act endangering life or personal safety of others.
337. Causing hurt by act endangering life or personal safety of others.	125(a) 125(b)
338. Causing grievous hurt by act endangering life or personal safety of others.	
339. Wrongful restraint.	126. Wrongful restraint.
341. Punishment for wrongful restraint.	126(1) 126(2)
340. Wrongful confinement.	
342. Punishment for wrongful confinement.	127. Wrongful confinement.
343. Wrongful confinement for three or more days.	127(1) 127(2) 127(3) 127(4) 127(5) 127(6) 127(7)
344. Wrongful confinement for ten or more days.	
345. Wrongful confinement of person for whose liberation writ has been issued	
346. Wrongful confinement in secret.	
347. Wrongful confinement to extort property, or constrain to illegal act.	

348. Wrongful confinement to extort confession, or compel restoration of property	127(8)
359. Kidnapping	137. Kidnapping.
360. Kidnapping from India.	137(1)
361. Kidnapping from lawful guardianship.	137(1)(a) 137(1)(b) 137(2)
363. Punishment for kidnapping	137(2)
364. Kidnapping or abducting in order to murder.	140. Kidnapping or abducting in order to murder or for ransom etc.
364A. Kidnapping for ransom, etc.	140(1)
365. Kidnapping or abducting with intent secretly and wrongfully to confine person	140(2)
367. Kidnapping or abducting in order to subject person to grievous hurt, slavery, etc.	140(3) 140(4)

Punishments

Punishments for the following offences have been enhanced by either –

- Increasing the quantum of punishment,
- Introducing mandatory minimum punishment,
- Increasing the fine prescribed, or
- By mandating a fine.

IPC Punishment	BNS Punishment
Section 303 Punishment for murder by life-convict. Death	Section 104 punished with death or with imprisonment for life, which shall mean the remainder of that person's natural life
Section 304 Punishment for culpable homicide not amounting to murder. Imprisonment for life which may extend to 10 years and fine. Imprisonment which may extend to ten years, or with fine, or with both	Section 105 Imprisonment for life which shall not be less than 5 years but which may extend to 10 years and fine. Imprisonment which may extend to ten years and with fine.

IPC Punishment	BNS Punishment
Section 304A Causing death by negligence. Imprisonment which may extend to two years, or with fine, or with both	Section 106(1) Imprisonment which may extend to five years, and with fine such act by medical practitioner - Imprisonment which may extend to two years, and with fine
Section 307 Attempt to murder by a life convict. Death	Section 109(2) death or imprisonment for life, which shall mean the remainder of that person's natural life
Section 323 Punishment for voluntarily causing hurt. 1000 rupees	Section 115(2) or with fine which may extend to 10,000 rupees
Section 324 Voluntarily causing hurt by dangerous weapons or means. or with fine	Section 118(1) or with fine which may extend to 20,000 rupees
Section 326 Voluntarily causing grievous hurt by dangerous weapons or means. imprisonment for life or for a term which may extend to 10 years and fine	Section 118(2) imprisonment for life or a term which shall not be less than 1 year but which may extend to 10 years and fine
Section 332 Voluntarily causing hurt to deter public servant from his duty. which may extend to 3 years or with fine or both	Section 121(1) may extend to 5 years or with fine or both
Section 333 Voluntarily causing grievous hurt to deter public servant from his duty. for a term which may extend to 10 years and fine	Section 121(2) for a term which shall not be less than 1 year but which may extend to 10 years and fine
Section 334 Voluntarily causing hurt on provocation	Section 122(1) 500 rupees or with fine which may extend to 5000 rupees

IPC Punishment	BNS Punishment
Section 335 Voluntarily causing grievous hurt on provocation. may extend to 4 years or with fine which may extend to 2,000 rupees, or with both	Section 122(2) may extend to 5 years and fine which may extend to 10,000 rupees, or with both
Section 336 Act endangering life or personal safety of others. 250 rupees	Section 125 or with fine which may extend to 2,500 rupees
Section 337 Causing hurt by act endangering life or personal safety of others. 500 rupees	Section 125(a) or with fine which may extend to 5000 rupees
Section 338 Causing grievous hurt by act endangering life or personal safety of others. may extend to 2 years or with fine which may extend to 1,000 rupees, or with both	Section 125(b) may extend to 3 years or with fine which may extend to 10,000 rupees, or with both
Section 341 Punishment for wrongful restraint. 500 rupees	Section 126(2) or with fine which may extend to 5000 rupees
Section 342 Punishment for wrongful confinement. 1000 rupees	Section 127(2) or with fine which may extend to 5000 rupees
Section 343 Wrongful confinement for three or more days	Section 127(3) may extend to 3 years or with fine which may extend to ten thousand rupees, or with both
Section 344 Wrongful confinement for ten or more days. may extend to 3 years and fine	Section 127(4) may extend to 5 years and fine which shall not be less than 10,000 rupees
Section 345 Wrongful confinement of person for whose liberation writ has been issued. no fine	Section 127(5) and shall also be liable to fine

IPC Punishment	BNS Punishment
Section 346 Wrongful confinement in secret. may extend to 2 years	Section 127(6) may extend to 3 years and shall also be liable to fine
Section 352 Punishment for assault or criminal force otherwise than on grave provocation. 500 rupees	Section 131 or with fine which may extend to 1000 rupees
Section 357 Assault or criminal force in attempt wrongfully to confine a person. 1000 rupees	Section 135 or with fine which may extend to 5000 rupees
Section 358 Assault or criminal force on grave provocation. 200 rupees	Section 136 or with fine which may extend to 1000 rupees
Section 363A(1) Kidnapping or maiming a minor for purposes of begging. imprisonment of either description for a term which may extend to 10 years, and fine	Section 139(1) rigorous imprisonment for a term which shall not be less than 10 years but which may extend to imprisonment for life, and fine
Section 363A(2) imprisonment for life, and fine	Section 139(2) imprisonment not less than 20 years, but which may extend to life which shall mean imprisonment for the remainder of that person's natural life, and with fine
Section 370A(1) Exploitation of a trafficked person. imprisonment not be less than 5 years, but which may extend to 7 years, and fine	Section 144(1) imprisonment not less than 5 years, but which may extend to 10 years, and fine
Section 370A(2) imprisonment not less than 3 years, but which may extend to 5 years, and fine	Section 144(2) imprisonment not less than 3 years, but which may extend to 7 years, and fine

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CHAPTER XVI	CHAPTER VI
OF OFFENCES AFFECTING THE HUMAN BODY	OF OFFENCES AFFECTING THE HUMAN BODY
<i>Of Offences Affecting Life</i>	<i>Of Offences Affecting Life</i>
299. Culpable homicide	100. Culpable homicide
300. Murder	101. Murder
301. Culpable homicide by causing death of person other than person whose death was intended	102. Culpable homicide by causing death of person other than person whose death was intended
302. Punishment for murder	103. Punishment for murder
303. Punishment for murder by life-convict	104. Punishment for murder by life-convict
304. Punishment for culpable homicide not amounting to murder	105. Punishment for culpable homicide not amounting to murder
304A. Causing death by negligence	106. Causing death by negligence
304B. Dowry death	80. Dowry death
305. Abetment of suicide of child or insane person	107. Abetment of suicide of child or person of unsound mind
306. Abetment of suicide	108. Abetment of suicide
307. Attempt to murder	109. Attempt to murder
308. Attempt to commit culpable homicide	110. Attempt to commit culpable homicide
309. Attempt to commit suicide	Deleted
310. Thug	Deleted
311. Punishment	Deleted
New Section	111. Organised crime
New Section	112. Petty organised Crime
New Section	113. Terrorist act
<i>Of Hurt</i>	<i>Of Hurt</i>

319. Hurt	114. Hurt
320. Grievous hurt	116. Grievous hurt
321. Voluntarily causing hurt	115(1).
322. Voluntarily causing grievous hurt	117(1).
323. Punishment for voluntarily causing hurt	115(2).
324. Voluntarily causing hurt by dangerous weapons or means	118(1).
325. Punishment for voluntarily causing grievous hurt	117(2).
326. Voluntarily causing grievous hurt	118(2).
326A. Voluntarily causing grievous hurt by use of acid, etc.	124(1).
326B. Voluntarily throwing or attempting to throw acid	114(2).
327. Voluntarily causing hurt to extort property, or to constrain to an illegal act	119(1).
328. Causing hurt by means of poison, etc., with intent to commit an offence	123. Causing hurt by means of poison, etc., with intent to commit an offence
329. Voluntarily causing grievous hurt to extort property, or to constrain to an illegal act	119(2).
330. Voluntarily causing hurt to extort confession, or to compel restoration of property	120(1).
331. Voluntarily causing grievous hurt to extort confession, or to compel restoration of property	120(2).
332. Voluntarily causing hurt to deter public servant from his duty	121(1).
333. Voluntarily causing grievous hurt to deter public servant from his duty	121(2).
334. Voluntarily causing hurt on provocation	122(1).
335. Voluntarily causing grievous hurt on provocation	122(2).

336. Act endangering life or personal safety of others	125. Act endangering life or personal safety of others
337. Causing hurt by act endangering life or personal safety of others	125(a).
338. Causing grievous hurt by act endangering life or personal safety of others	125(b).
<i>Of Wrongful Restraint And Wrongful Confinement</i>	<i>Of Wrongful Restraint And Wrongful Confinement</i>
339. Wrongful restraint	126(1).
340. Wrongful confinement	127(1).
341. Punishment for wrongful restraint	126(2).
342. Punishment for wrongful confinement	127(2).
343. Wrongful confinement for three or more days	127(3).
344. Wrongful confinement for ten or more days	127(4).
345. Wrongful confinement of person for whose liberation writ has been issued	127(5).
346. Wrongful confinement in secret	127(6).
347. Wrongful confinement to extort property, or constrain to illegal act	127(7).
348. Wrongful confinement to extort confession, or compel restoration of property	127(8).
<i>Of Criminal Force And Assault</i>	<i>Of Criminal Force And Assault</i>
349. Force	128. Force
350. Criminal force	129. Criminal force
351. Assault	130. Assault
352. Punishment for assault or criminal force otherwise than on grave provocation	131. Punishment for assault or criminal force otherwise than on grave provocation
353. Assault or criminal force to deter public servant from discharge of his duty	132. Assault or criminal force to deter public servant from discharge of his duty
355. Assault or criminal force with intent to dishonour person, otherwise than on grave provocation	133. Assault or criminal force with intent to dishonour person, otherwise than on grave provocation

356. Assault or criminal force in attempt to commit theft of property carried by a person	134. Assault or criminal force in attempt to commit theft of property carried by a person
357. Assault or criminal force in attempt wrongfully to confine a person	135. Assault or criminal force in attempt wrongfully to confine a person
358. Assault or criminal force on grave provocation	136. Assault or criminal force on grave provocation
<i>Of Kidnapping, Abduction, Slavery And Forced Labour</i>	<i>Of Kidnapping, Abduction, Slavery And Forced Labour</i>
359. Kidnapping	137(1).
360. Kidnapping from India	137(1)(a).
361. Kidnapping from lawful guardianship	137(1)(b).
362. Abduction	138. Abduction
363. Punishment for kidnapping	137(2).
363A. Kidnapping or maiming a minor for purposes of begging	139. Kidnapping or maiming a child for purposes of begging
364. Kidnapping or abducting in order to murder	140(1).
364A. Kidnapping for ransom, etc.	140(2).
365. Kidnapping or abducting with intent secretly and wrongfully to confine person	140(3).
366B. Importation of girl from foreign country	141. Importation of girl or boy from foreign country
367. Kidnapping or abducting in order to subject person to grievous hurt, slavery, etc.	140(4).
368. Wrongfully concealing or keeping in confinement, kidnapped or abducted person	142. Wrongfully concealing or keeping in confinement, kidnapped or abducted person
370. Trafficking of person	143. Trafficking of person
370A. Exploitation of a trafficked person	144. Exploitation of a trafficked person
371. Habitual dealing in slaves	145. Habitual dealing in slaves
374. Unlawful compulsory labour	146. Unlawful compulsory labour

CHAPTERVII (CHAPTER VI)

OF OFFENCES AGAINST THE STATE

Introduction

1. Chapter VII – Of Offences Against the State of BNS corresponds to Chapter VI of the IPC.
2. Chapter VII extends from Section 147 to Section 158 of BNS.

Deleted Section

1. Section 124A Sedition has been deleted from BNS.

New Section

Section 152 'Act endangering sovereignty, unity and integrity of India' is a new offence introduced in BNS.

- This offence has been introduced to protect the State instead of the Government established by law.
- It penalizes an individual who:
 - Purposely or knowingly
- Using means such as:
 - 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,
 - armed rebellion,
 - subversive and separatist activities,
 - acts endangering sovereignty or unity and integrity of India.
- The offence is punishable with imprisonment of life or with imprisonment which may extend to seven years and shall also be liable to fine. Under IPC the imprisonment was up-to 3 years instead of 7 years and imposition of fine was not mandatory.

147. WAGING, OR ATTEMPTING TO WAGE WAR, OR ABETTING WAGING OF WAR, AGAINST GOVERNMENT OF INDIA.²¹⁸

Whoever wages war against the Government of India, or attempts to wage such war, or abets the waging of such war, shall be punished with death, or imprisonment for life and shall also be liable to fine.

218 Section 121, IPC, 1860.

Illustration

A joins an insurrection against the Government of India. A has committed the offence defined in this section.

148. CONSPIRACY TO COMMIT OFFENCES PUNISHABLE BY SECTION 147²¹⁹

Whoever within or without and beyond India conspires to commit any of the offences punishable by section 147 [121] or conspires to overawe, by means of criminal force or the show of criminal force, the Central Government or any State Government, shall be punished with imprisonment for life, or with imprisonment of either description which may extend to ten years, and shall also be liable to fine.

Explanation.—To constitute a conspiracy under this section, it is not necessary that any act or illegal omission shall take place in pursuance thereof.

149. COLLECTING ARMS, ETC., WITH INTENTION OF WAGING WAR AGAINST GOVERNMENT OF INDIA.²²⁰

Whoever collects men, arms or ammunition or otherwise prepares to wage war with the intention of either waging or being prepared to wage war against the Government of India, shall be punished with imprisonment for life or imprisonment of either description for a term not exceeding ten years, and shall also be liable to fine.

Section 148 ‘Conspiracy to commit offences punishable by section 147’ of BNS corresponds to Section 121A of IPC.

- The earlier phrasing of ‘Whoever within or without India’ *conspires to commit any of the offences punishable by section 121*’ has been replaced with ‘Whoever within or without and beyond India’ *conspires to commit any of the offences punishable by section 147*’.
- The addition of the word ‘beyond’ covers foreign territory, which the previous phrase ‘within or without India’ did not adequately encompass. This is because ‘without’ specifically refers to no man’s land, whereas ‘beyond’ expands the scope to include areas outside India.

150. CONCEALING WITH INTENT TO FACILITATE DESIGN TO WAGE WAR.²²¹

Whoever by any act, or by any illegal omission, conceals the existence of a design to wage war against the Government of India, intending by such concealment to facilitate, or knowing it to be likely that such concealment will facilitate, the waging of such war, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

²¹⁹ Section 121A, IPC, 1860.

²²⁰ Section 122, IPC, 1860.

²²¹ Section 123, IPC, 1860.

151. ASSAULTING PRESIDENT, GOVERNOR, ETC., WITH INTENT TO COMPEL OR RESTRAIN EXERCISE OF ANY LAWFUL POWER.²²²

Whoever, with the intention of inducing or compelling the President of India, or Governor of any State, to exercise or refrain from exercising in any manner any of the lawful powers of such President or Governor, assaults or wrongfully restrains, or attempts wrongfully to restrain, or overawes, by means of criminal force or the show of criminal force, or attempts so to overawe, such President or Governor, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

152. ACT ENDANGERING SOVEREIGNTY, UNITY AND INTEGRITY OF INDIA.²²³

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.

153. WAGING WAR AGAINST [ANY ASIATIC POWER IN ALLIANCE] GOVERNMENT OF ANY FOREIGN STATE AT PEACE WITH [THE] GOVERNMENT OF INDIA.²²⁴

Whoever wages war against the Government of any foreign State [any Asiatic power in alliance] at peace with the Government of India or attempts to wage such war, or abets the waging of such war, shall be punished with imprisonment for life, to which fine may be added, or with imprisonment of either description for a term which may extend to seven years, to which fine may be added, or with fine.

Section 153 'Waging war against Government of any foreign State at peace with Government of India' of BNS corresponds to Section 125 of IPC.

- The marginal heading of this section has been changed.
- The phrase 'Asiatic power in alliance' used in IPC has been replaced with 'State at peace with the Government of India'.

²²² Section 124, IPC, 1860

²²³ New Section added to BNS , Section 124A Sedition of IPC deleted.

²²⁴ Section 125, IPC, 1860.

154. COMMITTING DEPREDATION ON TERRITORIES OF FOREIGN STATE [POWER] AT PEACE WITH GOVERNMENT OF INDIA.²²⁵

Whoever commits depredation, or makes preparations to commit depredation, on the territories of any foreign State [any power in alliance or] at peace with the Government of India, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine and to forfeiture of any property used or intended to be used in committing such depredation, or acquired by such depredation.

Section 154 ‘Committing depredation on territories of foreign State at peace with Government of India’ of BNS corresponds to Section 126 of IPC.

- The term ‘power in alliance’ used in IPC has been replaced with ‘State at peace with the Government of India’ in BNS.

155. RECEIVING PROPERTY TAKEN BY WAR OR DEPREDATION MENTIONED IN SECTIONS 153 AND 154.²²⁶ [125 and 126 IPC]

Whoever receives any property knowing the same to have been taken in the commission of any of the offences mentioned in sections 153 and 154, [125 and 126 IPC] shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine and to forfeiture of the property so received.

156. PUBLIC SERVANT VOLUNTARILY ALLOWING PRISONER OF STATE OR WAR TO ESCAPE.²²⁷

Whoever, being a public servant and having the custody of any State prisoner or prisoner of war, voluntarily allows such prisoner to escape from any place in which such prisoner is confined, shall be punished with imprisonment for life, or imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

157. PUBLIC SERVANT NEGLIGENTLY SUFFERING SUCH PRISONER TO ESCAPE.²²⁸

Whoever, being a public servant and having the custody of any State prisoner or prisoner of war, negligently suffers such prisoner to escape from any place of confinement in which such prisoner is confined, shall be punished with simple imprisonment for a term which may extend to three years, and shall also be liable to fine.

158. AIDING ESCAPE OF, RESCUING OR HARBOURING SUCH PRISONER.²²⁹

Whoever knowingly aids or assists any State prisoner or prisoner of war in escaping from lawful custody, or rescues or attempts to rescue any such prisoner, or harbours

²²⁵ Section 126, IPC, 1860.

²²⁶ Section 127, IPC, 1860.

²²⁷ Section 128, IPC, 1860

²²⁸ Section 129, IPC, 1860.

²²⁹ Section 130, IPC, 1860

or conceals any such prisoner who has escaped from lawful custody, or offers or attempts to offer any resistance to the recapture of such prisoner, shall be punished with imprisonment for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Explanation.—A State prisoner or prisoner of war, who is permitted to be at large on his parole within certain limits in India, is said to escape from lawful custody if he goes beyond the limits within which he is allowed to be at large.

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OF OFFENCES AGAINST THE STATE	OF OFFENCES AGAINST THE STATE
121. Waging, or attempting to wage war, or abetting waging of war, against the Government of India.	147. Waging, or attempting to wage war, or abetting waging of war, against the Government of India.
121A. Conspiracy to commit offences punishable by section 121.	148. Conspiracy to commit offences punishable by section 147.
122. Collecting arms, etc., with intention of waging war against the Government of India.	149. Collecting arms, etc., with intention of waging war against the Government of India.
123. Concealing with intent to facilitate design to wage war.	150. Concealing with intent to facilitate design to wage war.
124. Assaulting President, Governor, etc., with intent to compel or restrain the exercise of any lawful power.	151. Assaulting President, Governor, etc., with intent to compel or restrain the exercise of any lawful power.
124A. Sedition.	Deleted.
New Section	152. Acts endangering sovereignty, unity and integrity of India.
125. Waging war against any Asiatic Power in alliance with the Government of India.	153. Waging war against Government of any foreign State at peace with the Government of India.
126. Committing depredation on territories of Power at peace with the Government of India.	154. Committing depredation on territories of foreign State at peace with the Government of India.
127. Receiving property taken by war or depredation mentioned in sections 125 and 126.	155. Receiving property taken by war or depredation mentioned in sections 153 and 154.
128. Public servant voluntarily allowing prisoner of state or war to escape.	156. Public servant voluntarily allowing prisoner of state or war to escape.
129. Public servant negligently suffering such prisoner to escape.	157. Public servant negligently suffering such prisoner to escape.
130. Aiding escape of, rescuing or harbouring such prisoner.	158. Aiding escape of, rescuing or harbouring such prisoner.

CHAPTERVIII (CHAPTER VII)

OF OFFENCES RELATING TO THE ARMY, NAVY AND AIR FORCE²³⁰

159. ABETTING MUTINY, OR ATTEMPTING TO SEDUCE A SOLDIER, SAILOR OR AIRMAN FROM HIS DUTY.²³¹

Whoever abets the committing of mutiny by an officer, soldier, sailor or airman, in the Army, Navy or Air Force of the Government of India or attempts to seduce any such officer, soldier, sailor or airman from his allegiance or his duty, shall be punished with imprisonment for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Explanation.—In this section the words “officer”, “soldier”, “sailor” and “airman” include any person subject to the Army Act, the Army Act, 1950 (46 of 1950), the Naval Discipline Act, the Indian Navy (Discipline) Act, 1934 (34 of 1934) the Air Force Act or the Air Force Act, 1950 (45 of 1950), as the case may be

Section 159 of BNS corresponds to Section 131 of IPC.

- The Explanation provided to Section 131 of IPC has been removed from BNS as it is no longer relevant.

160. ABETMENT OF MUTINY, IF MUTINY IS COMMITTED IN CONSEQUENCE THEREOF.²³²

Whoever abets the committing of mutiny by an officer, soldier, sailor or airman, in the Army, Navy or Air Force of the Government of India, shall, if mutiny be committed in consequence of that abetment, be punished with death or with imprisonment for life, or imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

161. ABETMENT OF ASSAULT BY SOLDIER, SAILOR OR AIRMAN ON HIS SUPERIOR OFFICER, WHEN IN EXECUTION OF HIS OFFICE.²³³

Whoever abets an assault by an officer, soldier, sailor or airman, in the Army, Navy or Air Force of the Government of India, on any superior officer being in the execution of his office, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

162. ABETMENT OF SUCH ASSAULT, IF ASSAULT COMMITTED.²³⁴

Whoever abets an assault by an officer, soldier, sailor or airman, in the Army, Navy or Air Force of the Government of India, on any superior officer being in the execution of his office, shall, if such assault be committed in consequence of that abetment be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

163. ABETMENT OF DESERTION OF SOLDIER, SAILOR OR AIRMAN.²³⁵

Whoever abets the desertion of any officer, soldier, sailor or airman, in the Army, Navy or Air Force of the Government of India, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

²³⁰ Chapter VIII corresponds to Chapter VII of the IPC. Chapter VIII extends from **Section 159 to Section 168** of BNS.

²³¹ Section 131, IPC, 1860.

²³² Section 132, IPC, 1860.

²³³ Section 133, IPC, 1860.

²³⁴ Section 134, IPC, 1860.

²³⁵ Section 135, IPC, 1860.

164. HARBOURING DESERTER.²³⁶

Whoever, except as hereinafter excepted, knowing or having reason to believe that an officer, soldier, sailor or airman, in the Army, Navy or Air Force of the Government of India, has deserted, harbours such officer, soldier, sailor or airman, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine or with both.

Exception.—This provision does not extend to the case in which the harbour is given by the spouse of the deserter [a wife to her husband]

Section 164 'Harbouring deserter' corresponds to Section 136 of IPC.

- In the Exception to this section, the terminology '*by a wife to her husband*' has been replaced with the phrase '*by the spouse of the deserter*'.
- This modification has been introduced to address the inclusion of women in the Armed Forces. It extends the protection for harbouring by a spouse to both the husband and wife.

165. DESERTER CONCEALED ON BOARD MERCHANT VESSEL THROUGH NEGLIGENCE OF MASTER.²³⁷

The master or person in charge of a merchant vessel, on board of which any deserter from the Army, Navy or Air Force of the Government of India is concealed, shall, though ignorant of such concealment, be liable to a penalty not exceeding **three thousand (five hundred) rupees**, if he might have known of such concealment but for some neglect of his duty as such master or person in charge, or but for some want of discipline on board of the vessel.

166. ABETMENT OF ACT OF INSUBORDINATION BY SOLDIER, SAILOR OR AIRMAN.²³⁸

Whoever abets what he knows to be an act of insubordination by an officer, soldier, sailor or airman, in the Army, Navy or Air Force, of the Government of India, shall, if such act of insubordination be committed in consequence of that abetment, be punished with imprisonment of either description for a term which may extend to **two years**, [six months] or with fine, or with both.

167. PERSONS SUBJECT TO CERTAIN ACTS.²³⁹

No person subject to the Air Force Act, 1950, the Army Act, 1950 and the Navy Act, 1957, Navy Disciplinary Act, 1934 or shall be subject to punishment under this **Sanhita [Code]** for any of the offences defined in this Chapter.

²³⁶ Section 136, IPC, 1860.

²³⁷ Section 137, IPC, 1860.

²³⁸ Section 138, IPC, 1860.

²³⁹ Section 139, IPC, 1860.

168. WEARING GARB OR CARRYING TOKEN USED BY SOLDIER, SAILOR OR AIRMAN.²⁴⁰

Whoever, not being a soldier, sailor or airman in the Army (military), Naval or Air service of the Government of India, wears any garb or carries any token resembling any garb or token used by such a soldier, sailor or airman with the intention that it may be believed that he is such a soldier, sailor or airman, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine which may extend to two thousand (five hundred) rupees, or with both.

Punishments

1. Punishments of the following offences have been enhanced by either –

- Enhancing the quantum of imprisonment
- Increasing the amount of fine prescribed

IPC Punishment	BNS Punishment
Section 137 Deserter concealed on board merchant vessel through negligence of master. 500 rupees	Section 165 Deserter concealed on board merchant vessel through negligence of master. 3000 rupees
Section 138 Wearing garb or carrying token used by soldier, sailor or airman. 6 months or with fine, or with both.	Section 166 Abetment of act of insubordination by soldier, sailor or airman. 2 years, or with fine, or with both.

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OF OFFENCES RELATING TO THE ARMY, NAVY AND AIR FORCE	OF OFFENCES RELATING TO THE ARMY, NAVY AND AIR FORCE
131. Abetting mutiny, or attempting to seduce a soldier, sailor or airman from his duty.	159. Abetting mutiny, or attempting to seduce a soldier, sailor or airman from his duty.
132. Abetment of mutiny, if mutiny is committed in consequence thereof.	160. Abetment of mutiny, if mutiny is committed in consequence thereof.
133. Abetment of assault by soldier, sailor or airman on his superior officer, when in execution of his office.	161. Abetment of assault by soldier, sailor or airman on his superior officer, when in execution of his office.

²⁴⁰Section 140, IPC, 1860.

134. Abetment of such assault, if the assault committed.	162. Abetment of such assault, if the assault committed.
135. Abetment of desertion of soldier, sailor or airman.	163. Abetment of desertion of soldier, sailor or airman.
136. Harbouuring deserter.	164. Harbouuring deserter.
137. Deserter concealed on board merchant vessel through negligence of master.	165. Deserter concealed on board merchant vessel through negligence of master.
138. Abetment of act of insubordination by soldier, sailor or airman.	166. Abetment of act of insubordination by soldier, sailor or airman.
138A. Repealed.	Repealed.
139. Persons subject to certain Acts.	167. Persons subject to certain Acts.
140. Wearing garb or carrying token used by soldier, sailor or airman.	168. Wearing garb or carrying token used by soldier, sailor or airman

CHAPTER IX (CHAPTER IXA)

OF OFFENCES RELATING TO ELECTIONS²⁴¹

169. CANDIDATE, ELECTORAL RIGHT DEFINED.²⁴²

For the purposes of this Chapter—

- (a) “candidate” means a person who has been nominated as a candidate at any election;
- (b) “electoral right” means the right of a person to stand, or not to stand as, or to withdraw from being, a candidate or to vote or refrain from voting at an election.

170. BRIBERY.²⁴³

(1) Whoever—

- (i) gives a gratification to any person with the object of inducing him or any other person to exercise any electoral right or of rewarding any person for having exercised any such right; or
- (ii) accepts either for himself or for any other person any gratification as a reward for exercising any such right or for inducing or attempting to induce any other person to exercise any such right, commits the offence of bribery:

Provided that a declaration of public policy or a promise of public action shall not be an offence under this section.

(2) A person who offers, or agrees to give, or offers or attempts to procure, a gratification shall be deemed to give a gratification.

(3) A person who obtains or agrees to accept or attempts to obtain a gratification shall be deemed to accept a gratification, and a person who accepts a gratification as a motive for doing what he

does not intend to do, or as a reward for doing what he has not done, shall be deemed to have accepted the gratification as a reward.

171. UNDUE INFLUENCE AT ELECTIONS.²⁴⁴

(1) Whoever voluntarily interferes or attempts to interfere with the free exercise of any electoral right commits the offence of undue influence at an election.

²⁴¹ Chapter IX – Of Offences Relating to Elections of BNS corresponds to Chapter IXA of IPC. Chapter IX extends from Section 169 to Section 177 of BNS.

²⁴² Section 171A, IPC, 1860.

²⁴³ Section 171B, IPC, 1860.

²⁴⁴ Section 171C, IPC, 1860.

(2) Without prejudice to the generality of the provisions of sub-section (1), whoever—

- (a) threatens any candidate or voter, or any person in whom a candidate or voter is interested, with injury of any kind; or
- (b) induces or attempts to induce a candidate or voter to believe that he or any person in whom he is interested will become or will be rendered an object of Divine displeasure or of spiritual censure, shall be deemed to interfere with the free exercise of the electoral right of such candidate or voter, within the meaning of sub-section (1).

(3) A declaration of public policy or a promise of public action or the mere exercise or a legal right without intent to interfere with an electoral right, shall not be deemed to be interference within the meaning of this section.

172. PERSONATION AT ELECTIONS.²⁴⁵

Whoever at an election applies for a voting paper on votes in the name of any other person, whether living or dead, or in a fictitious name, or who having voted once at such election applies at the same election for a voting paper in his own name, and whoever abets, procures or attempts to procure the voting by any person in any such way, commits the offence of personation at an election:

Provided that nothing in this section shall apply to a person who has been authorised to vote as proxy for an elector under any law for the time being in force in so far as he votes as a proxy for such elector.

173. PUNISHMENT FOR BRIBERY.²⁴⁶

Whoever commits the offence of bribery shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both:

Provided that bribery by treating shall be punished with fine only.

Explanation.—“Treating” means that form of bribery where the gratification consists in food, drink, entertainment, or provision.

174. PUNISHMENT FOR UNDUE INFLUENCE OR PERSONATION AT AN ELECTION.²⁴⁷

Whoever commits the offence of undue influence or personation at an election shall be punished with imprisonment of either description for a term which may extend to one year or with fine, or with both.

175. FALSE STATEMENT IN CONNECTION WITH AN ELECTION.²⁴⁸

Whoever with intent to affect the result of an election makes or publishes any statement purporting to be a statement of fact which is false and which he either knows or believes to be false or does not believe to be true, in relation to the personal character or conduct of any candidate shall be punished with fine.

²⁴⁵ Section 171D, IPC, 1860.

²⁴⁶ Section 171E, IPC, 1860.

²⁴⁷ Section 171F, IPC, 1860.

²⁴⁸ Section 171G, IPC, 1860.

176. ILLEGAL PAYMENTS IN CONNECTION WITH AN ELECTION.²⁴⁹

Whoever without the general or special authority in writing of a candidate incurs or authorises expenses on account of the holding of any public meeting, or upon any advertisement, circular or publication, or in any other way whatsoever for the purpose of promoting or procuring the election of such candidate, shall be punished with fine which may extend to **ten thousand (five hundred) rupees**:

Provided that if any person having incurred any such expenses not exceeding the amount of ten rupees without authority obtains within ten days from the date on which such expenses were incurred the approval in writing of the candidate, he shall be deemed to have incurred such expenses with the authority of the candidate.

177. FAILURE TO KEEP ELECTION ACCOUNTS.²⁵⁰

Whoever being required by any law for the time being in force or any rule having the force of law to keep accounts of expenses incurred at or in connection with an election fails to keep such accounts shall be punished with fine which may extend to **five thousand (five hundred) rupees**.

Punishment

Fines have been increased for the following offence –

IPC Punishment	BNS Punishment
Section 171H Illegal payments in connection with an election. 500 rupees	Section 176 Illegal payments in connection with an election. 10,000 rupees
Section 171I Failure to keep election accounts. 500 rupees	Section 177 Failure to keep election accounts. 5,000 rupees

249 Section 171H, IPC, 1860

250 Section 171I, IPC, 1860.

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CHAPTER IXA	CHAPTER IX
OF OFFENCES RELATING TO ELECTIONS	OF OFFENCES RELATING TO ELECTIONS
171A. "Candidate", "Electoral right" defined.	169. Candidate, electoral right defined.
171B. Bribery.	170. Bribery.
171C. Undue influence at elections.	171. Undue influence at elections.
171D. Personation at elections.	172. Personation at elections.
171E. Punishment for bribery.	173. Punishment for bribery.
171F. Punishment for undue influence or personation at an election.	174. Punishment for undue influence or personation at an election.
171G. False statement in connection with an election.	175. False statement in connection with an election.
171H. Illegal payments in connection with an election.	176. Illegal payments in connection with an election.
171-I. Failure to keep election accounts.	177. Failure to keep election accounts.

CHAPTER X (CHAPTER XII, XVIII)²⁵¹

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

178. COUNTERFEITING COIN, GOVERNMENT STAMPS, CURRENCY-NOTES OR BANK-NOTES.²⁵²

Whoever counterfeits, or knowingly performs any part of the process of counterfeiting, any coin, stamp issued by Government for the purpose of revenue, currency-note or bank-note, shall be punished with imprisonment for life, or with imprisonment of either description for a term which may extend to ten [seven] years, and shall also be liable to fine.

Explanation.—For the purposes of this Chapter,—

1. the expression “bank-note” means a promissory note or engagement for the payment of money to bearer on demand issued by any person carrying on the business of banking in any part of the world, or issued by or under the authority of any State or Sovereign Power, and intended to be used as equivalent to, or as a substitute for money;²⁵³
2. “coin” shall have the same meaning as assigned to it in section 2 of the Coinage Act, 2011 and includes [is] metal used for the time being as money and is stamped and issued by or under the authority of any State or Sovereign Power intended to be so used;²⁵⁴
3. a person commits [this] the offence of “counterfeiting Government stamp” who counterfeits by causing a genuine stamp of one denomination to appear like a genuine stamp of a different denomination;²⁵⁵
4. a person commits [this] the offence of counterfeiting coin who intending to practise deception, or knowing it to be likely that deception will thereby be practised, causes a genuine coin to appear like a different coin; and²⁵⁶

²⁵¹ Chapter X of BNS consolidates provisions from Chapter XII ‘Of Offences Relating to Coin and Government Stamps’ and Chapter XVIII ‘Of Offences Relating to Documents and to Property Marks’ of IPC. Chapter X extends from Section 178 to Section 188 of BNS. Section 236 ‘Abetting in India the counterfeiting out of India of coin’ has been deleted as it is covered under the newly inserted Section 48 ‘Abetment outside India for offence in India’ in BNS.

²⁵² Section 178 of BNS merges Sections 230, 231, 232, 246, 247, 248, 249, 255 and 489A of IPC. Reference to INDIAN COIN removed.

²⁵³ Explanation to Section 489A, IPC, 1860.

²⁵⁴ Section 230, IPC, 1860.

²⁵⁵ Explanation to Section 255, IPC, 1860.

²⁵⁶ Explanation to Section 231, IPC, 1860.

5. the offence of “counterfeiting coin” includes diminishing the weight or alteration of the composition, or alteration of the appearance of the coin.²⁵⁷

179. USING AS GENUINE, FORGED OR COUNTERFEIT COIN, GOVERNMENT STAMP, CURRENCY-NOTES OR BANK-NOTES.²⁵⁸

Whoever imports or exports, or sells or delivers to, or buys or receives from, any other person, or otherwise traffics or uses as genuine, any forged or counterfeit coin, stamp, currency-note or bank-note, knowing or having reason to believe the same to be forged or counterfeit, shall be punished with imprisonment for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

180. POSSESSION OF FORGED OR COUNTERFEIT COIN, GOVERNMENT STAMP, CURRENCY-NOTES OR BANK-NOTES.²⁵⁹

Whoever has in his possession any forged or counterfeit coin, stamp, currency-note or bank-note, knowing or having reason to believe the same to be forged or counterfeit and intending to use the same as genuine or that it may be used as genuine, shall be punished with imprisonment of either description for a term which may extend to seven years, [S. 242/ S. 252-(three years) & S. 253-(five years)] or with fine, or with both.

Explanation.— If a person establishes the possession of the forged or counterfeit coin, stamp, currency-note or bank-note to be from a lawful source, it shall not constitute an offence under this section.

The newly added explanation to Section 180 of BNS protects the innocent possession or use of forged or counterfeit coin, stamp, currency-note or bank-note.

181. MAKING OR POSSESSING INSTRUMENTS OR MATERIALS FOR FORGING OR COUNTERFEITING COIN, GOVERNMENT STAMP, CURRENCY-NOTES OR BANK-NOTES.²⁶⁰

Whoever makes or mends, or performs any part of the process of making or mending, or buys or sells or disposes of, or has in his possession, any machinery, die, or instrument or material for the purpose of being used, or knowing or having reason to believe that it is intended to be used, for forging or counterfeiting any coin, stamp issued by Government for the purpose of revenue, currency-note or bank-note, shall be punished with imprisonment for life, or with imprisonment of either description for a term which may extend to ten years, [S. 233-(three years), S. 234-(seven years), S. 256/ S. 257-(seven year)] and shall also be liable to fine.

257 Sections 246,247,248 and 249, IPC, 1860.

258 Section 179, BNS, merges Sections 237,238,239,240,241,250,251, 254, 258, 260 and 489B of IPC, 1860.

259 Section 180, BNS merges Sections 242, 243, 252, 253, 259 and 489C of IPC,1860.

260 Section 181, BNS merges Sections 233,234, 235, 256,257 and 489D of IPC, 1860.

182. MAKING OR USING DOCUMENTS RESEMBLING CURRENCY-NOTES OR BANK-NOTES.²⁶¹

(1) Whoever makes, or causes to be made, or uses for any purpose whatsoever, or delivers to any person, any document purporting to be, or in any way resembling, or so nearly resembling as to be calculated to deceive, any currency-note or bank-note shall be punished with fine which may extend to **three hundred (one hundred)** rupees.

(2) If any person, whose name appears on a document the making of which is an offence under sub-section (1), refuses, without lawful excuse, to disclose to a police officer on being so required the name and address of the person by whom it was printed or otherwise made, he shall be punished with fine which may extend to **six hundred (two hundred) rupees.**

(3) Where the name of any person appears on any document in respect of which any person is charged with an offence under sub-section (1) or on any other document used or distributed in connection with that document it may, until the contrary is proved, be presumed that the person caused the document to be made.

183. EFFACING WRITING FROM SUBSTANCE BEARING GOVERNMENT STAMP, OR REMOVING FROM DOCUMENT A STAMP USED FOR IT, WITH INTENT TO CAUSE LOSS TO GOVERNMENT.²⁶²

Whoever, fraudulently or with intent to cause loss to the Government, removes or effaces from any substance, bearing any stamp issued by Government for the purpose of revenue, any writing or document for which such stamp has been used, or removes from any writing or document a stamp which has been used for such writing or document, in order that such stamp may be used for a different writing or document, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

184. USING GOVERNMENT STAMP KNOWN TO HAVE BEEN BEFORE USED.²⁶³

Whoever, fraudulently or with intent to cause loss to the Government, uses for any purpose a stamp issued by Government for the purpose of revenue, which he knows to have been before used, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

185. ERASURE OF MARK DENOTING THAT STAMP HAS BEEN USED.²⁶⁴

Whoever, fraudulently or with intent to cause loss to Government, erases or removes from a stamp issued by Government for the purpose of revenue, any mark, put or impressed upon such stamp for the purpose of denoting that the same has been used, or knowingly has in his possession or sells or disposes of any such stamp from which

²⁶¹ Section 489E, IPC, 1860

²⁶² Section 261, IPC, 1860.

²⁶³ Section 262, IPC, 1860.

²⁶⁴ Section 263, IPC, 1860.

such mark has been erased or removed, or sells or disposes of any such stamp which he knows to have been used, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

186. PROHIBITION OF FICTITIOUS STAMPS.²⁶⁵

(1) Whoever—

(a) makes, knowingly utters, deals in or sells any fictitious stamp, or knowingly uses for any postal purpose any fictitious stamp; or

(b) has in his possession, without lawful excuse, any fictitious stamp; or

(c) makes or, without lawful excuse, has in his possession any die, plate, instrument or materials for making any fictitious stamp, shall be punished with fine which may extend to two hundred rupees.

(2) Any such stamp, die, plate, instrument or materials in the possession of any person for making any fictitious stamp may be seized and, if seized shall be forfeited.

(3) In this section “fictitious stamp” means any stamp falsely purporting to be issued by Government for the purpose of denoting a rate of postage, or any facsimile or imitation or representation, whether on paper or otherwise, of any stamp issued by Government for that purpose.

(4) In this section and also in sections 178 to 181 [S. 255 to 263] (both inclusive), and sections 183 to 185 (both inclusive) the word “Government”, when used in connection with, or in reference to any stamp issued for the purpose of denoting a rate of postage, shall, notwithstanding anything in clause (12) of section 2, [S.17] be deemed to include the person or persons authorised by law to administer executive Government in any part of India (and also in any part of Her Majesty's dominions or in) or in any foreign country.²⁶⁶

187. PERSON EMPLOYED IN MINT CAUSING COIN TO BE OF DIFFERENT WEIGHT OR COMPOSITION FROM THAT FIXED BY LAW.²⁶⁷

Whoever, being employed in any mint lawfully established in India, does any act, or omits what he is legally bound to do, with the intention of causing any coin issued from that mint to be of a different weight or composition from the weight or composition fixed by law, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

188. UNLAWFULLY TAKING COINING INSTRUMENT FROM MINT.²⁶⁸

Whoever, without lawful authority, takes out of any mint, lawfully established in India, any coining tool or instrument, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

²⁶⁵ Section 263A, IPC,1860.

²⁶⁶ The phrase ‘Her majesty's dominions’ has been removed from in between the phrases in any part of India and or in any foreign country.

²⁶⁷ Section 244, IPC,1860.

²⁶⁸ Section 245, IPC,1860.

Provisions related to import, export, delivery, possession sale and use of counterfeit coin, Government stamp, currency-notes or bank-notes have been consolidated under one section.

PUNISHMENTS

Fines for the following offences have been enhanced –

IPC Punishment	BNS Punishment
Section 489E (1) Making or using documents resembling currency-notes or bank-notes. 100 rupees	Section 182(1) 300 rupees
Section 489E (2) Making or using documents resembling currency-notes or bank-notes. 200 rupees	Section 182(2) 600 rupees

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CHAPTER XII	CHAPTER X
OF OFFENCES RELATING TO COIN AND GOVERNMENT STAMPS	OF OFFENCES RELATING TO COIN, CURRENCY NOTES, BANK NOTES, AND GOVERNMENT STAMPS
230. "Coin" defined.	178. Counterfeiting coin, government stamps, currency-notes or bank-notes.
231. Counterfeiting coin.	178.
232. Counterfeiting Indian coin.	178.
233. Making or selling instrument for counterfeiting coin.	181. Making or possessing instruments or materials for forging or counterfeiting coin, Government stamp, currency notes or bank-notes.
234. Making or selling instrument for counterfeiting Indian coin.	181.
235. Possession of instrument or material for the purpose of using the same for counterfeiting coin.	181.
236. Abetting in India the counterfeiting out of India of coin.	Deleted.
237. Import or export of counterfeit coin.	179. Using as genuine, forged or counterfeit coin, Government stamp, currency-notes or bank notes.
238. Import or export of counterfeits of the Indian coin.	179.

239. Delivery of coin, possessed with knowledge that it is counterfeit.	179.
240. Delivery of Indian coin, possessed with knowledge that it is counterfeit.	179.
241. Delivery of coin as genuine, which, when first possessed, the deliverer did not know to be counterfeit.	179.
242. Possession of counterfeit coin by person who knew it to be counterfeit when he became possessed thereof.	180. Possession of forged or counterfeit coin, Government stamp, currency-notes or bank-notes.
243. Possession of Indian coin by person who knew it to be counterfeit when he became possessed thereof.	180.
244. Person employed in mint causing coin to be of different weight or composition from that fixed by law.	187. Person employed in mint causing coin to be of different weight or composition from that fixed by law.
245. Unlawfully taking coining instrument from mint.	188. Unlawfully taking coining instrument from mint.
246. Fraudulently or dishonestly diminishing weight or altering composition of coin.	178(4).
247. Fraudulently or dishonestly diminishing weight or altering composition of Indian coin.	178(5).
248. Altering appearance of coin with intent that it shall pass as coin of different description.	178(4).
249. Altering appearance of Indian coin with intent that it shall pass as coin of different description.	178(4).
250. Delivery of coin, possessed with knowledge that it is altered.	179.
251. Delivery of Indian coin, possessed with knowledge that it is altered.	179.
252. Possession of coin by person who knew it to be altered when he became possessed thereof.	180.
253. Possession of Indian coin by person who knew it to be altered when he became possessed thereof.	180.
254. Delivery of coin as genuine which, when first possessed, the deliverer did not know to be altered.	179.

255. Counterfeiting Government stamp.	178.
256. Having possession of instrument or material for counterfeiting Government stamp.	181.
257. Making or selling instrument for counterfeiting Government stamp.	181.
258. Sale of counterfeit Government stamp.	179.
259. Having possession of counterfeit Government stamp.	180.
260. Using as genuine a Government stamp known to be counterfeit.	179.
261. Effacing writing from substance bearing Government stamp, or removing from document a stamp used for it, with intent to cause loss to Government.	183. Effacing writing from substance bearing Government stamp, or removing from document a stamp used for it, with intent to cause loss to Government.
262. Using Government stamp known to have been before used.	184. Using Government stamp known to have been before used.
263. Erasure of mark denoting that stamp has been used	185. Erasure of mark denoting that stamp has been used.
263A. Prohibition of fictitious stamps.	186. Prohibition of fictitious stamps.
CHAPTER XVIII	
OF OFFENCES RELATING TO DOCUMENTS AND TO PROPERTY MARKS	
<i>Of currency-notes and bank-notes</i>	
489A. Counterfeiting currency-notes or bank-notes.	178.
489B. Using as genuine, forged or counterfeit currency-notes or bank-notes.	179.
489C. Possession of forged or counterfeit currency-notes or bank-notes.	180.
489D. Making or possessing instruments or materials for forging or counterfeiting currency notes or bank-notes.	181.
489E. Making or using documents resembling currency-notes or bank-notes.	182. Making or using documents resembling currency-notes or bank-notes.

CHAPTER XI (CHAPTER VIII)

OF OFFENCES AGAINST THE PUBLIC TRANQUILLITY

Introduction

1. Chapter XI - Of Offences Against the Public Tranquillity of BNS corresponds to Chapter VIII of IPC.
2. Chapter XI extends from Section 189 to Section 197 of BNS.

Deletion

Section 153AA ‘Punishment for knowingly carrying arms in any procession or organising, or holding or taking part in any mass drill or mass training with arms’ has been deleted from BNS.

- Section 153AA of the IPC was an offence only if it was committed in violation of any public notice or order issued under Section 144A of the CrPC.
- Both Section 153AA of the IPC and Section 144A of the CrPC were introduced through the Code of Criminal Procedure (Amendment) Act, 2005.
- Section 144A of CrPC was never notified for implementation, therefore, Section 153AA of IPC was never implemented. Hence, both these sections have been removed from BNS and BNSS respectively.

189. UNLAWFUL ASSEMBLY.

- (1) An assembly of five or more persons is designated an “unlawful assembly”, if the common

object of the persons composing that assembly is—²⁶⁹

- (a) [First] to overawe by criminal force, or show of criminal force, the Central Government or any State Government or Parliament or the Legislature of any State, or any public servant in the exercise of the lawful power of such public servant; or
- (b) [Second] to resist the execution of any law, or of any legal process; or
- (c) [Third] to commit any mischief or criminal trespass, or other offence; or
- (d) [Fourth] by means of criminal force, or show of criminal force, to any person, to take or obtain possession of any property, or to deprive any person of the enjoyment of a right of way, or of the use of water or other incorporeal right of which he is in possession or enjoyment, or to enforce any right or supposed right; or
- (e) [Sixth] by means of criminal force, or show of criminal force, to compel any person to do what he is not legally bound to do, or to omit to do what he is legally entitled to do.

²⁶⁹Section 141, IPC, 1860.

Explanation.—An assembly which was not unlawful when it assembled, may subsequently become an unlawful assembly.

- (2) [142- Being member of unlawful assembly] [143- Punishment] Whoever, being aware of facts which render any assembly an unlawful assembly, intentionally joins that assembly, or continues in it, is said to be a member of an unlawful assembly **and such [whoever is a] member [of an unlawful assembly]** shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.²⁷⁰
- (3) [Joining or continuing in unlawful assembly, knowing it has been commanded to disperse] Whoever joins or continues in an unlawful assembly, knowing that such unlawful assembly has been commanded in the manner prescribed by law to disperse, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.²⁷¹
- (4) [Joining unlawful assembly armed with deadly weapon] Whoever, being armed with any deadly weapon, or with anything which, used as a weapon of offence, is likely to cause death, is a member of an unlawful assembly, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.²⁷²
- (5) [Knowingly joining or continuing in assembly of five or more persons after it has been commanded to disperse] Whoever knowingly joins or continues in any assembly of five or more persons likely to cause a disturbance of the public peace, after such assembly has been lawfully commanded to disperse, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.²⁷³

Explanation.—If the assembly is an unlawful assembly within the meaning of sub-section (1) [S. 141], the offender shall be punishable under sub-section (3). [S. 145]

- (6) [Hiring, or conniving at hiring, of persons to join unlawful assembly] Whoever hires or engages, or employs, or promotes, or connives at the hiring, engagement or employment of any person to join or become a member of any unlawful assembly, shall be punishable as a member of such unlawful assembly, and for any offence which may be committed by any such person as a member of such unlawful assembly in pursuance of such hiring, engagement or employment, in the same manner as if he had been a member of such unlawful assembly, or himself had committed such offence.²⁷⁴
- (7) [Harbouring persons hired for an unlawful assembly] Whoever harbours, receives or assembles, in any house or premises in his occupation or charge, or under his control any persons knowing that such persons have been hired, engaged or employed, or are about to be hired, engaged or employed, to join or become members of an unlawful assembly, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.²⁷⁵

²⁷⁰ Sections 142 and 143, IPC, 1860.

²⁷¹ Section 145, IPC, 1860.

²⁷² Section 144, IPC, 1860.

²⁷³ Section 151, IPC, 1860.

²⁷⁴ Section 150, IPC, 1860.

²⁷⁵ Section 157, IPC, 1860.

- (8) [Being hired to take part in an unlawful assembly or riot] Whoever is engaged, or hired, or offers or attempts to be hired or engaged, to do or assist in doing any of the acts specified in sub-section (1) [S. 141], shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.²⁷⁶
- (9) [or to go armed] [and] Whoever, being so engaged or hired as referred to in sub-section (8) [aforesaid], goes armed, or engages or offers to go armed, with any deadly weapon or with anything which used as a weapon of offence is likely to cause death, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.²⁷⁷

190. EVERY MEMBER OF UNLAWFUL ASSEMBLY GUILTY OF OFFENCE COMMITTED IN PROSECUTION OF COMMON OBJECT.²⁷⁸

If an offence is committed by any member of an unlawful assembly in prosecution of the common object of that assembly, or such as the members of that assembly knew to be likely to be committed in prosecution of that object, every person who, at the time of the committing of that offence, is a member of the same assembly, is guilty of that offence.

191. RIOTING

- (1) Whenever force or violence is used by an unlawful assembly, or by any member thereof, in prosecution of the common object of such assembly, every member of such assembly is guilty of the offence of rioting.²⁷⁹
- (2) [Punishment for rioting] Whoever is guilty of rioting, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.²⁸⁰
- (3) [Rioting armed with deadly weapon] Whoever is guilty of rioting, being armed with a deadly weapon or with anything which, used as a weapon of offence, is likely to cause death, shall be punished with imprisonment of either description for a term which may extend to five years (three years), or with fine, or with both.²⁸¹

192. WANTONLY GIVING PROVOCATION WITH INTENT TO CAUSE RIOT- IF RIOTING BE COMMITTED; IF NOT COMMITTED.

Whoever malignantly, or wantonly by doing anything which is illegal, gives provocation to any person intending or knowing it to be likely that such provocation will cause the offence of rioting to be committed, shall, if the offence of rioting be committed in consequence of such provocation, be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both; and if the offence of rioting be not committed, with imprisonment of either description for a term which may extend to six months, or with fine, or with both.²⁸²

²⁷⁶ Section 158, IPC, 1860.

²⁷⁷ Section 158, IPC, 1860.

²⁷⁸ Section 149, IPC, 1860.

²⁷⁹ Section 146, IPC, 1860.

²⁸⁰ Section 147, IPC, 1860.

²⁸¹ Section 148, IPC, 1860.

²⁸² Section 153, IPC, 1860.

193. LIABILITY OF OWNER, [OR] OCCUPIER, ETC., OF LAND ON WHICH AN UNLAWFUL ASSEMBLY [IS HELD] OR RIOT TAKES PLACE.

- (1) Whenever any unlawful assembly or riot takes place, the owner or occupier of the land upon which such unlawful assembly is held, or such riot is committed, and any person having or claiming an interest in such land, shall be punishable with fine not exceeding one thousand rupees, if he or his agent or manager, knowing that such offence is being or has been committed, or having reason to believe it is likely to be committed, do not give the earliest notice thereof in his or their power to the officer in charge at the nearest police station, and do not, in the case of his or their having reason to believe that it was about to be committed, use all lawful means in his or their power to prevent it and, in the event of its taking place, do not use all lawful means in his or their power to disperse or suppress the riot or unlawful assembly.²⁸³
- (2) **[Liability of person for whose benefit riot is committed]** Whenever a riot is committed for the benefit or on behalf of any person who is the owner or occupier of any land respecting which such riot takes place or who claims any interest in such land, or in the subject of any dispute which gave rise to the riot, or who has accepted or derived any benefit therefrom, such person shall be punishable with fine, if he or his agent or manager, having reason to believe that such riot was likely to be committed or that the unlawful assembly by which such riot was committed was likely to be held, shall not respectively use all lawful means in his or their power to prevent such assembly or riot from taking place, and for suppressing and dispersing the same.²⁸⁴
- (3) **[Liability of agent of owner or occupier for whose benefit riot is committed]** Whenever a riot is committed for the benefit or on behalf of any person who is the owner or occupier of any land respecting which such riot takes place, or who claims any interest in such land, or in the subject of any dispute which gave rise to the riot, or who has accepted or derived any benefit therefrom, the agent or manager of such person shall be punishable with fine, if such agent or manager, having reason to believe that such riot was likely to be committed, or that the unlawful assembly by which such riot was committed was likely to be held, shall not use all lawful means in his power to prevent such riot or assembly from taking place and for suppressing and dispersing the same.²⁸⁵

194. AFFRAY

- (1) When two or more persons, by fighting in a public place, disturb the public peace, they are said to commit an affray.²⁸⁶
- (2) **[Punishment for committing affray]** Whoever commits an affray, shall be punished with imprisonment of either description for a term which may extend to one month, or with fine which may extend to **one thousand (one hundred)** rupees, or with both.²⁸⁷

²⁸³ Section 154, IPC, 1860.

²⁸⁴ Section 155, IPC, 1860.

²⁸⁵ Section 156, IPC, 1860.

²⁸⁶ Section 159, IPC, 1860.

²⁸⁷ Section 160, IPC, 1860.

195. ASSAULTING OR OBSTRUCTING PUBLIC SERVANT WHEN SUPPRESSING RIOT, ETC.

- (1) Whoever assaults [or threatens to assault] or obstructs any [or attempts to abstract] public servant or uses criminal force on any public servant in the discharge of his duty as such public servant in endeavouring to disperse an unlawful assembly, or to suppress a riot or affray, [or user or threatens, or attempts to use criminal force to such public servant] shall be punished with imprisonment of either description for a term which may extend to three years, or with fine which shall not be less than twenty-five thousand rupees, or with both.²⁸⁸
- (2) Whoever threatens to assault or attempts to obstruct any public servant or threatens or attempts to use criminal force to any public servant in the discharge of his duty as such public servant in endeavouring to disperse an unlawful assembly, or to suppress a riot or affray, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

Section 195 ‘Assaulting or obstructing public servant when suppressing riot, etc.’ of BNS corresponds to Section 152 of IPC.

- This section has been divided into 2 parts.
- Sub-section (1) pertains to assault or obstruction and sub-section (2) pertains to threatening to assault or attempt to obstruct.
- Different punishments and fines are prescribed for the two offences.

196. PROMOTING ENMITY BETWEEN DIFFERENT GROUPS ON GROUNDS OF RELIGION, RACE, PLACE OF BIRTH, RESIDENCE, LANGUAGE, ETC., AND DOING ACTS PREJUDICIAL TO MAINTENANCE OF HARMONY.²⁸⁹

- (1) Whoever—
 - (a) by words, either spoken or written, or by signs or by visible representations or through electronic communication or otherwise, promotes or attempts to promote, on grounds of religion, race, place of birth, residence, language, caste or community or any other ground whatsoever, disharmony or feelings of enmity, hatred or ill-will between different religious, racial, language or regional groups or castes or communities; or
 - (b) commits any act which is prejudicial to the maintenance of harmony between different religious, racial, language or regional groups or castes or communities, and which disturbs or is likely to disturb the public tranquillity; or
 - (c) organises any exercise, movement, drill or other similar activity intending that the participants in such activity shall use or be trained to use criminal force or violence or knowing it to be likely that the participants in such activity will use or be trained to use criminal force or violence, or participates in such activity intending to

288 Section 152, IPC, 1860.

289 Section 153A, IPC, 1860.

use or be trained to use criminal force or violence or knowing it to be likely that the participants in such activity will use or be trained to use criminal force or violence, against any religious, racial, language or regional group or caste or community and such activity for any reason whatsoever causes or is likely to cause fear or alarm or a feeling of insecurity amongst members of such religious, racial, language or regional group or caste or community, shall be punished with imprisonment which may extend to three years, or with fine, or with both.

(2) [offence committed in place of worship, etc.] Whoever commits an offence specified in sub-section (1) in any place of worship or in any assembly engaged in the performance of religious worship or religious ceremonies, shall be punished with imprisonment which may extend to five years and shall also be liable to fine.

Section 196 'Promoting enmity between different groups on grounds of religion, race, place of birth, residence, language, etc., and doing acts prejudicial to maintenance of harmony' of BNS corresponds to Section 153A of IPC.

- In sub-section (1)(a) of Section 196, the words '**through electronic communication**' have been added.

197. IMPUTATIONS, ASSERTIONS PREJUDICIAL TO NATIONAL INTEGRATION.²⁹⁰

(1) Whoever, by words either spoken or written or by signs or by visible representations or **through electronic communication** or otherwise,—

(a) makes or publishes any imputation that any class of persons cannot, by reason of their being members of any religious, racial, language or regional group or caste or community, bear true faith and allegiance to the Constitution of India as by law established or uphold the sovereignty and integrity of India; or

(b) asserts, counsels, advises, propagates or publishes that any class of persons shall, by reason of their being members of any religious, racial, language or regional group or caste or community, be denied, or deprived of their rights as citizens of India; or

(c) makes or publishes any assertion, counsel, plea or appeal concerning the obligation of any class of persons, by reason of their being members of any religious, racial, language or regional group or caste or community, and such assertion, counsel, plea or appeal causes or is likely to cause disharmony or feelings of enmity or hatred or ill-will between such members and other persons; or

(d) **makes or publishes false or misleading information, jeopardising the sovereignty, unity and integrity or security of India,**

shall be punished with imprisonment which may extend to three years, or with fine, or with both.

(2) Whoever commits an offence specified in sub-section (1) in any place of worship or in any assembly engaged in the performance of religious worship or religious ceremonies, shall be punished with imprisonment which may extend to five years and shall also be liable to fine.

²⁹⁰ Section 153B, IPC, 1860.

Section 197 'Imputations, assertions prejudicial to national integration' of BNS corresponds to Section 153B of IPC.

- In sub-section (1) of Section 197, the words '**through electronic communication**' have been added.
- Sub clause (d)** has been added to Section 197 of BNS. It pertains to spreading fake news that jeopardizes the sovereignty, unity and integrity or security of India.

PUNISHMENT

Punishments of the following offences have been enhanced by either –

- Enhancing the quantum of imprisonment
- Increasing the amount of fine prescribed

IPC Punishment	BNS Punishment
Section 148 Rioting armed with deadly weapon 3 years or with fine, or with both.	Section 191(3) punished with death or with imprisonment for life, which shall mean the remainder of that person's natural life 5 years or with fine, or with both.
Section 160 Affray. 100 rupees	Section 194 1000 rupees

Sections Merged

The following tables illustrates the re-arrangement and re-consolidation of offence.

INDIAN PENAL Code	BHARATIYA NYAYA SANHITA
CHAPTER VIII	CHAPTER XI
OF OFFENCES AGAINST THE PUBLIC TRANQUILLITY	OF OFFENCES AGAINST THE PUBLIC TRANQUILLITY
141. Unlawful assembly.	189. Unlawful assembly 189 (1).
142. Being member of unlawful assembly.	189 (2).
143. Punishment.	189 (2).
145. Joining or continuing in unlawful assembly, knowing it has been commanded to disperse.	189 (3).
144. Joining unlawful assembly armed with deadly weapon.	189 (4).
151. Knowingly joining or continuing in assembly of five or more persons after it has been commanded to disperse.	189 (5).

150. Hiring, or conniving at hiring, of persons to join unlawful assembly.	189 (6).
157. harbouring persons hired for an unlawful assembly.	189 (7).
157. harbouring persons hired for an unlawful assembly.	183.
158. Being hired to take part in an unlawful assembly or riot.	189 (8).
158. or to go armed.	189 (9).
149. Every member of unlawful assembly guilty of offence committed in prosecution of common object.	190. Every member of unlawful assembly guilty of offence committed in prosecution of common object.
146. Rioting.	191. Rioting.
147. Punishment for rioting.	191 (1).
148. Rioting, armed with deadly weapon.	191 (2). 191 (3).
153. Wantonly giving provocation with intent to cause riot—if rioting be committed; if not committed.	192. Wantonly giving provocation with intent to cause riot- if rioting be committed; if not committed.
	193. Liability of owner, occupier etc., of land on which an unlawful assembly or riot takes place.
154. Owner or occupier of land on which an unlawful assembly is held.	193 (1).
155. Liability of person for whose benefit riot is committed.	193 (2).
156. Liability of agent of owner or occupier for whose benefit riot is committed.	193 (3).
	194. Affray.
159. Affray.	194 (1).
160. Punishment for committing affray.	194 (2).
152. Assaulting or obstructing public servant when suppressing riot, etc.	195. Assaulting or obstructing public servant when suppressing riot, etc.
153A. Promoting enmity between different groups on ground of religion, race, place of birth, residence, language, etc., and doing acts prejudicial to maintenance of harmony.	196. Promoting enmity between different groups on ground of religion, race, place of birth, residence, language, etc., and doing acts prejudicial to maintenance of harmony.
153B. Imputations, assertions prejudicial to national integration.	197. Imputations, assertions prejudicial to national integration.

INDIAN PENAL Code	BHARATIYA NYAYA SANHITA
CHAPTER VIII	CHAPTER XI
OF OFFENCES AGAINST THE PUBLIC TRANQUILLITY	OF OFFENCES AGAINST THE PUBLIC TRANQUILLITY
141. Unlawful assembly.	189(1).
142. Being member of unlawful assembly.	189(2).
143. Punishment.	189(2).
144. Joining unlawful assembly armed with deadly weapon.	189(4).
145. Joining or continuing in unlawful assembly, knowing it has been commanded to disperse.	189(3).
146. Rioting.	191(1).
147. Punishment for rioting.	191(2).
148. Rioting, armed with deadly weapon.	191(3).
149. Every member of unlawful assembly guilty of offence committed in prosecution of common object.	190. Every member of unlawful assembly guilty of offence committed in prosecution of common object.
150. Hiring, or conniving at hiring, of persons to join unlawful assembly.	189(6).
151. Knowingly joining or continuing in assembly of five or more persons after it has been commanded to disperse.	189(5).
152. Assaulting or obstructing public servant when suppressing riot, etc.	195. Assaulting or obstructing public servant when suppressing riot, etc.
153. Wantonly giving provocation with intent to cause riot—if rioting be committed; if not committed.	192. Wantonly giving provocation with intent to cause riot- if rioting be committed; if not committed.

153A. Promoting enmity between different groups on ground of religion, race, place of birth, residence, language, etc., and doing acts prejudicial to maintenance of harmony.	196. Promoting enmity between different groups on ground of religion, race, place of birth, residence, language, etc., and doing acts prejudicial to maintenance of harmony.
153AA. Punishment for knowingly carrying arms in any procession or organizing, or holding or taking part in any mass drill or mass training with arms.	Deleted.
153B. Imputations, assertions prejudicial to national integration.	197. Imputations, assertions prejudicial to national integration.
154. Owner or occupier of land on which an unlawful assembly is held.	193(1).
155. Liability of person for whose benefit riot is committed.	193(2).
156. Liability of agent of owner or occupier for whose benefit riot is committed.	193(3).
157. harbouring persons hired for an unlawful assembly.	189(7).
158. Being hired to take part in an unlawful assembly or riot	189(8).
158. or to go armed.	189(9).
159. Affray.	194(1).
160. Punishment for committing affray.	194(2).

CHAPTER XII (CHAPTER IX)

OF OFFENCES BY OR RELATING TO PUBLIC SERVANTS

Introduction

1. **Chapter XII - Of Offences by or Relating to Public Servants** corresponds to Chapter IX of IPC.
2. Chapter XII extends from Section 198 to Section 205 of BNS.
3. Sections already repealed in IPC (Section 161 to Section 165A IPC) have been removed from BNS.

198. PUBLIC SERVANT DISOBEYING LAW, WITH INTENT TO CAUSE INJURY TO ANY PERSON.²⁹¹

Whoever, being a public servant, knowingly disobeys any direction of the law as to the way in which he is to conduct himself as such public servant, intending to cause, or knowing it to be likely that he will by such disobedience, cause injury to any person, shall be punished with simple imprisonment for a term which may extend to one year, or with fine, or with both.

Illustration

A, being an officer directed by law to take property in execution, in order to satisfy a decree pronounced in Z's favour by a Court, knowingly disobeys that direction of law, with the knowledge that he is likely thereby to cause injury to Z. A has committed the offence defined in this section.

199. PUBLIC SERVANT DISOBEYING DIRECTION UNDER LAW.²⁹²

Whoever, being a public servant,—

- (a) knowingly disobeys any direction of the law which prohibits him from requiring the attendance at any place of any person for the purpose of investigation into an offence or any other matter; or
- (b) knowingly disobeys, to the prejudice of any person, any other direction of the law regulating the manner in which he shall conduct such investigation; or
- (c) fails to record any information given to him under sub-section (1) of [section 173 of the Bharatiya Nagarik Suraksha Sanhita, 2023 \[S. 154 CrPC\]](#) in relation to cognizable offence punishable under section 64, section 65, section 66, section 67, section 68, section 70, section 71, section 74, section 76, section 77, section 79, section 124, section 143 or section 144, [[s.326A, s. 326B, s. 354, s. 354B, s. 370, s. 370A, s. 376, s. 376A, s.376AB, s.376B, s.376C s.376D, s.376 DA, s.376DB, s. 376E or s.509](#)]

shall be punished with rigorous imprisonment for a term which shall not be less than six months but which may extend to two years, and shall also be liable to fine.

²⁹¹ Section 166, IPC, 1860.

²⁹² Section 166A, IPC, 1860.

Section 199 of BNS is identical to Section 166A of the IPC, 1860 with addition of one offence of Voyeurism in S.199(c) to the list of 13 offences in Section 166A(c).

The list of 13 offences included offences of

- rape and its aggravated forms,
- causing grievous hurt by acid attack or attempting to cause it so,
- trafficking of persons and their exploitation,
- assault or use of criminal force on a woman with intent to outrage her modesty or to disrobe,
- words, gestures or acts intended to insult the modesty of a woman, repeat sexual offenders.

Now this list also **includes the offence of Voyeurism.**

Section 166A(c) imposed rigorous imprisonment for a minimum of 6 months and up-to 2 years and liability of fine upon a public servant who failed to record information given to him under Section 154(1) of IPC, now Section 173(1) of BNS.

200. PUNISHMENT FOR NON - TREATMENT OF VICTIM.²⁹³

Whoever, being in charge of a hospital, public or private, whether run by the Central Government, the State Government, local bodies or any other person, contravenes the provisions of **section 397 of the Bharatiya Nagarik Suraksha Sanhita, 2023, [357c CrPC]** shall be punished with imprisonment for a term which may extend to one year, or with fine, or with both.

201. PUBLIC SERVANT FRAMING AN INCORRECT DOCUMENT WITH INTENT TO CAUSE INJURY.²⁹⁴

Whoever, being a public servant, and being, as such public servant, charged with the preparation or translation of any document or electronic record, frames, prepares or translates that document or electronic record in a manner which he knows or believes to be incorrect, intending thereby to cause or knowing it to be likely that he may thereby cause injury to any person, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

202. PUBLIC SERVANT UNLAWFULLY ENGAGING IN TRADE.²⁹⁵

Whoever, being a public servant, and being legally bound as such public servant not to engage in trade, engages in trade, 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.**

²⁹³ Section 166B, IPC, 1860.

²⁹⁴ Section 167, IPC, 1860.

²⁹⁵ Section 168, IPC, 1860.

203. PUBLIC SERVANT UNLAWFULLY BUYING OR BIDDING FOR PROPERTY.²⁹⁶

Whoever, being a public servant, and being legally bound as such public servant, not to purchase or bid for certain property, purchases or bids for that property, either in his own name or in the name of another, or jointly, or in shares with others, shall be punished with simple imprisonment for a term which may extend to two years, or with fine, or with both; and the property, if purchased, shall be confiscated.

204. PERSONATING A PUBLIC SERVANT.²⁹⁷

Whoever pretends to hold any particular office as a public servant, knowing that he does not hold such office or falsely personates any other person holding such office, and in such assumed character does or attempts to do any act under colour of such office, shall be punished with imprisonment of either description for a term **which shall not be less than six months but** which may extend to **three years (two years) and with fine (or with fine or with both)**.

205. WEARING GARB OR CARRYING TOKEN USED BY PUBLIC SERVANT WITH FRAUDULENT INTENT.²⁹⁸

Whoever, not belonging to a certain class of public servants, wears any garb or carries any token resembling any garb or token used by that class of public servants, with the intention that it may be believed, or with the knowledge that it is likely to be believed, that he belongs to that class of public servants, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine which may extend to **five thousand (two hundred) rupees, or with both.**

PUNISHMENT

Punishment for the following offences has been enhanced by-

- Introducing community service,
- Enhancing quantum of imprisonment,
- Enhancing amount of fine prescribed,
- Mandating fine.

IPC Punishment	BNS Punishment
Section 168 Public servant unlawfully engaging in trade. Simple imprisonment for a term which may extend to one year, or with fine, or with both.	Section 202 Simple imprisonment for a term which may extend to one year, or with fine, or with both or with community service.

²⁹⁶ Section 169, IPC, 1860.

²⁹⁷ Section 170, IPC, 1860.

²⁹⁸ Section 171, IPC, 1860.

IPC Punishment	BNS Punishment
Section 170 Personating a public servant. Imprisonment of either description for a term which may extend to 2 years, or with fine, or with both.	Section 204 Imprisonment of either description for a term which shall not be less than 6 months but which may extend to 3 years, and with fine.
Section 171 Wearing garb or carrying token used by public servant with fraudulent intent. 200 rupees	Section 205 5000 rupees

INDIAN PENAL Code	BHARATIYA NYAYA SANHITA
CHAPTER IX	CHAPTER XII
OF OFFENCES BY OR RELATING TO PUBLIC SERVANTS	OF OFFENCES BY OR RELATING TO PUBLIC SERVANTS
161. Repealed.	Repealed.
162. Repealed.	Repealed.
163. Repealed.	Repealed.
164. Repealed.	Repealed.
165. Repealed.	Repealed.
165A. Repealed.	Repealed.
166. Public servant disobeying law, with intent to cause injury to any person.	198. Public servant disobeying law, with intent to cause injury to any person.
166A. Public servant disobeying direction under law.	199. Public servant disobeying direction under law.
166B. Punishment for non-treatment of victim.	200. Punishment for non-treatment of victim.
167. Public servant framing an incorrect document with intent to cause injury.	201. Public servant framing an incorrect document with intent to cause injury.
168. Public servant unlawfully engaging in trade.	202. Public servant unlawfully engaging in trade.
169. Public servant unlawfully buying or bidding for property.	203. Public servant unlawfully buying or bidding for property.
170. Personating a public servant.	204. Personating a public servant.
171. Wearing garb or carrying token used by public servant with fraudulent intent.	205. Wearing garb or carrying token used by public servant with fraudulent intent.

CHAPTER XIII (CHAPTER X)

OF CONTEMPTS OF THE LAWFUL AUTHORITY OF

PUBLIC SERVANTS²⁹⁹

206. ABSCONDING TO AVOID SERVICE OF SUMMONS OR OTHER PROCEEDING.³⁰⁰

Whoever absconds in order to avoid being served with a summons, notice or order proceeding from any public servant legally competent, as such public servant, to issue such summons, notice or order,-

(a) Shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to **five thousand (five hundred)** rupees, or with both;

(b) Where such (or, if the) summons or notice or order is to attend in person or by agent, or to produce a document or an electronic record in a **Court [Court of Justice]** shall be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to **ten thousand (one thousand)** rupees, or with both.

207. PREVENTING SERVICE OF SUMMONS OR OTHER PROCEEDING, OR PREVENTING PUBLICATION THEREOF.³⁰¹

Whoever in any manner intentionally prevents the serving on himself, or on any other person, of any summons, notice or order proceeding from any public servant legally competent, as such public servant, to issue such summons, notice or order, or intentionally prevents the lawful affixing to any place of any such summons, notice or order or intentionally removes any such summons, notice or order from any place to which it is lawfully affixed or intentionally prevents the lawful making of any proclamation, under the authority of any public servant legally competent, as such public servant, to direct such proclamation to be made,--

(a) shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to **five thousand (five hundred)** rupees, or with both;

(b) where the summons, notice, order or proclamation is to attend in person or by agent, or to produce a document or electronic record in a **Court (Court of Justice)**, with simple imprisonment for a term which may extend to six months, or with fine which may extend to **ten thousand (one thousand)** rupees, or with both.

208. NON- ATTENDANCE IN OBEDIENCE TO AN ORDER FROM PUBLIC SERVANT.³⁰²

Whoever, being legally bound to attend in person or by an agent at a certain place and time in obedience to a summons, notice, order, or proclamation proceeding from any public servant legally competent, as such public servant, to issue the same, intentionally omits to attend at that place or time or departs from the place where he is

²⁹⁹ Chapter XIII of BNS corresponds to Chapter X of IPC. Chapter XIII extends from Section 206 to Section 226 of BNS.

³⁰⁰ Section 172, IPC, 1860. 301 Section 173, IPC, 1860.

³⁰¹ Section 173, IPC, 1860.

³⁰² Section 174, IPC, 1860.

bound to attend before the time at which it is lawful for him to depart,—

- (a) shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to **five thousand (five hundred) rupees**, or with both;
- (b) **Where (or, if)** the summons, notice, order or proclamation is to attend in person or by agent in a Court with simple imprisonment for a term which may extend to six months, or with fine which may extend to **ten thousand (one thousand) rupees**, or with both.

Illustrations

- (a) A, being legally bound to appear before a High Court (**at Calcutta**), in obedience to a subpoena issuing from that Court, intentionally omits to appear. A has committed the offence defined in this section.
- (b) A, being legally bound to appear before a District Judge, as a witness, in obedience to a Summons issued by that District Judge intentionally omits to appear. A has committed the offence defined in this section.

209. NON- APPEARANCE IN RESPONSE TO A PROCLAMATION UNDER SECTION 84 OF BHARATIYA NAGARIK SURAKSHA SANHITA, 2023.³⁰³ [u/S. 82 CrPC]

Whoever fails to appear at the specified place and the specified time as required by a proclamation published under sub-section (1) of **section 84 of the Bharatiya Nagarik Suraksha Sanhita, 2023**, [**s. 82 CrPC**] shall be punished with imprisonment for a term which may extend to three years, or with fine, or with both, **or with community service**, and where a declaration has been made under sub-section (4) of that section pronouncing him as a proclaimed offender, he shall be punished with imprisonment for a term which may extend to seven years and shall also be liable to fine.

210. OMISSION TO PRODUCE DOCUMENT OR ELECTRONIC RECORD TO PUBLIC SERVANT BY PERSON LEGALLY BOUND TO PRODUCE IT.³⁰⁴

Whoever, being legally bound to produce or deliver up any document or electronic record to any public servant, as such, intentionally omits so to produce or deliver up the same,—

- (a) shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to **five thousand rupees (five hundred)**, or with both;
- (b) **and where (or, if)** the document or electronic record is to be produced or delivered up to a **Court (Court of Justice)** with simple imprisonment for a term which may extend to six months, or with fine which may extend to **ten thousand (one thousand) rupees**, or with both.

³⁰³ Section 174A, IPC, 1860.

³⁰⁴ Section 210 of BNS corresponds to Section 175 of IPC. Marginal Heading of the section has been modified to include the term 'electronic record'.

Illustration

A, being legally bound to produce a document before a District Court, intentionally omits to produce the same. A has committed the offence defined in this section.

211. OMISSION TO GIVE NOTICE OR INFORMATION TO PUBLIC SERVANT BY PERSON LEGALLY BOUND TO GIVE IT.³⁰⁵

Whoever, being legally bound to give any notice or to furnish information on any subject to any public servant, as such, intentionally omits to give such notice or to furnish such information in the manner and at the time required by law,—

- (a) Shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to **five thousand (five hundred)** rupees, or with both;
- (b) **Where (or, if)** the notice or information required to be given respects the commission of an offence, or is required for the purpose of preventing the commission of an offence, or in order to the apprehension of an offender, with simple imprisonment for a term which may extend to six months, or with fine which may extend to **ten thousand (one thousand)** rupees, or with both;
- (c) **Where (or, if)** the notice or information required to be given is required by an order passed under **section 394 of the Bharatiya Nagarik Suraksha Sanhita, 2023 [s. 565 (1) CrPC]** with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

212. FURNISHING FALSE INFORMATION.³⁰⁶

Whoever, being legally bound to furnish information on any subject to any public servant, as such, furnishes, as true, information on the subject which he knows or has reason to believe to be false,—

- (a) shall be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to **five thousand (one thousand)** rupees, or with both;
- (b) **Where (or, if)** the information which he is legally bound to give respects the commission of an offence, or is required for the purpose of preventing the commission of an offence, or in order to the apprehension of an offender, with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Illustrations

- (a) A, a landholder, knowing of the commission of a murder within the limits of his estate, wilfully misinforms the Magistrate of the district that the death has occurred by accident in consequence of the bite of a snake. A is guilty of the offence defined in this section.

³⁰⁵ Section 176, IPC, 1860.

³⁰⁶ Section 177, IPC, 1860

- (b) A, a village watchman, knowing that a considerable body of strangers has passed through his village in order to commit a dacoity in the house of Z, a wealthy merchant residing in a neighbouring place, and being legally bound [under clause 5, section VII, Regulation III, 1821, of the Bengal Code] to give early and punctual information of the above fact to the officer of the nearest police station, wilfully misinforms the police officer that a body of suspicious characters passed through the village with a view to commit dacoity in a certain distant place in a different direction. Here A is guilty of the offence defined in [the latter part of] this section.

Explanation.—In section 211 [176] and in this section the word “offence” include any act committed at any place out of India, which, if committed in India, would be punishable under any of the following sections, namely, 103, 105, 307, sub-sections (2), (3) and (4) of section 309, sub-sections (2), (3), (4) and (5) of section 310, 311, 312, clauses (f) and (g) of section 326, sub-sections (4), (6), (7) and (8) of section 331, clauses (a) and (b) of section 332 [302, 304, 382, 392, 393, 394, 395, 396, 397, 398, 399, 402, 435, 436, 449, 450, 457, 458, 459 and 460] and the word “offender” includes any person who is alleged to have been guilty of any such act.

213. REFUSING OATH OR AFFIRMATION WHEN DULY REQUIRED BY PUBLIC SERVANT TO MAKE IT.³⁰⁷

Whoever refuses to bind himself by an oath or affirmation to state the truth, when required so to bind himself by a public servant legally competent to require that he shall so bind himself, shall be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to five thousand (one thousand) rupees, or with both.

214. REFUSING TO ANSWER PUBLIC SERVANT AUTHORISED TO QUESTION.³⁰⁸

Whoever, being legally bound to state the truth on any subject to any public servant, refuses to answer any question demanded of him touching that subject by such public servant in the exercise of the legal powers of such public servant, shall be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to five thousand (one thousand) rupees, or with both.

215. REFUSING TO SIGN STATEMENT.³⁰⁹

Whoever refuses to sign any statement made by him, when required to sign that statement by a public servant legally competent to require that he shall sign that statement, shall be punished with simple imprisonment for a term which may extend to three months, or with fine which may extend to three thousand (five hundred) rupees, or with both.

216. FALSE STATEMENT ON OATH OR AFFIRMATION TO PUBLIC SERVANT OR PERSON AUTHORISED TO ADMINISTER AN OATH OR AFFIRMATION.³¹⁰

Whoever, being legally bound by an oath or affirmation to state the truth on any

³⁰⁷ Section 178, IPC, 1860.

³⁰⁸ Section 179, IPC, 1860

³⁰⁹ Section 180, IPC, 1860.

³¹⁰ Section 181, IPC, 1860.

subject to any public servant or other person authorised by law to administer such oath or affirmation, makes, to such public servant or other person as aforesaid, touching that subject, any statement which is false, and which he either knows or believes to be false or does not believe to be true, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

217. FALSE INFORMATION, WITH INTENT TO CAUSE PUBLIC SERVANT TO USE HIS LAWFUL POWER TO INJURY OF ANOTHER PERSON.³¹¹

Whoever gives to any public servant any information which he knows or believes to be false, intending thereby to cause, or knowing it to be likely that he will thereby cause, such public servant—

- (a) to do or omit anything which such public servant ought not to do or omit if the true state of facts respecting which such information is given were known by him; or
- (b) to use the lawful power of such public servant to the injury or annoyance of any person, shall be punished with imprisonment of either description for a term which may extend to **one year (six months)**, or with fine which may extend to **ten thousand (one thousand) rupees**, or with both.

Illustrations

- (a) A informs a Magistrate that Z, a police officer, subordinate to such Magistrate, has been guilty of neglect of duty or misconduct, knowing such information to be false, and knowing it to be likely that the information will cause the Magistrate to dismiss Z. A has committed the offence defined in this section.
- (b) A falsely informs a public servant that Z has contraband salt in a secret place, knowing such information to be false, and knowing that it is likely that the consequence of the information will be a search of Z's premises, attended with annoyance to Z. A has committed the offence defined in this section.
- (c) A falsely informs a policeman that he has been assaulted and robbed in the neighbourhood of a particular village. He does not mention the name of any person as one of his assailants, but knows it to be likely that in consequence of this information the police will make enquiries and institute searches in the village to the annoyance of the villagers or some of them. A has committed an offence under this section.

218. RESISTANCE TO TAKING OF PROPERTY BY LAWFUL AUTHORITY OF A PUBLIC SERVANT.³¹²

Whoever offers any resistance to the taking of any property by the lawful authority of any public servant, knowing or having reason to believe that he is such public servant, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to **ten thousand (one thousand) rupees**, or with both.

³¹¹ Section 182, IPC, 1860.

³¹² Section 183, IPC, 1860.

219. OBSTRUCTING SALE OF PROPERTY OFFERED FOR SALE BY AUTHORITY OF PUBLIC SERVANT.³¹³

Whoever intentionally obstructs any sale of property offered for sale by the lawful authority of any public servant, as such, shall be punished with imprisonment of either description for a term which may extend to one month, or with fine which may extend to **five thousand (five hundred) rupees**, or with both.

220. ILLEGAL PURCHASE OR BID FOR PROPERTY OFFERED FOR SALE BY AUTHORITY OF PUBLIC SERVANT.³¹⁴

Whoever, at any sale of property held by the lawful authority of a public servant, as such, purchases or bids for any property on account of any person, whether himself or any other, whom he knows to be under a legal incapacity to purchase that property at that sale, or bids for such property not intending to perform the obligations under which he lays himself by such bidding, shall be punished with imprisonment of either description for a term which may extend to one month, or with fine which may extend to two hundred rupees, or with both.

221. OBSTRUCTING PUBLIC SERVANT IN DISCHARGE OF PUBLIC FUNCTIONS.³¹⁵

Whoever voluntarily obstructs any public servant in the discharge of his public functions, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine which may extend to **two thousand and five hundred rupees (five hundred)**, or with both.

222. OMISSION TO ASSIST PUBLIC SERVANT WHEN BOUND BY LAW TO GIVE ASSISTANCE.³¹⁶

Whoever, being bound by law to render or furnish assistance to any public servant in the execution of his public duty, intentionally omits to give such assistance,--

- (a) shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to **two thousand and five hundred (two hundred) rupees** or with both;
- (b) and where (if) such assistance be demanded of him by a public servant legally competent to make such demand for the purposes of executing any process lawfully issued by a **Court (Court of Justice)** or of preventing the commission of an offence, or suppressing a riot, or affray, or of apprehending a person charged with or guilty of an offence, or of having escaped from lawful custody, shall be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to **five thousand (five hundred) rupees**, or with both.

³¹³ Section 184, IPC, 1860.

³¹⁴ Section 185, IPC, 1860.

³¹⁵ Section 186, IPC, 1860.

³¹⁶ Section 187, IPC, 1860.

223. DISOBEDIENCE TO ORDER DULY PROMULGATED BY PUBLIC SERVANT.³¹⁷

Whoever, knowing that, by an order promulgated by a public servant lawfully empowered to promulgate such order, he is directed to abstain from a certain act, or to take certain order with certain property in his possession or under his management, disobeys such direction,—

- (a) shall, if such disobedience causes or tends to cause obstruction, annoyance or injury, or risk of obstruction, annoyance or injury, to any person lawfully employed, be punished with simple imprisonment for a term which may extend to **six months**, [one month] or with fine which may extend to **two thousand and five hundred (two hundred)** rupees, or with both;
- (b) and where (if) such disobedience causes or tends to cause danger to human life, health or safety, or causes or tends to cause a riot or affray, shall be punished with imprisonment of either description for a term which may extend to **one year**, [six months] or with fine which may extend to **five thousand (one thousand)** rupees, or with both.

Explanation.—It is not necessary that the offender should intend to produce harm, or contemplate his disobedience as likely to produce harm. It is sufficient that he knows of the order which he disobeys, and that his disobedience produces, or is likely to produce, harm.

Illustration

An order is promulgated by a public servant lawfully empowered to promulgate such order, directing that a religious procession shall not pass down a certain street. A knowingly disobeys the order, and thereby causes danger of riot. A has committed the offence defined in this section.

224. THREAT OF INJURY TO PUBLIC SERVANT.³¹⁸

Whoever holds out any threat of injury to any public servant, or to any person in whom he believes that public servant to be interested, for the purpose of inducing that public servant to do any act, or to forbear or delay to do any act, connected with the exercise of the public functions of such public servant, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

225. THREAT OF INJURY TO INDUCE PERSON TO REFRAIN FROM APPLYING FOR PROTECTION TO PUBLIC SERVANT.³¹⁹

Whoever holds out any threat of injury to any person for the purpose of inducing that person to refrain or desist from making a legal application for protection against any injury to any public servant legally empowered as such to give such protection, or to cause such protection to be given, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

³¹⁷ Section 188, IPC, 1860.

³¹⁸ Section 189, IPC, 1860.

³¹⁹ Section 190, IPC, 1860.

226. ATTEMPT TO COMMIT SUICIDE TO COMPEL OR RESTRAIN EXERCISE OF LAWFUL POWER.

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.

Section 226 'Attempt to commit suicide to compel or restrain exercise of lawful power' is a newly inserted section in BNS.

- This provision has been introduced to deter individuals who coerce public servants into doing or abstaining from doing certain actions by using the threat of committing suicide.

PUNISHMENT

Punishment for the following offences has been enhanced by- · Introducing community service,

- Enhancing quantum of imprisonment,
- Enhancing amount of fine prescribed.

IPC Punishment	BNS Punishment
Section 172 Absconding avoid service of summons or other proceeding. (First para) 500 rupees (Second para) 1,000 rupees	Section 206 206(a) 5,000 rupees 206(b) 10,000 rupees
Section 173 Preventing service of summons or other proceeding, or preventing publication thereof. (Third para) 500 rupees (Fourth para) 1,000 rupees	Section 207 207(a) 5,000 rupees 207(b) 10,000 rupees
Section 174 Non-attendance in obedience to an order from public servant. (Third para) 500 rupees (Fourth para) 1,000 rupees	Section 208 208(a) 5,000 rupees 208(b) 10,000 rupees
Section 174A Non-appearance in response to a proclamation under section 82 of Act 2 of 1974 (First part) imprisonment for a term which may extend to 3 years or with fine or with both,	Section 209 Imprisonment for a term which may extend to 3 years, or with fine, or with both, or with community service

Section 175 Omission to produce document or electronic record to public servant by person legally bound to produce it. (First para) 500 rupees (Second para) 1,0000 rupees	Section 210 210(a) 5,000 rupees 210(b) 10,000 rupees
Section 176 Omission to give notice or information to public servant by person legally bound to give it 176(a) 500 rupees 176(b) 1,000 rupees	Section 211 211(a) 5,000 rupees 211(b) 10,000 rupees
Section 177 Furnishing false information (First para) 1,000 rupees	Section 212 212(a) 5,000 rupees
Section 178 Refusing oath or affirmation when duly required by public servant to make it. 1,000 rupees	Section 213 5,000 rupees
Section 179 Refusing to answer public servant authorised to question. 1,000 rupees	Section 214 5,000 rupees
Section 180 Refusing to sign statement 500 rupees	Section 215 3,000 rupees
Section 182 False information, with intent to cause public servant to use his lawful power to injury of another person imprisonment of 6 months or with fine which may extend to 1,000 rupees, or with both.	Section 217 imprisonment of 1 year or with fine which may extend to 10,000 rupees, or with both.
Section 183 Resistance to taking of property by lawful authority of a public servant. 1,000 rupees	Section 218 10,000 rupees
Section 184 Obstructing sale of property offered for sale by authority of public servant. 500 rupees	Section 219 5,000 rupees
Section 186 Obstructing public servant in discharge of public functions. 500 rupees	Section 221 2,500 rupees

Section 187 Omission to assist public servant when bound by law to give assistance. (First para) 200 rupees (Second para) 500 rupees	Section 222 222(a) 2,500 rupees 222(b) 5,000 rupees
Section 188 Disobedience to order duly promulgated by public servant (First para) imprisonment of 1 month or with fine which may extend to 200 rupees, or with both (Second para) imprisonment of 6 months or with fine which may extend to 1,000 rupees, or with both.	Section 223 223(a) imprisonment of 6 months, or with fine which may extend to 2,500 rupees, or with both 223(b) imprisonment of 1 year or with fine which may extend to 5,000 rupees, or with both.

INDIAN PENAL Code	BHARATIYA NYAYA SANHITA
CHAPTER X	CHAPTER XIII
OF CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS	OF CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS
172. Absconding to avoid service of summons or other proceeding.	206. Absconding to avoid service of summons or other proceeding.
173. Preventing service of summons or other proceeding, or preventing publication thereof.	207. Preventing service of summons or other proceeding, or preventing publication thereof.
174. Non-attendance in obedience to an order from public servant.	208. Non-attendance in obedience to an order from public servant.
174A. Non-appearance in response to a proclamation under section 82 of Act 2 of 1974.	209. Non-appearance in response to a proclamation under section 84 of Bharatiya Nagarik Suraksha Sanhita of 2023.
175. Omission to produce document to public servant by person legally bound to produce it.	210. Omission to produce document or electronic record to public servant by person legally bound to produce it.
176. Omission to give notice or information to public servant by person legally bound to give it.	211. Omission to give notice or information to public servant by person legally bound to give it.
177. Furnishing false information.	212. Furnishing false information.

178. Refusing oath or affirmation when duly required by public servant to make it.	213. Refusing oath or affirmation when duly required by public servant to make it.
179. Refusing to answer public servant authorised to question.	214. Refusing to answer public servant authorised to question.
180. Refusing to sign statement.	215. Refusing to sign statement.
181. False statement on oath or affirmation to public servant or person authorised to administer an oath or affirmation.	216. False statement on oath or affirmation to public servant or person authorised to administer an oath or affirmation.
182. False information, with intent to cause public servant to use his lawful power to the injury of another.	217. False information, with intent to cause public servant to use his lawful power to the injury of another person.
183. Resistance to the taking of property by the lawful authority of a public servant.	218. Resistance to the taking of property by the lawful authority of a public servant.
184. Obstructing sale of property offered for sale by authority of public servant.	219. Obstructing sale of property offered for sale by authority of public servant.
185. Illegal purchase or bid for property offered for sale by authority of public servant.	220. Illegal purchase or bid for property offered for sale by authority of public servant.
186. Obstructing public servant in discharge of public functions.	221. Obstructing public servant in discharge of public functions.
187. Omission to assist public servant when bound by law to give assistance.	222. Omission to assist public servant when bound by law to give assistance.
188. Disobedience to order duly promulgated by public servant.	223. Disobedience to order duly promulgated by public servant.
189. Threat of injury to public servant.	224. Threat of injury to public servant.
190. Threat of injury to induce person to refrain from applying for protection to public servant.	225. Threat of injury to induce person to refrain from applying for protection to public servant.
New Section.	226. Attempt to commit suicide to compel or restrain exercise of lawful power

CHAPTER XIV (CHAPTER XI)³²⁰

OF FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE

227. GIVING FALSE EVIDENCE³²¹.

Whoever, being legally bound by an oath or by an express provision of law to state the truth, or being bound by law to make a declaration upon any subject, makes any statement which is false, and which he either knows or believes to be false or does not believe to be true, is said to give false evidence.

Explanation 1.—A statement is within the meaning of this section, whether it is made verbally or otherwise.

Explanation 2.—A false statement as to the belief of the person attesting is within the meaning of this section, and a person may be guilty of giving false evidence by stating that he believes a thing which he does not believe, as well as by stating that he knows a thing which he does not know.

Illustrations

- (a) A, in support of a just claim which B has against Z for one thousand rupees, falsely swears on a trial that he heard Z admit the justice of B's claim. A has given false evidence.
- (b) A, being bound by an oath to state the truth, states that he believes a certain signature to be the handwriting of Z, when he does not believe it to be the handwriting of Z. Here A states that which he knows to be false, and therefore gives false evidence.
- (c) A, knowing the general character of Z's handwriting, states that he believes a certain signature to be the handwriting of Z; A in good faith believing it to be so. Here A's statement is merely as to his belief, and is true as to his belief, and therefore, although the signature may not be the handwriting of Z, A has not given false evidence.
- (d) A, being bound by an oath to state the truth, states that he knows that Z was at a particular place on a particular day, not knowing anything upon the subject. A gives false evidence whether Z was at that place on the day named or not.
- (e) A, an interpreter or translator, gives or certifies as a true interpretation or translation of a statement or document which he is bound by oath to interpret or translate truly, that which is not and which he does not believe to be a true interpretation or translation. A has given false evidence.

228. FABRICATING FALSE EVIDENCE.³²²

Whoever causes any circumstance to exist or makes any false entry in any book or record, or electronic record or makes any document or electronic record containing a false statement, intending that such circumstance, false entry or false

³²⁰ Chapter XIV of BNS corresponds to Chapter XI of IPC. Chapter XIV extends from Section 227 to Section 269 of BNS.

³²¹ Section 191, IPC, 1860.

³²² Section 192, IPC, 1860.

statement may appear in evidence in a judicial proceeding, or in a proceeding taken by law before a public servant as such, or before an arbitrator, and that such circumstance, false entry or false statement, so appearing in evidence, may cause any person who in such proceeding is to form an opinion upon the evidence, to entertain an erroneous opinion touching any point material to the result of such proceeding is said "to fabricate false evidence".

Illustrations

- (a) A puts jewels into a box belonging to Z, with the intention that they may be found in that box, and that this circumstance may cause Z to be convicted of theft. A has fabricated false evidence.
- (b) A makes a false entry in his shop-book for the purpose of using it as corroborative evidence in a Court. A has fabricated false evidence.
- (c) A, with the intention of causing Z to be convicted of a criminal conspiracy, writes a letter in imitation of Z's handwriting, purporting to be addressed to an accomplice in such criminal conspiracy, and puts the letter in a place which he knows that the officers of the police are likely to search. A has fabricated false evidence.

229. PUNISHMENT FOR FALSE EVIDENCE.³²³

(1) Whoever intentionally gives false evidence in any stage of a judicial proceeding, or fabricates false evidence for the purpose of being used in any stage of a judicial proceeding, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine **which may extend to ten thousand rupees**.

(2) Whoever intentionally gives or fabricates false evidence in any case other than that referred to in sub-section (1), shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine **which may extend to five thousand rupees**.

Explanation 1.—A trial before a Court-martial is a judicial proceeding.

Explanation 2.—An investigation directed by law preliminary to a proceeding before a **Court (Court of Justice)**, is a stage of a judicial proceeding, though that investigation may not take place before a **Court (Court of Justice)**.

Illustration

A, in an enquiry before a Magistrate for the purpose of ascertaining whether Z ought to be committed for trial, makes on oath a statement which he knows to be false. As this enquiry is a stage of a judicial proceeding, A has given false evidence.

Explanation 3.—An investigation directed by a **Court (Court of Justice)** according to law, and conducted under the authority of a **Court (Court of Justice)**, is a stage of a judicial proceeding, though that investigation may not take place before a **Court (Court of Justice)**.

³²³ Section 193, IPC, 1860.

Illustration

A, in an enquiry before an officer deputed by a Court (Court of Justice) to ascertain on the spot the boundaries of land, makes on oath a statement which he knows to be false. As this enquiry is a stage of a judicial proceeding, A has given false evidence.

230. GIVING OR FABRICATING FALSE EVIDENCE WITH INTENT TO PROCURE CONVICTION OF CAPITAL OFFENCE.³²⁴

(1) Whoever gives or fabricates false evidence, intending thereby to cause, or knowing it to be likely that he will thereby cause, any person to be convicted of an offence which is capital by the law for the time being in force in India shall be punished with imprisonment for life, or with rigorous imprisonment for a term which may extend to ten years, and shall also be liable to fine which may extend to fifty thousand rupees.

(2) [If innocent person be thereby convicted and executed-and] If an innocent person be convicted and executed in consequence of [such] false evidence referred to in sub-section (1), the person who gives such false evidence shall be punished either with death or the punishment specified in sub-section (1) [hereinbefore described].

231. GIVING OR FABRICATING FALSE EVIDENCE WITH INTENT TO PROCURE CONVICTION OF OFFENCE PUNISHABLE WITH IMPRISONMENT FOR LIFE OR IMPRISONMENT.³²⁵

Whoever gives or fabricates false evidence intending thereby to cause, or knowing it to be likely that he will thereby cause, any person to be convicted of an offence which by the law for the time being in force in India is not capital, but punishable with imprisonment for life, or imprisonment for a term of seven years or upwards, shall be punished as a person convicted of that offence would be liable to be punished.

Illustration

A gives false evidence before a Court (Court of Justice), intending thereby to cause Z to be convicted of a dacoity. The punishment of dacoity is imprisonment for life, or rigorous imprisonment for a term which may extend to ten years, with or without fine. A, therefore, is liable to imprisonment for life or imprisonment, with or without fine.

232. THREATENING ANY PERSON TO GIVE FALSE EVIDENCE.³²⁶

- (1) Whoever threatens another with any injury to his person, reputation or property or to the person or reputation of any one in whom that person is interested, with intent to cause that person to give false evidence shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.
- (2) [and] If innocent person is convicted and sentenced in consequence of false evidence referred to in sub-section (1), with death or imprisonment for more than seven years, the person who threatens shall be punished with the same punishment and sentence in the same manner and to the same extent such innocent person is punished and sentenced.

³²⁴ Section 194, IPC, 1860.

³²⁵ Section 195, IPC, 1860.

³²⁶ Section 195A, IPC, 1860.

233. USING EVIDENCE KNOWN TO BE FALSE.³²⁷

Whoever corruptly uses or attempts to use as true or genuine evidence any evidence which he knows to be false or fabricated, shall be punished in the same manner as if he gave or fabricated false evidence.

234. ISSUING OR SIGNING FALSE CERTIFICATE.³²⁸

Whoever issues or signs any certificate required by law to be given or signed, or relating to any fact of which such certificate is by law admissible in evidence, knowing or believing that such certificate is false in any material point, shall be punished in the same manner as if he gave false evidence.

235. USING AS TRUE A CERTIFICATE KNOWN TO BE FALSE.³²⁹

Whoever corruptly uses or attempts to use any such certificate as a true certificate, knowing the same to be false in any material point, shall be punished in the same manner as if he gave false evidence.

236. FALSE STATEMENT MADE IN DECLARATION WHICH IS BY LAW RECEIVABLE AS EVIDENCE.³³⁰

Whoever, in any declaration made or subscribed by him, which declaration any **Court (Court of Justice)** or any public servant or other person, is bound or authorised by law to receive as evidence of any fact, makes any statement which is false, and which he either knows or believes to be false or does not believe to be true, touching any point material to the object for which the declaration is made or used, shall be punished in the same manner as if he gave false evidence.

237. USING AS TRUE SUCH DECLARATION KNOWING IT TO BE FALSE.³³¹

Whoever corruptly uses or attempts to use as true any such declaration, knowing the same to be false in any material point, shall be punished in the same manner as if he gave false evidence.

Explanation.—A declaration which is inadmissible merely upon the ground of some informality, is a declaration within the meaning of [section 236](#) and [this section](#). [S. 199 & 200]

238. CAUSING DISAPPEARANCE OF EVIDENCE OF OFFENCE, OR GIVING FALSE INFORMATION TO SCREEN OFFENDER.³³²

Whoever, knowing or having reason to believe that an offence has been committed, causes any evidence of the commission of that offence to disappear, with the intention of screening the offender from legal punishment, or with that intention gives any information respecting the offence which he knows or believes to be false **shall**,—

³²⁷ Section 196, IPC, 1860.

³²⁸ Section 197, IPC, 1860.

³²⁹ Section 198, IPC, 1860.

³³⁰ Section 199, IPC, 1860.

³³¹ Section 200, IPC, 1860.

³³² Section 201, IPC, 1860.

- (a) [if a capital offence—shall,] if the offence which he knows or believes to have been committed is punishable with death, be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine;
- (b) [if punishable with imprisonment for life—and] if the offence is punishable with imprisonment for life, or with imprisonment which may extend to ten years, be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine;
- (c) [if punishable with less than ten years imprisonment—and] if the offence is punishable with imprisonment for any term not extending to ten years, [shall] be punished with imprisonment of the description provided for the offence, for a term which may extend to one-fourth part of the longest term of the imprisonment provided for the offence, or with fine, or with both.

Illustration

A, knowing that B has murdered Z, assists B to hide the body with the intention of screening B from punishment. A is liable to imprisonment of either description for seven years, and also to fine.

239. INTENTIONAL OMISSION TO GIVE INFORMATION OF OFFENCE BY PERSON BOUND TO INFORM.³³³

Whoever, knowing or having reason to believe that an offence has been committed, intentionally omits to give any information respecting that offence which he is legally bound to give, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to five thousand rupees, or with both.

240. GIVING FALSE INFORMATION RESPECTING AN OFFENCE COMMITTED.³³⁴

Whoever, knowing or having reason to believe that an offence has been committed, gives any information respecting that offence which he knows or believes to be false, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Explanation.—In sections 238 and 239[S. 201 and 202] and in this section the word “offence” includes any act committed at any place out of India, which, if committed in India, would be punishable under any of the following sections, namely, 103, 105, 307, sub-sections (2), (3) and (4) of section 309, sub-sections (2), (3), (4) and (5) of section 310, 311, 312, clauses (f) and (g) of section 326, sub-sections (4), (6), (7) and (8) of section 331, clauses (a) and (b) of section 332. [302, 304, 382, 392, 393, 394, 395, 396, 397, 398, 399, 402, 435, 436, 449, 450, 457, 458, 459 and 460]

241. DESTRUCTION OF DOCUMENT OR ELECTRONIC RECORD TO PREVENT ITS PRODUCTION AS EVIDENCE.³³⁵

Whoever secretes or destroys any document or electronic record which he may be lawfully compelled to produce as evidence in a Court (Court of Justice) or in any proceeding lawfully held before a public servant, as such, or obliterates or renders

³³³ Section 202, IPC, 1860.

³³⁴ Section 203, IPC, 1860.

³³⁵ Section 204, IPC, 1860. The term ‘electronic record’ has been added to the marginal heading and section.

illegible the whole or any part of such document or electronic record with the intention of preventing the same from being produced or used as evidence before such Court or public servant as aforesaid, or after he shall have been lawfully summoned or required to produce the same for that purpose, shall be punished with imprisonment of either description for a term which may extend to three (two) years, or with fine which may extend to five thousand rupees, or with both.

242. FALSE PERSONATION FOR PURPOSE OF ACT OR PROCEEDING IN SUIT OR PROSECUTION³³⁶

Whoever falsely personates another, and in such assumed character makes any admission or statement, or confesses judgment, or causes any process to be issued or becomes bail or security, or does any other act in any suit or criminal prosecution, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

243. FRAUDULENT REMOVAL OR CONCEALMENT OF PROPERTY TO PREVENT ITS SEIZURE AS FORFEITED OR IN EXECUTION.³³⁷

Whoever fraudulently removes, conceals, transfers or delivers to any person any property or any interest therein, intending thereby to prevent that property or interest therein from being taken as a forfeiture or in satisfaction of a fine, under a sentence which has been pronounced, or which he knows to be likely to be pronounced, by a Court (Court of Justice) or other competent authority, or from being taken in execution of a decree or order which has been made, or which he knows to be likely to be made by a Court (Court of Justice) in a civil suit, shall be punished with imprisonment of either description for a term which may extend to three (two) years, or with fine which may extend to five thousand rupees, or with both.

244. FRAUDULENT CLAIM TO PROPERTY TO PREVENT ITS SEIZURE AS FORFEITED OR IN EXECUTION.³³⁸

Whoever fraudulently accepts, receives or claims any property or any interest therein, knowing that he has no right or rightful claim to such property or interest, or practises any deception touching any right to any property or any interest therein, intending thereby to prevent that property or interest therein from being taken as a forfeiture or in satisfaction of a fine, under a sentence which has been pronounced, or which he knows to be likely to be pronounced by a Court (Court of Justice) or other competent authority, or from being taken in execution of a decree or order which has been made, or which he knows to be likely to be made by a Court (Court of Justice) in a civil suit, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

³³⁶ Section 205, IPC, 1860.

³³⁷ Section 206, IPC, 1860.

³³⁸ Section 207, IPC, 1860.

245. FRAUDULENTLY SUFFERING DECREE FOR SUM NOT DUE.³³⁹

Whoever fraudulently causes or suffers a decree or order to be passed against him at the suit of any person for a sum not due or for a larger sum than is due to such person or for any property or interest in property to which such person is not entitled, or fraudulently causes or suffers a decree or order to be executed against him after it has been satisfied, or for anything in respect of which it has been satisfied, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Illustration

A institutes a suit against Z. Z, knowing that A is likely to obtain a decree against him, fraudulently suffers a judgment to pass against him for a larger amount at the suit of B, who has no just claim against him, in order that B, either on his own account or for the benefit of Z, may share in the

proceeds of any sale of Z's property which may be made under A's decree. Z has committed an offence under this section.

246. DISHONESTLY MAKING FALSE CLAIM IN COURT³⁴⁰

Whoever fraudulently or dishonestly, or with intent to injure or annoy any person, makes in a Court (*Court of Justice*) any claim which he knows to be false, shall be punished with imprisonment of either description for a term which may extend to two years, and shall also be liable to fine.

247. FRAUDULENTLY OBTAINING DECREE FOR SUM NOT DUE.³⁴¹

Whoever fraudulently obtains a decree or order against any person for a sum not due, or for a larger sum than is due or for any property or interest in property to which he is not entitled, or fraudulently causes a decree or order to be executed against any person after it has been satisfied or for anything in respect of which it has been satisfied, or fraudulently suffers or permits any such act to be done in his name, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

248. FALSE CHARGE OF OFFENCE MADE WITH INTENT TO INJURE.³⁴²

Whoever, with intent to cause injury to any person, institutes or causes to be instituted any criminal proceeding against that person, or falsely charges any person with having committed an offence, knowing that there is no just or lawful ground for such proceeding or charge against that person,—

- (a) shall be punished with imprisonment of either description for a term which may extend to five (two) years, or with fine which may extend to two lakh rupees, or with both;

³³⁹ Section 208, IPC, 1860.

³⁴⁰ Section 209, IPC, 1860.

³⁴¹ Section 210, IPC, 1860.

³⁴² Section 211, IPC, 1860.

- (b) [and] if such criminal proceeding be instituted on a false charge of an offence punishable with death, imprisonment for life, or imprisonment for ten (seven) years or upwards, shall be punishable with imprisonment of either description for a term which may extend to ten (seven) years, and shall also be liable to fine.

249. HARBOURING OFFENDER³⁴³

Whenever an offence has been committed, whoever harbours or conceals a person whom he knows or has reason to believe to be the offender, with the intention of screening him from legal punishment shall,—

- (a) [if a capital offence.—shall] if the offence is punishable with death, be punished with imprisonment of either description for a term which may extend to five years, and shall also be liable to fine;
- (b) [if punishable with imprisonment for life, or with imprisonment.—and] if the offence is punishable with imprisonment for life, or with imprisonment which may extend to ten years, be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine;
- (c) [and] if the offence is punishable with imprisonment which may extend to one year, and not to ten years, be punished with imprisonment of the description provided for the offence for a term which may extend to one-fourth part of the longest term of imprisonment provided for the offence, or with fine, or with both.

Explanation.—“Offence” in this section includes any act committed at any place out of India, which, if committed in India, would be punishable under any of the following sections, namely, 103, 105, 307, sub-sections (2), (3) and (4) of section 309, sub-sections (2), (3), (4) and (5) of section 310, 311, 312, clauses (f) and (g) of section 326, sub-sections (4), (6), (7) and (8) of section 331, clauses (a) and (b) of section 332 [302, 304, 382, 392, 393, 394, 395, 396, 397, 398, 399, 402, 435, 436, 449, 450, 457, 458, 459 and 460] and every such act shall, for the purposes of this section, be deemed to be punishable as if the accused person had been guilty of it in India.

Exception.—This section (provision) shall not extend to any case in which the harbour or concealment is by the spouse (husband or wife) of the offender.

Illustration

A, knowing that B has committed dacoity, knowingly conceals B in order to screen him from legal punishment. Here, as B is liable to imprisonment for life, A is liable to imprisonment of either description for a term not exceeding three years, and is also liable to fine.

250. TAKING GIFT, ETC., TO SCREEN AN OFFENDER FROM PUNISHMENT.³⁴⁴

Whoever accepts or attempts to obtain, or agrees to accept, any gratification for himself or any other person, or any restitution of property to himself or any other person, in consideration of his concealing an offence or of his screening any person from legal punishment for any offence, or of his not proceeding against any person for the purpose of bringing him to legal punishment shall,—

³⁴³ Section 212, IPC, 1860.

³⁴⁴ Section 213, IPC, 1860.

- (a) [if a capital offence.—shall] if the offence is punishable with death, be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine;
- (b) [if punishable with imprisonment for life, or with imprisonment.—and] if the offence is punishable with imprisonment for life, or with imprisonment which may extend to ten years, (shall) be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine;
- (c) [and] if the offence is punishable with imprisonment not extending to ten years, [shall] be punished with imprisonment of the description provided for the offence for a term which may extend to one-fourth part of the longest term of imprisonment provided for the offence, or with fine, or with both.

251. OFFERING GIFT OR RESTORATION OF PROPERTY IN CONSIDERATION OF SCREENING OFFENDER.³⁴⁵

Whoever gives or causes, or offers or agrees to give or cause, any gratification to any person, or restores or causes the restoration of any property to any person, in consideration of that person's concealing an offence, or of his screening any person from legal punishment for any offence, or of his not proceeding against any person for the purpose of bringing him to legal punishment shall,-

- (a) [if a capital offence.—shall] if the offence is punishable with death, be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine;
- (b) [if punishable with imprisonment for life, or with imprisonment.—and] if the offence is punishable with imprisonment for life or with imprisonment which may extend to ten years, be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine;
- (c) [and] if the offence is punishable with imprisonment not extending to ten years, [shall] be punished with imprisonment of the description provided for the offence for a term which may extend to one-fourth part of the longest term of imprisonment provided for the offence, or with fine, or with both.

Exception.—The provisions of this section and [section 250 \[S. 213 and 214 \]](#) do not extend to any case in which the offence may lawfully be compounded.

252. TAKING GIFT TO HELP TO RECOVER STOLEN PROPERTY, ETC.³⁴⁶

Whoever takes or agrees or consents to take any gratification under pretence or on account of helping any person to recover any movable property of which he shall have been deprived by any offence punishable under this Sanhita, shall, unless he uses all means in his power to cause the offender to be apprehended and convicted of the offence, be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

³⁴⁵ Section 214, IPC, 1860.

³⁴⁶ Section 215, IPC, 1860

253. HARBOURING OFFENDER WHO HAS ESCAPED FROM CUSTODY OR WHOSE APPREHENSION HAS BEEN ORDERED.³⁴⁷

Whenever any person convicted of or charged with an offence, being in lawful custody for that offence, escapes from such custody, or whenever a public servant, in the exercise of the lawful powers of such public servant, orders a certain person to be apprehended for an offence, whoever, knowing of such escape or order for apprehension, harbours or conceals that person with the intention of preventing him from being apprehended, shall be punished in the manner following, [that is to say] namely:-

- (a) [if a capital offence.] if the offence for which the person was in custody or is ordered to be apprehended is punishable with death, he shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine;
- (b) [if punishable with imprisonment for life, or with imprisonment] if the offence is punishable with imprisonment for life or imprisonment for ten years, he shall be punished with imprisonment of either description for a term which may extend to three years, with or without fine;
- (c) [and] if the offence is punishable with imprisonment which may extend to one year and not to ten years, he shall be punished with imprisonment of the description provided for the offence for a term which may extend to one-fourth part of the longest term of the imprisonment provided for such offence, or with fine, or with both.

Explanation.--“Offence” in this section includes also any act or omission of which a person is alleged to have been guilty out of India, which, if he had been guilty of it in India, would have been punishable as an offence, and for which he is, under any law relating to extradition, or otherwise, liable to be apprehended or detained in custody in India, and every such act or omission shall, for the purposes of this section, be deemed to be punishable as if the accused person had been guilty of it in India.

Exception.--The [this] provision [provisions] of this section do [does] not extend to the case in which the harbour or concealment is by the spouse (husband or wife) of the person to be apprehended.

254. PENALTY FOR HARBOURING ROBBERS OR DACOITS.³⁴⁸

Whoever, knowing or having reason to believe that any persons are about to commit or have recently committed robbery or dacoity, harbours them or any of them, with the intention of facilitating the commission of such robbery or dacoity, or of screening them or any of them from punishment, shall be punished with rigorous imprisonment for a term which may extend to seven years, and shall also be liable to fine.

Explanation.--For the purposes of this section it is immaterial whether the robbery or dacoity is intended to be committed, or has been committed, within or without India.

³⁴⁷ Section 216, IPC, 1860.

³⁴⁸ Section 216A, IPC, 1860.

Exception.—The [this] provision [provisions] of this section do [does] not extend to the case in which the harbour is by the spouse (husband or wife) of the offender.

255. PUBLIC SERVANT DISOBEYING DIRECTION OF LAW WITH INTENT TO SAVE PERSON FROM PUNISHMENT OR PROPERTY FROM FORFEITURE.³⁴⁹

Whoever, being a public servant, knowingly disobeys any direction of the law as to the way in which he is to conduct himself as such public servant, intending thereby to save, or knowing it to be likely that he will thereby save, any person from legal punishment, or subject him to a less punishment than that to which he is liable, or with intent to save, or knowing that he is likely thereby to save, any property from forfeiture or any charge to which it is liable by law, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

256. PUBLIC SERVANT FRAMING INCORRECT RECORD OR WRITING WITH INTENT TO SAVE PERSON FROM PUNISHMENT OR PROPERTY FROM FORFEITURE.³⁵⁰

Whoever, being a public servant, and being as such public servant, charged with the preparation of any record or other writing, frames that record or writing in a manner which he knows to be incorrect, with intent to cause, or knowing it to be likely that he will thereby cause, loss or injury to the public or to any person, or with intent thereby to save, or knowing it to be likely that he will thereby save, any person from legal punishment, or with intent to save, or knowing that he is likely thereby to save, any property from forfeiture or other charge to which it is liable by law, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

257. PUBLIC SERVANT IN JUDICIAL PROCEEDING CORRUPTLY MAKING REPORT, ETC., CONTRARY TO LAW.³⁵¹

Whoever, being a public servant, corruptly or maliciously makes or pronounces in any stage of a judicial proceeding, any report, order, verdict, or decision which he knows to be contrary to law, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.

258. COMMITMENT FOR TRIAL OR CONFINEMENT BY PERSON HAVING AUTHORITY WHO KNOWS THAT HE IS ACTING CONTRARY TO LAW.³⁵²

Whoever, being in any office which gives him legal authority to commit persons for trial or to confinement, or to keep persons in confinement, corruptly or maliciously commits any person for trial or to confinement, or keeps any person in confinement, in the exercise of that authority knowing that in so doing he is acting contrary to law, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.

³⁴⁹ Section 217, IPC, 1860.

³⁵⁰ Section 218, IPC, 1860.

³⁵¹ Section 219, IPC, 1860.

³⁵² Section 220, IPC, 1860.

259. INTENTIONAL OMISSION TO APPREHEND ON [THE] PART OF PUBLIC SERVANT BOUND TO APPREHEND.³⁵³

Whoever, being a public servant, legally bound as such public servant to apprehend or to keep in confinement any person charged with or liable to be apprehended for an offence, intentionally omits to apprehend such person, or intentionally suffers such person to escape, or intentionally aids such person in escaping or attempting to escape from such confinement, shall be punished, [as follows, that is to say:]

- (a) with imprisonment of either description for a term which may extend to seven years, with or without fine, if the person in confinement, or who ought to have been apprehended, was charged with, or liable to be apprehended for, an offence punishable with death; or
- (b) with imprisonment of either description for a term which may extend to three years, with or without fine, if the person in confinement, or who ought to have been apprehended, was charged with, or liable to be apprehended for, an offence punishable with imprisonment for life or imprisonment for a term which may extend to ten years; or
- (c) with imprisonment of either description for a term which may extend to two years, with or without fine, if the person in confinement, or who ought to have been apprehended, was charged with, or liable to be apprehended for, an offence punishable with imprisonment for a term less than ten years.

260. INTENTIONAL OMISSION TO APPREHEND ON [THE] PART OF PUBLIC SERVANT BOUND TO APPREHEND PERSON UNDER SENTENCE OR LAWFULLY COMMITTED.³⁵⁴

Whoever, being a public servant, legally bound as such public servant to apprehend or to keep in confinement any person under sentence of a Court (Court of Justice) for any offence or lawfully committed to custody, intentionally omits to apprehend such person, or intentionally suffers such person to escape or intentionally aids such person in escaping or attempting to escape from such confinement, shall be punished,—

- (a) with imprisonment for life or with imprisonment of either description for a term which may extend to fourteen years, with or without fine, if the person in confinement, or who ought to have been apprehended, is under sentence of death; or
- (b) with imprisonment of either description for a term which may extend to seven years, with or without fine, if the person in confinement or who ought to have been apprehended, is subject, by a sentence of a Court (Court of Justice), or by virtue of a commutation of such sentence, to imprisonment for life or imprisonment for a term of ten years, or upwards; or

³⁵³ Section 221, IPC, 1860.

³⁵⁴ Section 222, IPC, 1860.

- (c) with imprisonment of either description for a term which may extend to three years, or with fine, or with both, if the person in confinement or who ought to have been apprehended, is subject by a sentence of a Court (Court of Justice) to imprisonment for a term not extending to ten years or if the person was lawfully committed to custody.

261. ESCAPE FROM CONFINEMENT OR CUSTODY NEGLIGENTLY SUFFERED BY PUBLIC SERVANT.³⁵⁵

Whoever, being a public servant legally bound as such public servant to keep in confinement any person charged with or convicted of any offence or lawfully committed to custody, negligently suffers such person to escape from confinement, shall be punished with simple imprisonment for a term which may extend to two years, or with fine, or with both.

262. RESISTANCE OR OBSTRUCTION BY A PERSON TO HIS LAWFUL APPREHENSION.³⁵⁶

Whoever intentionally offers any resistance or illegal obstruction to the lawful apprehension of himself for any offence with which he is charged or of which he has been convicted, or escapes or attempts to escape from any custody in which he is lawfully detained for any such offence, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Explanation.—The punishment in this section is in addition to the punishment for which the person to be apprehended or detained in custody was liable for the offence with which he was charged, or of which he was convicted.

263. RESISTANCE OR OBSTRUCTION TO LAWFUL APPREHENSION OF ANOTHER PERSON.³⁵⁷

Whoever, intentionally offers any resistance or illegal obstruction to the lawful apprehension of any other person for an offence, or rescues or attempts to rescue any other person from any custody in which that person is lawfully detained for an offence,—

- (a) shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both; or
- (b) if the person to be apprehended, or the person rescued or attempted to be rescued, is charged with or liable to be apprehended for an offence punishable with imprisonment for life or imprisonment for a term which may extend to ten years, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine; or
- (c) if the person to be apprehended or rescued, or attempted to be rescued, is charged with or liable to be apprehended for an offence punishable with death, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine; or

³⁵⁵ Section 223, IPC, 1860.

³⁵⁶ Section 224, IPC, 1860.

³⁵⁷ Section 225, IPC, 1860

- (d) if the person to be apprehended or rescued, or attempted to be rescued, is liable under the sentence of a Court (Court of Justice) or by virtue of a commutation of such a sentence, to imprisonment for life, or imprisonment for a term of ten years or upwards, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine; or
- (e) if the person to be apprehended or rescued, or attempted to be rescued, is under sentence of death, shall be punished with imprisonment for life or imprisonment of either description for a term not exceeding ten years, and shall also be liable to fine.

264. OMISSION TO APPREHEND, OR SUFFERANCE OF ESCAPE, ON PART OF PUBLIC SERVANT, IN CASES NOT OTHERWISE PROVIDED FOR.³⁵⁸

Whoever, being a public servant legally bound as such public servant to apprehend, or to keep in confinement, any person in any case not provided for in section 259, section 260 or section 261, [S. 221, S. 222, S. 223] or in any other law for the time being in force, omits to apprehend that person or suffers him to escape from confinement, shall be punished—

- (a) if he does so intentionally, with imprisonment of either description for a term which may extend to three years, or with fine, or with both; and
- (b) if he does so negligently, with simple imprisonment for a term which may extend to two years, or with fine, or with both.

265. RESISTANCE OR OBSTRUCTION TO LAWFUL APPREHENSION OR ESCAPE OR RESCUE IN CASES NOT OTHERWISE PROVIDED FOR.³⁵⁹

Whoever, in any case not provided for in section 262 or section 263 [S. 224 or S. 225] or in any other law for the time being in force, intentionally offers any resistance or illegal obstruction to the lawful apprehension of himself or of any other person, or escapes or attempts to escape from any custody in which he is lawfully detained, or rescues or attempts to rescue any other person from any custody in which that person is lawfully detained, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.

266. VIOLATION OF CONDITION OF REMISSION OF PUNISHMENT.³⁶⁰

Whoever, having accepted any conditional remission of punishment, knowingly violates any condition on which such remission was granted, shall be punished with the punishment to which he was originally sentenced, if he has already suffered no part of that punishment, and if he has suffered any part of that punishment, then with so much of that punishment as he has not already suffered.

267. INTENTIONAL INSULT OR INTERRUPTION TO PUBLIC SERVANT SITTING IN JUDICIAL PROCEEDING.³⁶¹

Whoever, intentionally offers any insult, or causes any interruption to any public servant, while such public servant is sitting in any stage of a judicial proceeding, shall

³⁵⁸ Section 225A, IPC, 1860.

³⁵⁹ Section 225B, IPC, 1860.

³⁶⁰ Section 227, IPC, 1860.

³⁶¹ Section 227, IPC, 1860.

be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to **five thousand (one thousand)** rupees, or with both.

268. PERSONATION OF (A JUROR OR) ASSESSOR.³⁶²

Whoever, by personation or otherwise, shall intentionally cause, or knowingly suffer himself to be returned, empanelled or sworn as **(a juryman or) an** assessor in any case in which he knows that he is not entitled by law to be so returned, empanelled or sworn, or knowing himself to have been so returned, empanelled or sworn contrary to law, shall voluntarily serve **(on)** as such **(jury or as such)** assessor, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

269. FAILURE BY PERSON RELEASED ON BAIL BOND OR BOND TO APPEAR IN COURT.³⁶³

Whoever, having been charged with an offence and released on **bail bond (bail)** or on bond **(without sureties)**, fails without sufficient cause (the burden of proving which shall lie upon him), to appear in Court in accordance with the terms of the bail or bond, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

Explanation.—The punishment under this section is—

- (a) in addition to the punishment to which the offender would be liable on a conviction for the offence with which he has been charged; and
- (b) without prejudice to the power of the Court to order forfeiture of the bond.

Section 228A “Disclosure of identity of the victim of certain offences, etc.” of IPC has been deleted from this Chapter **Of False Evidence And Offences Against Public Justice** and the same provision is now provided under the following two sections of **Chapter V of BNS i.e. Of Offences Against Woman And Child -**

- **Section 72** “Disclosure of identity of the victim of certain offences, etc.”
- **Section 73** “Printing or publishing of any matter relating to Court proceedings without permission.”

³⁶² Section 229, IPC, 1860. The word ‘juryman’ has been deleted from BNS provision as it is no longer relevant.

³⁶³ Section 229A, IPC, 1860.

PUNISHMENT

Punishment for the following offences has been enhanced by-

- Enhancing quantum of imprisonment,
- Enhancing amount of fine prescribed.

IPC Punishment	BNS Punishment
Section 193 Punishment for false evidence (First para) liable to fine (Second para) liable to fine	Section 229 229(1) liable to fine which may extend to 10,000 rupees 229(2) liable to fine which may extend to 5,000 rupees
Section 194 Giving or fabricating false evidence with intent to procure conviction of capital offence. (First para) liable to fine	Section 230 230(1) liable to fine which may extend to 50,000 rupees
Section 202 Intentional omission to give information of offence by person bound to informOr with fine	Section 239 or with fine which may extend to 5,000 rupees
Section 204 Destruction of document or electronic record to prevent its production as evidence Imprisonment of 2 years or with fine or with both	Section 241 Imprisonment of 3 years with fine which may extend to 5,000 rupees or with both
Section 206 Fraudulent removal or concealment of property to prevent its seizure as forfeited or in execution. Imprisonment of 2 years or with fine, or with both.	Section 243 Imprisonment of 3 years or with fine which may extend to 5,000 rupees, or with both
Section 211 False charge of offence made with intent to injure (First Para) Imprisonment of 2 years or with fine, or with both. (Second Para) Imprisonment of 7 years and fine	Section 248 248(a) Imprisonment of 5 years or with fine which may extend to 2,00,000 rupees, or with both 248(b) Imprisonment of 10 years and fine
Section 228 Intentional insult or interruption to public servant sitting in judicial proceeding. 1,000 rupees	Section 267 5,000 rupees

INDIAN PENAL Code	BHARATIYA NYAYA SANHITA
CHAPTER XI	CHAPTER XIV
OF FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE	OF FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE
191. Giving false evidence.	227. Giving false evidence.
192. Fabricating false evidence.	228. Fabricating false evidence.
193. Punishment for false evidence.	229. Punishment for false evidence.
194. Giving or fabricating false evidence with intent to procure conviction of capital offence.	230. Giving or fabricating false evidence with intent to procure conviction of capital offence.
195. Giving or fabricating false evidence with intent to procure conviction of offence punishable with imprisonment for life or imprisonment.	231. Giving or fabricating false evidence with intent to procure conviction of offence punishable with imprisonment for life or imprisonment.
195A. Threatening any person to give false evidence.	232. Threatening any person to give false evidence.
196. Using evidence known to be false.	233. Using evidence known to be false.
197. Issuing or signing false certificate.	234. Issuing or signing false certificate.
198. Using as true a certificate known to be false.	235. Using as true a certificate known to be false.
199. False statement made in declaration which is by law receivable as evidence.	236. False statement made in declaration which is by law receivable as evidence.
200. Using as true such declaration knowing it to be false.	237. Using as true such declaration knowing it to be false.
201. Causing disappearance of evidence of offence, or giving false information to screen offender.	238. Causing disappearance of evidence of offence, or giving false information to screen offender.
202. Intentional omission to give information of offence by person bound to inform.	239. Intentional omission to give information of offence by person bound to inform.
203. Giving false information respecting an offence committed.	240. Giving false information respecting an offence committed.
204. Destruction of document to prevent its production as evidence.	241. Destruction of document or electronic record to prevent its production as evidence.
205. False personation for purpose of act or proceeding in suit or prosecution.	242. False personation for purpose of act or proceeding in suit or prosecution.

206. Fraudulent removal or concealment of property to prevent its seizure as forfeited or in execution.	243. Fraudulent removal or concealment of property to prevent its seizure as forfeited or in execution.
207. Fraudulent claim to property to prevent its seizure as forfeited or in execution.	244. Fraudulent claim to property to prevent its seizure as forfeited or in execution.
208. Fraudulently suffering decree for sum not due.	245. Fraudulently suffering decree for sum not due.
209. Dishonesty making false claim in Court.	246. Dishonestly making false claim in Court.
210. Fraudulently obtaining decree for sum not due.	247. Fraudulently obtaining decree for sum not due.
211. False charge of offence made with intent to injure.	248. False charge of offence made with intent to injure.
212. harbouring offender.	249. harbouring offender.
213. Taking gift, etc., to screen an offender from punishment.	250. Taking gift, etc., to screen an offender from punishment.
214. Offering gift or restoration of property in consideration of screening offender.	251. Offering gift or restoration of property in consideration of screening offender.
215. Taking gift to help to recover stolen property, etc.	252. Taking gift to help to recover stolen property, etc.
216. harbouring offender who has escaped from custody or whose apprehension has been ordered.	253. harbouring offender who has escaped from custody or whose apprehension has been ordered.
216A. Penalty for harbouring robbers or dacoits.	254. Penalty for harbouring robbers or dacoits.
216B. Repealed.	Repealed.
217. Public servant disobeying direction of law with intent to save person from punishment or property from forfeiture.	255. Public servant disobeying direction of law with intent to save person from punishment or property from forfeiture.
218. Public servant framing incorrect record or writing with intent to save person from punishment or property from forfeiture.	256. Public servant framing incorrect record or writing with intent to save person from punishment or property from forfeiture.
219. Public servant in judicial proceeding corruptly making report, etc., contrary to law.	257. Public servant in judicial proceeding corruptly making report, etc., contrary to law.

220. Commitment for trial or confinement by person having authority who knows that he is acting contrary to law.	258. Commitment for trial or confinement by person having authority who knows that he is acting contrary to law.
221. Intentional omission to apprehend on the part of public servant bound to apprehend.	259. Intentional omission to apprehend on the part of public servant bound to apprehend.
222. Intentional omission to apprehend on the part of public servant bound to apprehend person under sentence or lawfully committed.	260. Intentional omission to apprehend on the part of public servant bound to apprehend person under sentence or lawfully committed.
223. Escape from confinement or custody negligently suffered by public servant.	261. Escape from confinement or custody negligently suffered by public servant.
224. Resistance or obstruction by a person to his lawful apprehension.	262. Resistance or obstruction by a person to his lawful apprehension.
225. Resistance or obstruction to lawful apprehension of another person.	263. Resistance or obstruction to lawful apprehension of another person.
225A. Omission to apprehend, or sufferance of escape, on part of public servant, in cases not otherwise, provided for.	264. Omission to apprehend, or sufferance of escape, on part of public servant, in cases not otherwise, provided for.
225B. Resistance or obstruction to lawful apprehension, or escape or rescue in cases not otherwise provided for.	265. Resistance or obstruction to lawful apprehension or escape or rescue in cases not otherwise provided for.
226. Repealed.	Repealed.
227. Violation of condition of remission of punishment.	266. Violation of condition of remission of punishment.
228. Intentional insult or interruption to public servant sitting in judicial proceeding.	267. Intentional insult or interruption to public servant sitting in judicial proceeding.
CHAPTER V	
OF OFFENCES AGAINST WOMAN AND CHILD	
228A. Disclosure of identity of the victim of certain offences, etc.	72. Disclosure of identity of the victim of certain offences, etc.
237.	
228(3).	73. Printing or publishing of any matter relating to Court proceedings without permission

CHAPTER XV (CHAPTER XIV)

OF OFFENCES AFFECTING THE PUBLIC HEALTH, SAFETY, CONVENIENCE, DECENCY AND MORALS³⁶⁴

270. PUBLIC NUISANCE.³⁶⁵

A person is guilty of a public nuisance who does any act or is guilty of an illegal omission which causes any common injury, danger or annoyance to the public or to the people in general who dwell or occupy property in the vicinity, or which must necessarily cause injury, obstruction, danger or annoyance to persons who may have occasion to use any public right **but** a common nuisance is not excused on the ground that it causes some convenience or advantage.

271. NEGLIGENT ACT LIKELY TO SPREAD INFECTION OF DISEASE DANGEROUS TO LIFE.³⁶⁶

Whoever unlawfully or negligently does any act which is, and which he knows or has reason to believe to be, likely to spread the infection of any disease dangerous to life, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.

272. MALIGNANT ACT LIKELY TO SPREAD INFECTION OF DISEASE DANGEROUS TO LIFE.³⁶⁷

Whoever malignantly does any act which is, and which he knows or has reason to believe to be, likely to spread the infection of any disease dangerous to life, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

273. DISOBEDIENCE TO QUARANTINE RULE.³⁶⁸

Whoever knowingly disobeys any rule made by [made and promulgated by] the Government for putting any mode of transport [vessel] into a state of quarantine, or for regulating the intercourse of any such transport [vessels] in a state of quarantine [with the shore or with other vessels] or for regulating the intercourse between places where an infectious disease prevails and other places, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.

274. ADULTERATION OF FOOD OR DRINK INTENDED FOR SALE.³⁶⁹

Whoever adulterates any article of food or drink, so as to make such article noxious as food or drink, intending to sell such article as food or drink, or knowing it to be likely that the same will be sold as food or drink, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to five thousand (one thousand) rupees, or with both.

³⁶⁴ Chapter XV of BNS corresponds to Chapter XIV of IPC. It extends from Sections 270 to 297 of BNS

³⁶⁵ Section 268, IPC, 1860.

³⁶⁶ Section 269, IPC, 1860.

³⁶⁷ Section 270, IPC, 1860.

³⁶⁸ Section 271, IPC, 1860. The phrase 'any mode of transport' has replaced the word 'vessel' used in the old law.

³⁶⁹ Section 272, IPC, 1860.

275. SALE OF NOXIOUS FOOD OR DRINK.³⁷⁰

Whoever sells, or offers or exposes for sale, as food or drink, any article which has been rendered or has become noxious, or is in a state unfit for food or drink, knowing or having reason to believe that the same is noxious as food or drink, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to **five thousand (one thousand) rupees**, or with both.

276. ADULTERATION OF DRUGS.³⁷¹

Whoever adulterates any drug or medical preparation in such a manner as to lessen the efficacy or change the operation of such drug or medical preparation, or to make it noxious, intending that it shall be sold or used for, or knowing it to be likely that it will be sold or used for, any medicinal purpose, as if it had not undergone such adulteration, shall be punished with imprisonment of either description for a term which may extend to **one year (six months)**, or with fine which may extend to **five thousand (one thousand) rupees**, or with both.

277. SALE OF ADULTERATED DRUGS.³⁷²

Whoever, knowing any drug or medical preparation to have been adulterated in such a manner as to lessen its efficacy, to change its operation, or to render it noxious, sells the same, or offers or exposes it for sale, or issues it from any dispensary for medicinal purposes as unadulterated, or causes it to be used for medicinal purposes by any person not knowing of the adulteration, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to **five thousand (one thousand) rupees**, or with both.

278. SALE OF DRUG AS A DIFFERENT DRUG OR PREPARATION.³⁷³

Whoever knowingly sells, or offers or exposes for sale, or issues from a dispensary for medicinal purposes, any drug or medical preparation, as a different drug or medical preparation, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to **five thousand (one thousand) rupees**, or with both.

279. FOULING WATER OF PUBLIC SPRING OR RESERVOIR.³⁷⁴

Whoever voluntarily corrupts or fouls the water of any public spring or reservoir, so as to render it less fit for the purpose for which it is ordinarily used, shall be punished with imprisonment of either description for a term which may extend to **six months (three months)**, or with fine which may extend to **five thousand (five hundred) rupees**, or with both.

280. MAKING ATMOSPHERE NOXIOUS TO HEALTH.³⁷⁵

Whoever voluntarily vitiates the atmosphere in any place so as to make it noxious to the health of persons in general dwelling or carrying on business in the neighbourhood or passing along a public way, shall be punished with fine which may extend to **one thousand (five hundred) rupees**.

³⁷⁰ Section 273, IPC, 1860.

³⁷¹ Section 274, IPC, 1860.

³⁷² Section 275, IPC, 1860.

³⁷³ Section 276, IPC, 1860.

³⁷⁴ Section 277, IPC, 1860.

³⁷⁵ Section 278, IPC, 1860.

281. RASH DRIVING OR RIDING ON A PUBLIC WAY.³⁷⁶

Whoever drives any vehicle, or rides, on any public way in a manner so rash or negligent as to endanger human life, or to be likely to cause hurt or injury to any other person, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

282. RASH NAVIGATION OF VESSEL.³⁷⁷

Whoever navigates any vessel in a manner so rash or negligent as to endanger human life, or to be likely to cause hurt or injury to any other person, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to ten thousand (one thousand) rupees, or with both.

283. EXHIBITION OF FALSE LIGHT, MARK OR BUOY.³⁷⁸

Whoever exhibits any false light, mark or buoy, intending or knowing it to be likely that such exhibition will mislead any navigator, shall be punished with imprisonment of either description for a term which may extend to seven years, and (or) with fine which shall not be less than ten thousand rupees (or with both).

284. CONVEYING PERSON BY WATER FOR HIRE IN UNSAFE OR OVERLOADED VESSEL.³⁷⁹

Whoever knowingly or negligently conveys, or causes to be conveyed for hire, any person by water in any vessel, when that vessel is in such a state or so loaded as to endanger the life of that person, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to five thousand (one thousand) rupees, or with both.

285. DANGER OR OBSTRUCTION IN PUBLIC WAY OR LINE OF NAVIGATION.³⁸⁰

Whoever, by doing any act, or by omitting to take order with any property in his possession or under his charge, causes danger, obstruction or injury to any person in any public way or public line of navigation, shall be punished with fine which may extend to five thousand (one thousand) rupees.

286. NEGLIGENT CONDUCT WITH RESPECT TO POISONOUS SUBSTANCE.³⁸¹

Whoever does, with any poisonous substance, any act in a manner so rash or negligent as to endanger human life, or to be likely to cause hurt or injury to any person or knowingly or negligently omits to take such order with any poisonous substance in his possession as is sufficient to guard against any probable danger to human life from

³⁷⁶ Section 279, IPC, 1860.

³⁷⁷ Section 280, IPC, 1860.

³⁷⁸ Section 281, IPC, 1860.

³⁷⁹ Section 282, IPC, 1860.

³⁸⁰ Section 283, IPC, 1860.

³⁸¹ Section 284, IPC, 1860.

such poisonous substance, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to **five thousand (one thousand) rupees**, or with both.

287. NEGLIGENT CONDUCT WITH RESPECT TO FIRE OR COMBUSTIBLE MATTER.³⁸²

Whoever does, with fire or any combustible matter, any act so rashly or negligently as to endanger human life, or to be likely to cause hurt or injury to any other person or knowingly or negligently omits to take such order with any fire or any combustible matter in his possession as is sufficient to guard against any probable danger to human life from such fire or combustible matter, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to **two thousand (one thousand) rupees**, or with both.

288. NEGLIGENT CONDUCT WITH RESPECT TO EXPLOSIVE SUBSTANCE.³⁸³

Whoever does, with any explosive substance, any act so rashly or negligently as to endanger human life, or to be likely to cause hurt or injury to any other person, or knowingly or negligently omits to take such order with any explosive substance in his possession as is sufficient to guard against any probable danger to human life from that substance, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to **five thousand (one thousand) rupees**, or with both.

289. NEGLIGENT CONDUCT WITH RESPECT TO MACHINERY.³⁸⁴

Whoever does, with any machinery, any act so rashly or negligently as to endanger human life or to be likely to cause hurt or injury to any other person or knowingly or negligently omits to take such order with any machinery in his possession or under his care as is sufficient to guard against any probable danger to human life from such machinery, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to **five thousand (one thousand) rupees**, or with both.

290. NEGLIGENT CONDUCT WITH RESPECT TO PULLING DOWN, [OR] REPAIRING OR CONSTRUCTING BUILDINGS, ETC.³⁸⁵

Whoever, in pulling down, repairing or **constructing** any building, knowingly or negligently omits to take **such measures** with that building as is sufficient to guard against any probable danger to human life from the fall of that building, or of any part thereof, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to **five thousand (one thousand) rupees**, or with both.

³⁸² Section 285, IPC, 1860.

³⁸³ Section 286, IPC, 1860.

³⁸⁴ Section 287, IPC, 1860.

³⁸⁵ Section 288, IPC, 1860.

Section 290 of BNS corresponds to *Section 288 of IPC*. Constructing a building has been brought within the ambit of liability for this offence.

291. NEGIGENT CONDUCT WITH RESPECT TO ANIMAL.³⁸⁶

Whoever knowingly or negligently omits to take such measures [order] with any animal in his possession as is sufficient to guard against any probable danger to human life, or any probable danger of grievous hurt from such animal, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to five thousand (one thousand) rupees, or with both.

292. PUNISHMENT FOR PUBLIC NUISANCE IN CASES NOT OTHERWISE PROVIDED FOR.³⁸⁷

Whoever commits a public nuisance in any case not otherwise punishable by this Sanhita [Code] shall be punished with fine which may extend to one thousand rupees [two hundred rupees].

293. CONTINUANCE OF NUISANCE AFTER INJUNCTION TO DISCONTINUE.³⁸⁸

Whoever repeats or continues a public nuisance, having been enjoined by any public servant who has lawful authority to issue such injunction not to repeat or continue such nuisance, shall be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to five thousand rupees, or with both.

294. SALE, ETC., OF OBSCENE BOOKS, etc.³⁸⁹

(1) For the purposes of sub-section (2), a book, pamphlet, paper, writing, drawing, painting, representation, figure or any other object, including display of any content in electronic form shall be deemed to be obscene if it is lascivious or appeals to the prurient interest or if its effect, or (where it comprises two or more distinct items) the effect of any one of its items, is, if taken as a whole, such as to tend to deprave and corrupt persons who are likely, having regard to all relevant circumstances, to read, see or hear the matter contained or embodied in it.

(2) Whoever—

- (a) sells, lets to hire, distributes, publicly exhibits or in any manner puts into circulation, or for purposes of sale, hire, distribution, public exhibition or circulation, makes, produces or has in his possession any obscene book, pamphlet, paper, drawing, painting, representation or figure or any other obscene object whatsoever in whatever manner; or
- (b) imports, exports or conveys any obscene object for any of the purposes aforesaid, or knowing or having reason to believe that such object will be sold, let to hire, distributed or publicly exhibited or in any manner put into circulation; or

³⁸⁶ Section 289, IPC, 1860.

³⁸⁷ Section 290, IPC, 1860.

³⁸⁸ Section 291, IPC, 1860

³⁸⁹ Section 292, IPC, 1860.

- (c) takes part in or receives profits from any business in the course of which he knows or has reason to believe that any such obscene objects are, for any of the purposes aforesaid, made produced, purchased, kept, imported, exported, conveyed, publicly exhibited or in any manner put into circulation; or
- (d) advertises or makes known by any means whatsoever that any person is engaged or is ready to engage in any act which is an offence under this section, or that any such obscene object can be procured from or through any person; or
- (e) offers or attempts to do any act which is an offence under this section, shall be punished on first conviction with imprisonment of either description for a term which may extend to two years, and with fine which may extend to **five thousand (two thousand) rupees**, and, in the event of a second or subsequent conviction, with imprisonment of either description for a term which may extend to five years, and also with fine which may extend to **ten thousand (five thousand) rupees**.

Exception.—This section does not extend to—

- (a) any book, pamphlet, paper, writing, drawing, painting, representation or figure—
 - (i) the publication of which is proved to be justified as being for the public good on the ground that such book, pamphlet, paper, writing, drawing, painting, representation or figure is in the interest of science, literature, art or learning or other objects of general concern; or
 - (ii) which is kept or used bona fide for religious purposes;
- (b) any representation sculptured, engraved, painted or otherwise represented on or in—
 - (i) any ancient monument within the meaning of the Ancient Monuments and Archaeological Sites and Remains Act, 1958; or
 - (ii) any temple, or on any car used for the conveyance of idols, or kept or used for any religious purpose.

Section 294 of BNS corresponds to Section 292 of IPC. **Electronic form** has been recognized a mode of dissemination of obscene material. Appropriate additions have been made in this regard.

295. SALE, ETC., OF OBSCENE OBJECTS TO CHILD (YOUNG PERSON).³⁹⁰

Whoever sells, lets to hire, distributes, exhibits or circulates to any **child [person under the age of twenty years]** any such obscene object as is referred to in **section 294, [in the last preceding section]** or offers or attempts so to do, shall be punished on first conviction with imprisonment of either description for a term which may extend to three years, and with fine which may extend to two thousand rupees, and, in the event of a second or subsequent conviction, with imprisonment of either description for a term which may extend to seven years, and also with fine which may extend to five thousand rupees.

³⁹⁰ Section 293, IPC, 1860.

Section 295 of BNS corresponds to Section 293 of IPC.

- Marginal heading of the section has been changed and the terminology of 'young person' has been replaced with the term 'child'.
- The threshold of age has been changed from 21 years in IPC to 18 years in BNS, bringing it in consonance with The Juvenile Justice (Care and Protection of Children) Act, 2015.

296. OBSCENE ACTS AND SONGS.³⁹¹

Whoever, to the annoyance of others,—

- (a) does any obscene act in any public place; or
- (b) sings, recites or utters any obscene song, ballad or words, in or near any public place, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine **which may extend to one thousand rupees**, or with both.

297. KEEPING LOTTERY OFFICE.³⁹²

(1) Whoever keeps any office or place for the purpose of drawing any lottery not being a State lottery or a lottery authorised by the State Government, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.

(2) Whoever publishes any proposal to pay any sum, or to deliver any goods, or to do or forbear from doing anything for the benefit of any person, on any event or contingency relative or applicable to the drawing of any ticket, lot, number or figure in any such lottery, shall be punished with fine which may extend to **five thousand (one thousand) rupees**.

PUNISHMENT

Punishment for the following offences has been enhanced by-

- Enhancing quantum of imprisonment,
- Enhancing amount of fine prescribed.

IPC Punishment	BNS Punishment
Section 272 Adulteration of food or drink intended for sale. 1,000 rupees	Section 274 5,000 rupees
Section 273 Sale of noxious food or drink. 1,000 rupees	Section 275 5,000 rupees

³⁹¹ Section 294, IPC, 1860.

³⁹² Section 294A, IPC, 1860.

Section 274 Adulteration of drugs. Imprisonment of 6 months, or with fine which may extend to 1,000 rupees, or with both.	Section 276 Imprisonment of 1 year or with fine which may extend to 5,000 rupees, or with both.
Section 275 Sale of adulterated drugs. 1,000 rupees	Section 277 5,000 rupees
Section 276 Sale of drug as a different drug or preparation. 1,000 rupees	Section 278 5,000 rupees
Section 277 Fouling water of public spring or reservoir. Imprisonment of 3 months or with fine which may extend to 500 rupees, or with both.	Section 279 Imprisonment of 6 months, or with fine which may extend to 5,000 rupees, or with both.
Section 278 Making atmosphere noxious to health 500 rupees	Section 280 1,000 rupees
Section 280 Rash navigation of vessel. 1,000 rupees	Section 282 10,000 rupees
Section 281 Exhibition of false light, mark or buoy Or with fine	Section 283 and with fine which shall not be less than 10,000 rupees
Section 282 Conveying person by water for hire in unsafe or overloaded vessel 1,000 rupees	Section 284 5,000 rupees
Section 283 Danger or obstruction in public way or line of navigation 200 rupees	Section 285 5,000 rupees
Section 284 Negligent conduct with respect to poisonous substance. 1,000 rupees	Section 286 5,000 rupees
Section 285 Negligent conduct with respect to fire or combustible matter. 1,000 rupees	Section 287 2,000 rupees
Section 286 Negligent conduct with respect to explosive substance. 1,000 rupees	Section 288 5,000 rupees
Section 287 Negligent conduct with respect to machinery 1,000 rupees	Section 289 5,000 rupees

Section 288 Negligent conduct with respect to pulling down, repairing or constructing buildings, etc 1,000 rupees	Section 290 5,000 rupees
Section 289 Negligent conduct with respect to animal. 1,000 rupees	Section 291 5,000 rupees
Section 290 Punishment for public nuisance in cases not otherwise provided for 200 rupees	Section 292 1,000 rupees
Section 291 Continuance of nuisance after injunction to discontinue. Or with fine.	Section 293 or with fine which may extend to 5,000 rupees
Section 292 Sale, etc., of obscene books, etc (First conviction) 2,000 rupees (Subsequent conviction) 5,000 rupees	Section 294 (First conviction) 5,000 rupees (Subsequent conviction) 10,000 rupees
Section 294 Obscene acts and songs or with fine	Section 296 1000 rupees
Section 294A Keeping lottery office. (Second para) 1,000 rupees	Section 297 5,000 rupees

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OF OFFENCES AFFECTING THE PUBLIC HEALTH, SAFETY, CONVENIENCE, DECENCY AND MORALS	OF OFFENCES AFFECTING THE PUBLIC HEALTH, SAFETY, CONVENIENCE, DECENCY AND MORALS
268. Public nuisance.	270. Public nuisance.
269. Negligent act likely to spread infection of disease dangerous to life.	271. Negligent act likely to spread infection of disease dangerous to life.
270. Malignant act likely to spread infection of disease dangerous to life.	272. Malignant act likely to spread infection of disease dangerous to life.
271. Disobedience to quarantine rule.	273. Disobedience to quarantine rule.
272. Adulteration of food or drink intended for sale.	274. Adulteration of food or drink intended for sale.
273. Sale of noxious food or drink.	275. Sale of noxious food or drink.
274. Adulteration of drugs.	276. Adulteration of drugs.
275. Sale of adulterated drugs.	277. Sale of adulterated drugs.

276. Sale of drug as a different drug or preparation.	278. Sale of drug as a different drug or preparation.
277. Fouling water of public spring or reservoir.	279. Fouling water of public spring or reservoir.
278. Making atmosphere noxious to health.	280. Making atmosphere noxious to health.
279. Rash driving or riding on a public way.	281. Rash driving or riding on a public way.
280. Rash navigation of vessel.	282. Rash navigation of vessel.
281. Exhibition of false light, mark or buoy.	283. Exhibition of false light, mark or buoy.
282. Conveying person by water for hire in unsafe or overloaded vessel.	284. Conveying person by water for hire in unsafe or overloaded vessel.
283. Danger or obstruction in public way or line of navigation.	285. Danger or obstruction in public way or line of navigation.
284. Negligent conduct with respect to poisonous substance.	286. Negligent conduct with respect to poisonous substance.
285. Negligent conduct with respect to fire or combustible matter.	287. Negligent conduct with respect to fire or combustible matter.
286. Negligent conduct with respect to explosive substance.	288. Negligent conduct with respect to explosive substance.
287. Negligent conduct with respect to machinery.	289. Negligent conduct with respect to machinery.
288. Negligent conduct with respect to pulling down or repairing buildings.	290. Negligent conduct with respect to pulling down, repairing or constructing buildings etc.
289. Negligent conduct with respect to animal.	291. Negligent conduct with respect to animal.
290. Punishment for public nuisance in cases not otherwise provided for.	292. Punishment for public nuisance in cases not otherwise provided for.
291. Continuance of nuisance after injunction to discontinue.	293. Continuance of nuisance after injunction to discontinue.
292. Sale, etc., of obscene books, etc.	294. Sale, etc., of obscene books, etc.
293. Sale, etc., of obscene objects to young person.	295. Sale, etc., of obscene objects to child.
294. Obscene acts and songs.	296. Obscene acts and songs.
294A. Keeping lottery office.	297. Keeping lottery office.

CHAPTER XVI (CHAPTER XV)

OF OFFENCES RELATING TO RELIGION³⁹³

298. INJURING OR DEFILING PLACE OF WORSHIP WITH INTENT TO INSULT RELIGION OF ANY CLASS. ³⁹⁴

Whoever destroys, damages or defiles any place of worship, or any object held sacred by any class of persons with the intention of thereby insulting the religion of any class of persons or with the knowledge that any class of persons is likely to consider such destruction, damage or defilement as an insult to their religion, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

299. DELIBERATE AND MALICIOUS ACTS, INTENDED TO OUTRAGE RELIGIOUS FEELINGS OF ANY CLASS BY INSULTING ITS RELIGION OR RELIGIOUS BELIEFS. ³⁹⁵

Whoever, with deliberate and malicious intention of outraging the religious feelings of any class of citizens of India, by words, either spoken or written, or by signs or by visible representations or through electronic means or otherwise, insults or attempts to insult the religion or the religious beliefs of that class, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

Section 299 of BNS corresponds to Section 295A of IPC.

- **Electronic form** has been included as a means used for insulting religion or religious beliefs.

300. DISTURBING RELIGIOUS ASSEMBLY. ³⁹⁶

Whoever voluntarily causes disturbance to any assembly lawfully engaged in the performance of religious worship, or religious ceremonies, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

301. TRESPASSING ON BURIAL PLACES, ETC. ³⁹⁷

Whoever, with the intention of wounding the feelings of any person, or of insulting the religion of any person, or with the knowledge that the feelings of any person are likely to be wounded, or that the religion of any person is likely to be insulted thereby, commits any trespass in any place of worship or on any place of sepulchre, or any place set apart for the performance of funeral rites or as a depository for the remains of the dead, or offers any indignity to any human corpse, or causes disturbance to any

³⁹³ Chapter XVI of BNS corresponds to Chapter XV of IPC. It extends from Section 298 to Section 302.

³⁹⁴ Section 295, IPC, 1860.

³⁹⁵ Section 295A, IPC, 1860.

³⁹⁶ Section 296, IPC, 1860.

³⁹⁷ Section 297, IPC, 1860.

persons assembled for the performance of funeral ceremonies, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

302. UTTERING WORDS, ETC., WITH DELIBERATE INTENT TO WOUND RELIGIOUS FEELINGS OF ANY PERSON.³⁹⁸

Whoever, with the deliberate intention of wounding the religious feelings of any person, utters any word or makes any sound in the hearing of that person or makes any gesture in the sight of that person or places any object in the sight of that person, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

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OF OFFENCES RELATING TO RELIGION	OF OFFENCES RELATING TO RELIGION
295. Injuring or defiling place of worship, with intent to insult the religion of any class.	298. Injuring or defiling place of worship, with intent to insult the religion of any class.
295A. Deliberate and malicious acts, intended to outrage religious feelings of any class by insulting its religion or religious beliefs.	299. Deliberate and malicious acts, intended to outrage religious feelings of any class by insulting its religion or religious beliefs.
296. Disturbing religious assembly.	300. Disturbing religious assembly.
297. Trespassing on burial places, etc.	301. Trespassing on burial places, etc.
298. Uttering words, etc., with deliberate intent to wound religious feelings.	302. Uttering words, etc., with deliberate intent to wound religious feelings.

398 Section 298, IPC, 1860

CHAPTER XVII

OF OFFENCES AGAINST PROPERTY OF THEFT

303. THEFT

(1) Whoever, intending to take dishonestly any movable property out of the possession of any person without that person's consent, moves that property in order to such taking, is said to commit theft.³⁹⁹

Explanation 1.—A thing so long as it is attached to the earth, not being movable property, is not the subject of theft; but it becomes capable of being the subject of theft as soon as it is severed from the earth.

Explanation 2.—A moving effected by the same act which affects the severance may be a theft.

Explanation 3.—A person is said to cause a thing to move by removing an obstacle which prevented it from moving or by separating it from any other thing, as well as by actually moving it.

Explanation 4.—A person, who by any means causes an animal to move, is said to move that animal, and to move everything which, in consequence of the motion so caused, is moved by that animal.

Explanation 5.—The consent mentioned in this section (definition) may be express or implied, and may be given either by the person in possession, or by any person having for that purpose authority either express or implied.

Illustrations

- (a) A cuts down a tree on Z's ground, with the intention of dishonestly taking the tree out of Z's possession without Z's consent. Here, as soon as A has severed the tree in order to such taking, he has committed theft.
- (b) A puts a bait for dogs in his pocket, and thus induces Z's dog to follow it. Here, if A's intention be dishonestly to take the dog out of Z's possession without Z's consent. A has committed theft as soon as Z's dog has begun to follow A.
- (c) A meets a bullock carrying a box of treasure. He drives the bullock in a certain direction, in order that he may dishonestly take the treasure. As soon as the bullock begins to move, A has committed theft of the treasure.
- (d) A being Z's servant, and entrusted by Z with the care of Z's plate, dishonestly runs away with the plate, without Z's consent. A has committed theft.
- (e) Z, going on a journey, entrusts his plate to A, the keeper of a warehouse, till Z shall return. A carries the plate to a goldsmith and sells it. Here the plate was not in Z's possession. It could not therefore be taken out of Z's possession, and A has not committed theft, though he may have committed criminal breach of trust.

³⁹⁹ Section 378, IPC, 1860.

- (f) A finds a ring belonging to Z on a table in the house which Z occupies. Here the ring is in Z's possession, and if A dishonestly removes it, A commits theft.
- (g) A finds a ring lying on the highroad, not in the possession of any person. A, by taking it, commits no theft, though he may commit criminal misappropriation of property.
- (h) A sees a ring belonging to Z lying on a table in Z's house. Not venturing to misappropriate the ring immediately for fear of search and detection, A hides the ring in a place where it is highly improbable that it will ever be found by Z, with the intention of taking the ring from the hiding place and selling it when the loss is forgotten. Here A, at the time of first moving the ring, commits theft.
- (i) A delivers his watch to Z, a jeweler, to be regulated. Z carries it to his shop. A, not owing to the jeweler any debt for which the jeweler might lawfully detain the watch as a security, enters the shop openly, takes his watch by force out of Z's hand, and carries it away. Here A, though he may have committed criminal trespass and assault, has not committed theft, in as much as what he did was not done dishonestly.
- (j) If A owes money to Z for repairing the watch, and if Z retains the watch lawfully as a security for the debt, and A takes the watch out of Z's possession, with the intention of depriving Z of the property as a security for his debt, he commits theft, in as much as he takes it dishonestly.
- (k) Again, if A, having pawned his watch to Z, takes it out of Z's possession without Z's consent, not having paid what he borrowed on the watch, he commits theft, though the watch is his own property in as much as he takes it dishonestly.
- (l) A takes an article belonging to Z out of Z's possession without Z's consent, with the intention of keeping it until he obtains money from Z as a reward for its restoration. Here A takes dishonestly; A has therefore committed theft.
- (m) A, being on friendly terms with Z, goes into Z's library in Z's absence, and takes away a book without Z's express consent for the purpose merely of reading it, and with the intention of returning it. Here, it is probable that A may have conceived that he had Z's implied consent to use Z's book. If this was A's impression, A has not committed theft.
- (n) A asks charity from Z's wife. She gives A money, food and clothes, which A knows to belong to Z her husband. Here it is probable that A may conceive that Z's wife is authorised to give away alms. If this was A's impression, A has not committed theft.
- (o) A is the paramour of Z's wife. She gives a valuable property, which A knows to belong to her husband Z, and to be such property as she has **no (not)** authority from Z to give. If A takes the property dishonestly, he commits theft.

- (p) A, in good faith, believing property belonging to Z to be A's own property, takes that property out of Z's possession. Here, as A does not take dishonestly, he does not commit theft.
- (2) [Punishment for theft] Whoever commits theft shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both and in case of second or subsequent conviction of any person under this section, he shall be punished with rigorous imprisonment for a term which shall not be less than one year but which may extend to five years and with fine:⁴⁰⁰

Provided that in cases of theft where the value of the stolen property is less than five thousand rupees, and a person is convicted for the first time, shall upon return of the value of property or restoration of the stolen property, shall be punished with community service.

Section 303 'Theft' of BNS corresponds to *Section 378 and Section 379 of IPC*.

- The offence of theft has been provided much needed nuance considering that theft can have either opportunistic origins or it can result from careful planning, coordination, and sophistication.
- Harsher punishment has been prescribed for repeat offenders of theft – a mandatory minimum sentence of 1 year extendable to 5 years with fine.
- To prevent theft from becoming a gateway crime, first-time offenders are punished only with **community service**, where the **value of the stolen property is less than Rs. 5000 and either such value is returned or such property is restored**.
- Proviso to sub-section (2) of Section 303 provides the punishment of theft for first time offenders

304. SNATCHING.

(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 movable 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.

Section 304 'Snatching' has been introduced in BNS.

- Theft is described to be snatching when there is -
 - sudden or quick or forcible seizure, securing, grabbing or taking away
 - from any person or from his possession
 - any movable property
- The offence is punishable with imprisonment extendable to 3 years and fine.

⁴⁰⁰ Section 379, IPC, 1860.

305. THEFT IN A DWELLING HOUSE, OR MEANS OF TRANSPORTATION OR PLACE OF WORSHIP, ETC.⁴⁰¹

Whoever commits theft—

- (a) in any building, tent or vessel (which building, tent or vessel is) used as a human dwelling or used for the custody of property; or
- (b) of any means of transport used for the transport of goods or passengers; or
- (c) of any article or goods from any means of transport used for the transport of goods or passengers; or
- (d) of idol or icon in any place of worship; or
- (e) of any property of the Government or of a local authority,

shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Section 305 of BNS corresponds to *Section 380 of IPC*.

The scope of this section has been expanded to include theft committed –

- of any means of transport used to transport goods and passengers,
- of any article or goods from any means of transport used to transport goods or passengers,
- of idol or icon from places of worship
- of any property of the Government or local authority.
- 4 new sub-clauses have been added and the marginal heading of the section has been modified to reflect these changes.

306. THEFT BY CLERK OR SERVANT OF PROPERTY IN POSSESSION OF MASTER.⁴⁰²

Whoever, being a clerk or servant, or being employed in the capacity of a clerk or servant, commits theft in respect of any property in the possession of his master or employer, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

307. THEFT AFTER PREPARATION MADE FOR CAUSING DEATH, HURT OR RESTRAINT IN ORDER TO [THE] COMMITTING OF [THE] THEFT.⁴⁰³

Whoever commits theft, having made preparation for causing death, or hurt, or restraint, or fear of death, or of hurt, or of restraint, to any person, in order to the committing of such theft, or in order to the effecting of his escape after the committing of such theft, or in order to the retaining of property taken by such theft, shall be punished with rigorous imprisonment for a term which may extend to ten years, and shall also be liable to fine.

⁴⁰¹ Section 380, IPC, 1860.

⁴⁰² Section 381, IPC, 1860.

⁴⁰³ Section 382, IPC, 1860.

Illustrations

- (a) A commits theft on property in Z's possession; and while committing this theft, he has a loaded pistol under his garment, having provided this pistol for the purpose of hurting Z in case Z should resist. A has committed the offence defined in this section.
- (b) A picks Z's pocket, having posted several of his companions near him, in order that they may restrain Z, if Z should perceive what is passing and should resist, or should attempt to apprehend A. A has committed the offence defined in this section.

308. EXTORTION.

- (1) Whoever intentionally puts any person in fear of any injury to that person, or to any other, and thereby dishonestly induces the person so put in fear to deliver to any person any property, or valuable security or anything signed or sealed which may be converted into a valuable security, commits extortion.⁴⁰⁴

Illustrations

- (a) A threatens to publish a defamatory libel concerning Z unless Z gives him money. He thus induces Z to give him money. A has committed extortion.
 - (b) A threatens Z that he will keep Z's child in wrongful confinement, unless Z will sign and deliver to A a promissory note binding Z to pay certain monies to A. Z signs and delivers the note. A has committed extortion.
 - (c) A threatens to send club-men to plough up Z's field unless Z will sign and deliver to B a bond binding Z under a penalty to deliver certain produce to B, and thereby induces Z to sign and deliver the bond. A has committed extortion.
 - (d) A, by putting Z in fear of grievous hurt, dishonestly induces Z to sign or affix his seal to a blank paper and deliver it to A. Z signs and delivers the paper to A. Here, as the paper so signed may be converted into a valuable security. A has committed extortion.
 - (e) A threatens Z by sending a message through an electronic device that "Your child is in my possession, and will be put to death unless you send me one lakh rupees." A thus induces Z to give him money. A has committed extortion.
- (2) [Punishment for extortion] Whoever commits extortion shall be punished with imprisonment of either description for a term which may extend to **seven (three)** years, or with fine, or with both.⁴⁰⁵
- (3) [Putting person in fear of injury in order to commit extortion.] Whoever, in order to the committing of extortion, puts any person in fear, or attempts to put any person in fear, of any injury, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.⁴⁰⁶
- (4) [Putting person in fear of death or of grievous hurt, in order to commit extortion] Whoever, in order to the committing of extortion, puts or attempts

⁴⁰⁴ Section 383, IPC, 1860.

⁴⁰⁵ Section 384, IPC, 1860.

⁴⁰⁶ Section 385, IPC, 1860.

to put any person in fear of death or of grievous hurt to that person or to any other, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.⁴⁰⁷

- (5) [Extortion by putting a person in fear of death or grievous hurt] Whoever commits extortion by putting any person in fear of death or of grievous hurt to that person or to any other, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.⁴⁰⁸
- (6) [Putting person in fear or accusation of offence, in order to commit extortion] Whoever, in order to the committing of extortion, puts or attempts to put any person in fear of an accusation, against that person or any other, of having committed, or attempted to commit, an offence punishable with death or with imprisonment for life, or with imprisonment for a term which may extend to ten years, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine [and, if the offence be punishable under section 377 of this Code, may be punished with imprisonment for life].⁴⁰⁹
- (7) [Extortion by threat of accusation of an offence punishable with death or imprisonment for life, etc] Whoever commits extortion by putting any person in fear of an accusation against that person or any other, of having committed or attempted to commit any offence punishable with death, or with imprisonment for life, or with imprisonment for a term which may extend to ten years, or of having attempted to induce any other person to commit such offence, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine. and, if the offence be one punishable under section 377 of this Code, may be punished with imprisonment for life].⁴¹⁰

Section 308 'Extortion' of BNS corresponds to Section 383, Section 384, Section 385, Section 386, Sections 387, Section 388, Section 389 of the IPC.

- An illustration has been added to Section 380(1) to give an example of threats given through *electronic means*.

Of Robbery and Dacoity

309. ROBBERY

(1) In all robbery there is either theft or extortion.⁴¹¹

(2) [When theft is robbery] Theft is robbery if, in order to the committing of the theft, or in committing the theft, or in carrying away or attempting to carry away property obtained by the theft, the offender, for that end voluntarily causes or attempts to cause to any person death or hurt or wrongful restraint, or fear of instant death or of instant hurt, or of instant wrongful restraint.⁴¹²

(3) [When extortion is robbery] Extortion is robbery if the offender, at the time of committing the extortion, is in the presence of the person put in fear, and commits the extortion by putting that person in fear of instant death, of instant hurt, or of instant

⁴⁰⁷ Section 387, IPC, 1860.

⁴⁰⁸ Section 386, IPC, 1860.

⁴⁰⁹ Section 388, IPC, 1860.

⁴¹⁰ Section 389, IPC, 1860.

⁴¹¹ Section 390, IPC, 1860.

⁴¹² Section 390, IPC, 1860.

wrongful restraint to that person or to some other person, and, by so putting in fear, induces the person so put in fear then and there to deliver up the thing extorted.⁴¹³

Explanation.—The offender is said to be present if he is sufficiently near to put the other person in fear of instant death, of instant hurt, or of instant wrongful restraint.

Illustrations

- (a) A holds Z down, and fraudulently takes Z's money and jewels from Z's clothes, without Z's consent. Here A has committed theft, and, in order to the committing of that theft, has voluntarily caused wrongful restraint to Z. A has therefore committed robbery.
- (b) A meets Z on the high road, shows a pistol, and demands Z's purse. Z, in consequence, surrenders his purse. Here A has extorted the purse from Z by putting him in fear of instant hurt, and being at the time of committing the extortion in his presence. A has therefore committed robbery.
- (c) A meets Z and Z's child on the high road. A takes the child, and threatens to fling it down a precipice, unless Z delivers his purse. Z, in consequence, delivers his purse. Here A has extorted the purse from Z, by causing Z to be in fear of instant hurt to the child who is there present. A has therefore committed robbery on Z.
- (d) A obtains property from Z by saying—"Your child is in the hands of my gang, and will be put to death unless you send us ten thousand rupees". This is extortion, and punishable as such; but it is not robbery, unless Z is put in fear of the instant death of his child.
- (4) [Punishment for robbery] Whoever commits robbery shall be punished with rigorous imprisonment for a term which may extend to ten years, and shall also be liable to fine; and, if the robbery be committed on the highway between sunset and sunrise, the imprisonment may be extended to fourteen years.⁴¹⁴
- (5) [Attempt to commit robbery] Whoever attempts to commit robbery shall be punished with rigorous imprisonment for a term which may extend to seven years, and shall also be liable to fine.⁴¹⁵
- (6) [Voluntarily causing hurt in committing robbery] If any person, in committing or in attempting to commit robbery, voluntarily causes hurt, such person, and any other person jointly concerned in committing or attempting to commit such robbery, shall be punished with imprisonment for life, or with rigorous imprisonment for a term which may extend to ten years, and shall also be liable to fine.⁴¹⁶

310. DACOITY

- (1) When five or more persons conjointly commit or attempt to commit a robbery, or where the whole number of persons conjointly committing or attempting to commit a robbery, and persons present and aiding such commission or attempt, amount to five or more, every person so committing, attempting or aiding, is said to commit dacoity.⁴¹⁷

⁴¹³ Section 390, IPC, 1860.

⁴¹⁴ Section 392, IPC, 1860.

⁴¹⁵ Section 393, IPC, 1860.

⁴¹⁶ Section 394, IPC, 1860.

⁴¹⁷ Section 391, IPC, 1860.

- (2) [Punishment for dacoity] Whoever commits dacoity shall be punished with imprisonment for life, or with rigorous imprisonment for a term which may extend to ten years, and shall also be liable to fine.⁴¹⁸
- (3) [Dacoity with murder] If any one of five or more persons, who are conjointly committing dacoity, commits murder in so committing dacoity, every one of those persons shall be punished with death, or imprisonment for life, or rigorous imprisonment for a term which shall not be less than ten years, [may extend to ten years] and shall also be liable to fine.⁴¹⁹
- (4) [Making preparation to commit dacoity] Whoever makes any preparation for committing dacoity, shall be punished with rigorous imprisonment for a term which may extend to ten years, and shall also be liable to fine.⁴²⁰
- (5) [Assembling for purpose of committing dacoity] Whoever is [at any time after the passing of this Act, shall belong] one of five or more persons assembled for the purpose of committing dacoity, shall be punished with rigorous imprisonment for a term which may extend to seven years, and shall also be liable to fine.⁴²¹
- (6) [Punishment for belonging to gang of dacoits] Whoever belongs [at any time after the passing of this Act, shall belong] to a gang of persons associated for the purpose of habitually committing dacoity, shall be punished with imprisonment for life, or with rigorous imprisonment for a term which may extend to ten years, and shall also be liable to fine.⁴²²

311. ROBBERY, OR DACOITY, WITH ATTEMPT TO CAUSE DEATH OR GRIEVOUS HURT.⁴²³

If, at the time of committing robbery or dacoity, the offender uses any deadly weapon, or causes grievous hurt to any person, or attempts to cause death or grievous hurt to any person, the imprisonment with which such offender shall be punished shall not be less than seven years.

312. ATTEMPT TO COMMIT ROBBERY OR DACOITY WHEN ARMED WITH DEADLY WEAPON.⁴²⁴

If, at the time of attempting to commit robbery or dacoity, the offender is armed with any deadly weapon, the imprisonment with which such offender shall be punished shall not be less than seven years.

313. PUNISHMENT FOR BELONGING TO GANG OF ROBBERS [THIEVES], ETC.⁴²⁵

Whoever belongs [at any time after the passing of this Act, shall belong] to any [wandering or other] gang of persons associated in [for the purpose of] habitually committing theft or robbery, and not being a gang of (thugs or) dacoits, shall be punished with rigorous imprisonment for a term which may extend to seven years, and shall also be liable to fine.

⁴¹⁸ Section 395, IPC, 1860.

⁴¹⁹ Section 396, IPC, 1860.

⁴²⁰ Section 399, IPC, 1860.

⁴²¹ Section 402, IPC, 1860.

⁴²² Section 400, IPC, 1860.

⁴²³ Section 397, IPC, 1860.

⁴²⁴ Section 398, IPC, 1860.

⁴²⁵ Section 401, IPC, 1860.

Section 313 'Punishment for belonging to a gang of robbers' of BNS corresponds to Section 401 of IPC. The language of this section has been modified by eliminating obsolete terminologies like '*gang of thieves*', '*belong to any wandering or other gang*', '*gang of thugs*'.

Of Criminal Misappropriation Of Property

314. DISHONEST MISAPPROPRIATION OF PROPERTY.⁴²⁶

Whoever dishonestly misappropriates or converts to his own use any movable property, shall be punished with imprisonment of either description for a term which shall not be less than six months but which may extend to two years and with fine (or with fine, or with both).

Illustrations

- (a) A takes property belonging to Z out of Z's possession, in good faith believing at the time when he takes it, that the property belongs to himself. A is not guilty of theft; but if A, after discovering his mistake, dishonestly appropriates the property to his own use, he is guilty of an offence under this section.
- (b) A, being on friendly terms with Z, goes into Z's library in Z's absence, and takes away a book without Z's express consent. Here, if A was under the impression that he had Z's implied consent to take the book for the purpose of reading it, A has not committed theft. But, if A afterwards sells the book for his own benefit, he is guilty of an offence under this section.
- (c) A and B, being, joint owners of a horse. A takes the horse out of B's possession, intending to use it. Here, as A has a right to use the horse, he does not dishonestly misappropriate it. But, if A sells the horse and appropriates the whole proceeds to his own use, he is guilty of an offence under this section.

Explanation 1.—A dishonest misappropriation for a time only is a misappropriation within the meaning of this section.

Illustration

A finds a Government promissory note belonging to Z, bearing a blank endorsement. A, knowing that the note belongs to Z, pledges it with a banker as a security for a loan, intending at a future time to restore it to Z. A has committed an offence under this section.

Explanation 2.—A person who finds property not in the possession of any other person, and takes such property for the purpose of protecting it for, or of restoring it to, the owner, does not take or misappropriate it dishonestly, and is not guilty of an offence; but he is guilty of the offence above defined, if he appropriates it to his own use, when he knows or has the means of discovering the owner, or before he has used reasonable means to discover and give notice to the owner and has kept the property a reasonable time to enable the owner to claim it.

⁴²⁶ Section 403, IPC, 1860

What are reasonable means or what is a reasonable time in such a case, is a question of fact.

It is not necessary that the finder should know who is the owner of the property, or that any particular person is the owner of it; it is sufficient if, at the time of appropriating it, he does not believe it to be his own property, or in good faith believe that the real owner cannot be found.

Illustrations

- (a) A finds a rupee on the high road, not knowing to whom the rupee belongs, A picks up the rupee. Here A has not committed the offence defined in this section.
- (b) Afinds a letter on the road, containing a bank-note. From the direction and contents of the letter he learns to whom the note belongs. He appropriates the note. He is guilty of an offence under this section.
- (c) A finds a cheque payable to bearer. He can form no conjecture as to the person who has lost the cheque. But the name of the person, who has drawn the cheque, appears. A knows that this person can direct him to the person in whose favour the cheque was drawn. A appropriates the cheque without attempting to discover the owner. He is guilty of an offence under this section.
- (d) A sees Z drop his purse with money in it. A picks up the purse with the intention of restoring it to Z, but afterwards appropriates it to his own use. A has committed an offence under this section.
- (e) Afinds a purse with money, not knowing to whom it belongs; he afterwards discovers that it belongs to Z, and appropriates it to his own use. A is guilty of an offence under this section.
- (f) A finds a valuable ring, not knowing to whom it belongs. A sells it immediately without attempting to discover the owner. A is guilty of an offence under this section.

315. DISHONESTLY MISAPPROPRIATION OF PROPERTY POSSESSED BY DECEASED PERSON AT THE TIME OF HIS DEATH.⁴²⁷

Whoever dishonestly misappropriates or converts to his own use any property, knowing that such property was in the possession of a deceased person at the time of that person's decease, and has not since been in the possession of any person legally entitled to such possession, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine, and if the offender at the time of such person's decease was employed by him as a clerk or servant, the imprisonment may extend to seven years.

Illustration

Z dies in possession of furniture and money. His servant A, before the money comes into the possession of any person entitled to such possession, dishonestly misappropriates it. A has committed the offence defined in this section.

⁴²⁷ Section 404, IPC, 1860.

Of criminal breach of trust

316. CRIMINAL BREACH OF TRUST.

(1) Whoever, being in any manner entrusted with property, or with any dominion over property, dishonestly misappropriates or converts to his own use that property, or dishonestly uses or disposes of that property in violation of any direction of law prescribing the mode in which such trust is to be discharged, or of any legal contract, express or implied, which he has made touching the discharge of such trust, or wilfully suffers any other person so to do, commits criminal breach of trust.⁴²⁸

Explanation 1.—A person, being an employer of an establishment whether exempted under section 17 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 or not who deducts the employee's contribution from the wages payable to the employee for credit to a Provident Fund or Family Pension Fund established by any law for the time being in force, shall be deemed to have been entrusted with the amount of the contribution so deducted by him and if he makes default in the payment of such contribution to the said Fund in violation of the said law, shall be deemed to have dishonestly used the amount of the said contribution in violation of a direction of law as aforesaid.

Explanation 2.—A person, being an employer, who deducts the employees' contribution from the wages payable to the employee for credit to the Employees' State Insurance Fund held and administered by the Employees' State Insurance Corporation established under the Employees' State Insurance Act, 1948 shall be deemed to have been entrusted with the amount of the contribution so deducted by him and if he makes default in the payment of such contribution to the said Fund in violation of the said Act, shall be deemed to have dishonestly used the amount of the said contribution in violation of a direction of law as aforesaid.

Illustrations

- (a) A, being executor to the will of a deceased person, dishonestly disobeys the law which directs him to divide the effects according to the will, and appropriates them to his own use. A has committed criminal breach of trust.
- (b) A is a warehouse-keeper Z going on a journey, entrusts his furniture to A, under a contract that it shall be returned on payment of a stipulated sum for warehouse room. A dishonestly sells the goods. A has committed criminal breach of trust.
- (c) A, residing in Kolkata, is agent for Z, residing at Delhi. There is an express or implied contract between A and Z, that all sums remitted by Z to A shall be invested by A, according to Z's direction. Z remits one lakh of rupees to A, with directions to A to invest the same in Company's paper. A dishonestly disobeys the directions and employs the money in his own business. A has committed criminal breach of trust.
- (d) But if A, in [the last] illustration (c), not dishonestly but in good faith, believing that it will be more for Z's advantage to hold shares in the Bank of Bengal,

428 Section 405, IPC, 1860.

disobeys Z's directions, and buys shares in the Bank of Bengal, for Z, instead of buying Company's paper, here, though Z should suffer loss, and should be entitled to bring a civil action against A, on account of that loss, yet A, not having acted dishonestly, has not committed criminal breach of trust.

(e) A, a revenue-officer, is entrusted with public money and is either directed by law, or bound by a contract, express or implied, with the Government, to pay into a certain treasury all the public money which he holds. Adishonestly appropriates the money. A has committed criminal breach of trust.

(f) A, a carrier, is entrusted by Z with property to be carried by land or by water. A dishonestly misappropriates the property. A has committed criminal breach of trust.

(2) [Punishment for Criminal Breach of Trust] Whoever commits criminal breach of trust shall be punished with imprisonment of either description for a term which may extend to **five (three)** years, or with fine, or with both.⁴²⁹

(3) [Punishment for Criminal Breach of Trust by carrier, etc.] Whoever, being entrusted with property as a carrier, wharfinger or warehouse-keeper, commits criminal breach of trust in respect of such property, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.⁴³⁰

(4) [Punishment for Criminal Breach of Trust by clerk or servant] Whoever, being a clerk or servant or employed as a clerk or servant, and being in any manner entrusted in such capacity with property, or with any dominion over property, commits criminal breach of trust in respect of that property, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.⁴³¹

(5) [Punishment for Criminal Breach of Trust by public servant, or by banker, merchant or agent] Whoever, being in any manner entrusted with property, or with any dominion over property in his capacity of a public servant or in the way of his business as a banker, merchant, factor, broker, attorney or agent commits criminal breach of trust in respect of that property, shall be punished with imprisonment for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.⁴³²

Of receiving stolen property

317. STOLEN PROPERTY.

(1) Property, the possession whereof has been transferred by theft or [by] extortion or [by] robbery **or cheating**, and property which has been criminally misappropriated or in respect of which criminal breach of trust has been committed, is designated as stolen property, whether the transfer has been made, or the misappropriation or breach of trust has been committed, within or without India, but, if such property subsequently comes into the possession of a person legally entitled to the possession thereof, it then ceases to be stolen property.⁴³³

⁴²⁹ Section 406, IPC, 1860.

⁴³⁰ Section 407, IPC, 1860.

⁴³¹ Section 408, IPC, 1860.

⁴³³ Section 410, IPC, 1860

- (2) [Dishonestly receiving stolen property] Whoever dishonestly receives or retains any stolen property, knowing or having reason to believe the same to be stolen property, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.⁴³⁴
- (3) [Dishonestly receiving property stolen in the commission of a dacoity] Whoever dishonestly receives or retains any stolen property, the possession whereof he knows or has reason to believe to have been transferred by the commission of dacoity, or dishonestly receives from a person, whom he knows or has reason to believe to belong or to have belonged to a gang of dacoits, property which he knows or has reason to believe to have been stolen, shall be punished with imprisonment for life, or with rigorous imprisonment for a term which may extend to ten years, and shall also be liable to fine.⁴³⁵
- (4) [Habitually dealing in stolen property] Whoever habitually receives or deals in property which he knows or has reason to believe to be stolen property, shall be punished with imprisonment for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.⁴³⁶
- (5) [Assisting in concealment of stolen property] Whoever voluntarily assists in concealing or disposing of or making away with property which he knows or has reason to believe to be stolen property, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.⁴³⁷

Section 317 'Stolen property.' of BNS corresponds to Section 410, Section 411, Section 412, Section 413, Section 414 of IPC. The term 'cheating' has been added to the definition of 'stolen property'.

Of Cheating

318. CHEATING.

(1) Whoever, by deceiving any person, fraudulently or dishonestly induces the person so deceived to deliver any property to any person, or to consent that any person shall retain any property, or intentionally induces the person so deceived to do or omit to do anything which he would not do or omit if he were not so deceived, and which act or omission causes or is likely to cause damage or harm to that person in body, mind, reputation or property, is said to cheat.⁴³⁸

Explanation.—A dishonest concealment of facts is a deception within the meaning of this section.

Illustrations

- (a) A, by falsely pretending to be in the Civil Service, intentionally deceives Z, and thus dishonestly induces Z to let him have on credit goods for which he does not mean to pay. A cheats.

⁴³⁴ Section 411, IPC, 1860.

⁴³⁵ Section 412, IPC, 1860.

⁴³⁶ Section 413, IPC, 1860.

⁴³⁷ Section 414, IPC, 1860.

⁴³⁸ Section 415, IPC, 1860.

- (b) A, by putting a counterfeit mark on an article, intentionally deceives Z into a belief that this article was made by a certain celebrated manufacturer, and thus dishonestly induces Z to buy and pay for the article. A cheats.
- (c) A, by exhibiting to Z a false sample of an article intentionally deceives Z into believing that the article corresponds with the sample, and thereby dishonestly induces Z to buy and pay for the article. A cheats.
- (d) A, by tendering in payment for an article a bill on a house with which A keeps no money, and by which A expects that the bill will be dishonoured, intentionally deceives Z, and thereby dishonestly induces Z to deliver the article, intending not to pay for it. A cheats.
- (e) A, by pledging as diamonds articles which he knows are not diamonds, intentionally deceives Z, and thereby dishonestly induces Z to lend money. A cheats.
- (f) A intentionally deceives Z into a belief that A means to repay any money that Z may lend to him and thereby dishonestly induces Z to lend him money, A not intending to repay it. A cheats.
- (g) A intentionally deceives Z into a belief that A means to deliver to Z a certain quantity of indigo plant which he does not intend to deliver, and thereby dishonestly induces Z to advance money upon the faith of such delivery. A cheats; but if A, at the time of obtaining the money, intends to deliver the indigo plant, and afterwards breaks his contract and does not deliver it, he does not cheat, but is liable only to a civil action for breach of contract.
- (h) A intentionally deceives Z into a belief that A has performed A's part of a contract made with Z, which he has not performed, and thereby dishonestly induces Z to pay money. A cheats.
- (i) A sells and conveys an estate to B. A, knowing that in consequence of such sale he has no right to the property, sells or mortgages the same to Z, without disclosing the fact of the previous sale and conveyance to B, and receives the purchase or mortgage money from Z. A cheats.

(2) [Punishment for cheating] Whoever cheats shall be punished with imprisonment of either description for a term which may extend to **three years**, or with fine, or with both.⁴³⁹

(3) [Cheating with knowledge that wrongful loss may ensue to person whose interest offender is bound to protect] Whoever cheats with the knowledge that he is likely thereby to cause wrongful loss to a person whose interest in the transaction to which the cheating relates, he was bound, either by law, or by a legal contract, to protect, shall be punished with imprisonment of either description for a term which may extend to **five years (three years)**, or with fine, or with both.⁴⁴⁰

(4) [Cheating and dishonestly inducing delivery of property] Whoever cheats and thereby dishonestly induces the person deceived to deliver any property to any person, or to make, alter or destroy the whole or any part of a valuable security, or anything which is signed or sealed, and which is capable of being converted into a valuable

⁴³⁹ Section 417, IPC, 1860.

⁴⁴⁰ Section 418, IPC, 1860.

security, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.⁴⁴¹

319. CHEATING BY PERSONATION.

(1) A person is said to cheat by personation if he cheats by pretending to be some other person, or by knowingly substituting one person for another, or representing that he or any other person is a person other than he or such other person really is.⁴⁴²

Explanation.—The offence is committed whether the individual personated is a real or imaginary person.

Illustrations

- (a) A cheats by pretending to be a certain rich banker of the same name. A cheats by personation.
- (b) A cheats by pretending to be B, a person who is deceased. A cheats by personation.

(2) [Punishment for cheating by personation] Whoever cheats by personation shall be punished with imprisonment of either description for a term which may extend to **five (three) years**, or with fine, or with both.⁴⁴³

Of Fraudulent Deeds And Dispositions Of Property

320. DISHONEST OR FRAUDULENT REMOVAL OR CONCEALMENT OF PROPERTY TO PREVENT DISTRIBUTION AMONG CREDITORS.⁴⁴⁴

Whoever dishonestly or fraudulently removes, conceals or delivers to any person, or transfers or causes to be transferred to any person, without adequate consideration, any property, intending thereby to prevent, or knowing it to be likely that he will thereby prevent, the distribution of that property according to law among his creditors or the creditors of any other person, shall be punished with imprisonment of either description for a term which **shall not be less than six months but which** may extend to two years, or with fine, or with both.

321. DISHONESTLY OR FRAUDULENTLY PREVENTING DEBT BEING AVAILABLE FOR CREDITORS.⁴⁴⁵

Whoever dishonestly or fraudulently prevents any debt or demand due to himself or to any other person from being made available according to law for payment of his debts or the debts of such other person, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

⁴⁴¹ Section 420, IPC, 1860.

⁴⁴² Section 416, IPC, 1860.

⁴⁴³ Section 419, IPC, 1860.

⁴⁴⁴ Section 421, IPC, 1860.

⁴⁴⁵ Section 422, IPC, 1860.

322. DISHONEST OR FRAUDULENT EXECUTION OF DEED OF TRANSFER CONTAINING FALSE STATEMENT OF CONSIDERATION.⁴⁴⁶

Whoever dishonestly or fraudulently signs, executes or becomes a party to any deed or instrument which purports to transfer or subject to any charge any property, or any interest therein, and which contains any false statement relating to the consideration for such transfer or charge, or relating to the person or persons for whose use or benefit it is really intended to operate, shall be punished with imprisonment of either description for a term which may extend to three years (two years), or with fine, or with both.

323. DISHONEST OR FRAUDULENT REMOVAL OR CONCEALMENT OF PROPERTY.⁴⁴⁷

Whoever dishonestly or fraudulently conceals or removes any property of himself or any other person, or dishonestly or fraudulently assists in the concealment or removal thereof, or dishonestly releases any demand or claim to which he is entitled, shall be punished with imprisonment of either description for a term which may extend to three (two) years, or with fine, or with both.

Of Mischief

324. MISCHIEF.

(1) Whoever with intent to cause, or knowing that he is likely to cause, wrongful loss or damage to the public or to any person, causes the destruction of any property, or any such change in any property or in the situation thereof as destroys or diminishes its value or utility, or affects it injuriously, commits mischief.⁴⁴⁸

Explanation 1.—It is not essential to the offence of mischief that the offender should intend to cause loss or damage to the owner of the property injured or destroyed. It is sufficient if he intends to cause, or knows that he is likely to cause, wrongful loss or damage to any person by injuring any property, whether it belongs to that person or not.

Explanation 2.—Mischief may be committed by an act affecting property belonging to the person who commits the act, or to that person and others jointly.

Illustrations

- (a) A voluntarily burns a valuable security belonging to Z intending to cause wrongful loss to Z. A has committed mischief.
- (b) A introduces water into an ice-house belonging to Z and thus causes the ice to melt, intending wrongful loss to Z. A has committed mischief.
- (c) A voluntarily throws into a river a ring belonging to Z, with the intention of thereby causing wrongful loss to Z. A has committed mischief.

⁴⁴⁶ Section 423, IPC, 1860.

⁴⁴⁷ Section 424, IPC, 1860.

⁴⁴⁸ Section 425, IPC, 1860.

- (d) A, knowing that his effects are about to be taken in execution in order to satisfy a debt due from him to Z, destroys those effects, with the intention of thereby preventing Z from obtaining satisfaction of the debt, and of thus causing damage to Z. A has committed mischief.
 - (e) A having insured a ship, voluntarily causes the same to be cast away, with the intention of causing damage to the underwriters. A has committed mischief.
 - (f) A causes a ship to be cast away, intending thereby to cause damage to Z who has lent money on bottomry on the ship. A has committed mischief.
 - (g) A, having joint property with Z in a horse, shoots the horse, intending thereby to cause wrongful loss to Z. A has committed mischief.
 - (h) A causes cattle to enter upon a field belonging to Z, intending to cause and knowing that he is likely to cause damage to Z's crop. A has committed mischief.
- (2) [Punishment for mischief.] Whoever commits mischief shall be punished with imprisonment of either description for a term which may extend to six months (three months), or with fine, or with both.⁴⁴⁹
- (3) Whoever commits mischief and thereby causes loss or damage to any property including the property of Government or Local Authority shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.⁴⁵⁰
- (4) Whoever commits mischief and thereby causes loss or damage to the amount of twenty thousand rupees and more but less than one lakh rupees shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.⁴⁵¹
- (5) [Mischief causing damage to the amount of fifty rupees] Whoever commits mischief and thereby causes loss or damage to the amount of one lakh rupees (fifty rupees) or upwards, shall be punished with imprisonment of either description for a term which may extend to five years (two years), or with fine, or with both.⁴⁵²
- (6) [Mischief committed after preparation made for causing death or hurt] Whoever commits mischief, having made preparation for causing to any person death, or hurt, or wrongful restraint, or fear of death, or of hurt, or of wrongful restraint, shall be punished with imprisonment of either description for a term which may extend to five years, and shall also be liable to fine.⁴⁵³

Section 324 ‘Mischief’ of BNS corresponds to Section 425, Section 426, Section 427 and Section 440 of IPC.

- The offence of ‘Mischief’ as defined under Section 324 of BNS has been expanded to include any loss or damage caused to any property, including property of the Government or local authority (punishable with 1 year imprisonment or fine or both).

⁴⁴⁹ Section 426, IPC, 1860.

⁴⁵⁰ New addition.

⁴⁵¹ New addition.

⁴⁵² Section 427, IPC, 1860.

⁴⁵³ Section 440, IPC, 1860.

- Mischief causing loss or damage of 20,000 rupees or more but less than 1 lakh rupees or causing loss or damage of 1 lakh rupees or more carries different punishment as per severity of loss or damage caused.
- It also penalises commission of mischief after having made preparations to cause death, hurt or wrongful restraint or fear of any of these to a person (punishable with 5 years imprisonment as well as fine).
- Sub-sections (3), (4) and (5) have been added to this section in this regard.

325. MISCHIEF BY KILLING OR MAIMING ANIMAL [OF THE VALUE OF TEN RUPEES].⁴⁵⁴

Whoever commits mischief by killing, poisoning, maiming or rendering useless any animal shall be punished with imprisonment of either description for a term which may extend to five (two) years, or with fine, or with both.

Section 325 ‘Mischief by killing or maiming animal’ of BNS corresponds to Section 428 and Section 429 of IPC. The two sections have been consolidated under one provision and the language of the section has been modified appropriately.

326. MISCHIEF BY INJURY, INUNDATION, FIRE OR EXPLOSIVE SUBSTANCE, etc.

Whoever commits mischief by,—

- (a) [Mischief by injury to works of irrigation or by wrongfully diverting water] doing any act which causes, or which he knows to be likely to cause, a diminution of the supply of water for agricultural purposes, or for food or drink for human beings or for animals which are property, or for cleanliness or for carrying on any manufacture, shall be punished with imprisonment of either description for a term which may extend to five years, or with fine, or with both;⁴⁵⁵
- (b) [Mischief by injury to public road, bridge, river or channel] doing any act which renders or which he knows to be likely to render any public road, bridge, navigable river or navigable channel, natural or artificial, impassable or less safe for travelling or conveying property, shall be punished with imprisonment of either description for a term which may extend to five years, or with fine, or with both;⁴⁵⁶
- (c) [Mischief by causing inundation or obstruction to public drainage attended with damage] doing any act which causes or which he knows to be likely to cause an inundation or an obstruction to any public drainage attended with injury or damage, shall be punished with imprisonment of either description for a term which may extend to five years, or with fine, or with both;⁴⁵⁷
- (d) [Mischief by destroying, moving or rendering less useful a light-house or sea-mark] destroying or moving any sign or signal used for navigation of rail, aircraft or ship (light house or other light used as a sea marks or any sea mark or buoy) or other thing placed as a guide for navigators, or by any act which renders

⁴⁵⁴ Sections 428 and 429, IPC, 1860.

⁴⁵⁵ Section 430, IPC, 1860.

⁴⁵⁶ Section 431, IPC, 1860.

⁴⁵⁷ Section 432, IPC, 1860.

any such (light house, sea marks, buoy or other such things as aforesaid) sign or signal less useful as a guide for navigators, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both;⁴⁵⁸

- (e) [Mischief by destroying or moving, etc., a land-mark fixed by public authority] destroying or moving any land-mark fixed by the authority of a public servant, or by any act which renders such land-mark less useful as such, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both;⁴⁵⁹
- (f) [Mischief by fire or explosive substance with intent to cause damage to amount of one hundred or (in case of agricultural produce) ten rupees] fire or any explosive substance intending to cause, or knowing it to be likely that he will thereby cause, damage to any property including agricultural produce, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine;⁴⁶⁰
- (g) [Mischief by fire or explosive substance with intent to destroy house, etc] fire or any explosive substance, intending to cause, or knowing it to be likely that he will thereby cause, the destruction of any building which is ordinarily used as a place of worship or as a human dwelling or as a place for the custody of property, shall be punished with imprisonment for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.⁴⁶¹

Section 326 of BNS corresponds to Section 430, Section 431, Section 432, Section 433, Section 434, Section 435, and Section 436 of IPC. Language of **Section 326(d)** in BNS which corresponds to Section 433 in IPC has been modified to include terms '*rail, aircraft*'.

327. MISCHIEF WITH INTENT TO DESTROY OR MAKE UNSAFE A RAIL, AIRCRAFT, DECKED VESSEL OR ONE OF TWENTY TONS BURDEN.

(1) [Mischief with intent to destroy or make unsafe a decked vessel or one of twenty tons burden] Whoever commits mischief to any rail, aircraft, or a decked vessel or any vessel of a burden of twenty tons or upwards, intending to destroy or render unsafe, or knowing it to be likely that he will thereby destroy or render unsafe, that rail, aircraft or vessel, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.⁴⁶²

(2) [Punishment for the mischief described in section 437 committed by fire or explosive substance.] Whoever commits, or attempts to commit, by fire or any explosive substance, such mischief as is described in sub-section (1), shall be punished with imprisonment for life or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.⁴⁶³

⁴⁵⁸ Section 433, IPC, 1860.

⁴⁵⁹ Section 434, IPC, 1860.

⁴⁶⁰ Section 435, IPC, 1860.

⁴⁶¹ Section 436, IPC, 1860.

⁴⁶² Section 437, IPC, 1860.

⁴⁶³ Section 438, IPC, 1860.

Section 327 of BNS corresponds to Section 437 and Section 438 of IPC. The words 'rail, aircraft' have been added to this section.

328. PUNISHMENT FOR INTENTIONALLY RUNNING VESSEL AGROUND OR ASHORE WITH INTENT TO COMMIT THEFT, etc.⁴⁶⁴

Whoever intentionally runs any vessel aground or ashore, intending to commit theft of any property contained therein or to dishonestly misappropriate any such property, or with intent that such theft or misappropriation of property may be committed, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Of Criminal Trespass

329. CRIMINAL TRESPASS AND HOUSE-TRESPASS.

(1) [Criminal-Trespass] Whoever enters into or upon property in the possession of another with intent to commit an offence or to intimidate, insult or annoy any person in possession of such property or having lawfully entered into or upon such property, unlawfully remains there with intent thereby to intimidate, insult or annoy any such person or with intent to commit an offence is said to commit criminal trespass.⁴⁶⁵

(2) [House-Trespass] Whoever commits criminal trespass by entering into or remaining in any building, tent or vessel used as a human dwelling or any building used as a place for worship, or as a place for the custody of property, is said to commit house-trespass.⁴⁶⁶

Explanation.—The introduction of any part of the criminal trespasser's body is entering sufficient to constitute house-trespass.

(3) [Punishment for Criminal-Trespass] Whoever commits criminal trespass shall be punished with imprisonment of either description for a term which may extend to three months, or with fine which may extend to five thousand [hundred] rupees, or with both.⁴⁶⁷

(4) [Punishment for House-Trespass] Whoever commits house-trespass shall be punished with imprisonment of either description for a term which may extend to one year, or with fine which may extend to five thousand (one thousand) rupees, or with both.⁴⁶⁸

330. HOUSE-TRESPASS AND HOUSE- BREAKING.

(1) [Lurking House-Trespass] Whoever commits house-trespass having taken precautions to conceal such house-trespass from some person who has a right to exclude or eject the trespasser from the building, tent or vessel which is the subject of the trespass, is said to commit lurking house-trespass.⁴⁶⁹

(2) [House-Breaking] A person is said to commit house-breaking who commits house-trespass if he effects his entrance into the house or any part of it in any of the six ways hereinafter described; or if, being in the house or any part of it for the purpose of committing an offence, or having committed an offence therein, he quits the house or any part of it in any of the following ways, namely [such six ways, that is to say]:—⁴⁷⁰

464 Section 439, IPC, 1860.

465 Section 441, IPC, 1860.

466 Section 442, IPC, 1860.

467 Section 447, IPC, 1860.

468 Section 448, IPC, 1860.

469 Section 443, IPC, 1860.

470 Section 445, IPC, 1860.

- (a) [First] if he enters or quits through a passage made by himself, or by any abettor of the house- trespass, in order to the committing of the house-trespass;
- (b) [Secondly] if he enters or quits through any passage not intended by any person, other than himself or an abettor of the offence, for human entrance; or through any passage to which he has obtained access by scaling or climbing over any wall or building;
- (c) [Thirdly] if he enters or quits through any passage which he or any abettor of the house-trespass has opened, in order to the committing of the house-trespass by any means by which that passage was not intended by the occupier of the house to be opened;
- (d) [Fourthly] if he enters or quits by opening any lock in order to the committing of the house trespass, or in order to the quitting of the house after a house-trespass;
- (e) [Fifthly] if he effects his entrance or departure by using criminal force or committing an assault, or by threatening any person with assault;
- (f) [Sixthly] if he enters or quits by any passage which he knows to have been fastened against such entrance or departure, and to have been unfastened by himself or by an abettor of the house-trespass.

Explanation.—Any out-house or building occupied with a house, and between which and such house there is an immediate internal communication, is part of the house within the meaning of this section.

Illustrations

- (a) A commits house-trespass by making a hole through the wall of Z's house, and putting his hand through the aperture. This is house-breaking.
- (b) A commits house-trespass by creeping into a ship at a port-hole between decks. This is housebreaking.
- (c) A commits house-trespass by entering Z's house through a window. This is house-breaking.
- (d) A commits house-trespass by entering Z's house through the door, having opened a door which was fastened. This is house-breaking.
- (e) A commits house-trespass by entering Z's house through the door, having lifted a latch by putting a wire through a hole in the door. This is house-breaking.
- (f) A finds the key of Z's house door, which Z had lost, and commits house-trespass by entering Z's house, having opened the door with that key. This is house-breaking.
- (g) Z is standing in his doorway. A forces a passage by knocking Z down, and commits housetrespass by entering the house. This is house-breaking.
- (h) Z, the door-keeper of Y, is standing in Y's doorway. A commits house-trespass by entering the house, having deterred Z from opposing him by threatening to beat him. This is house- breaking.

331. PUNISHMENT FOR (LURKING) HOUSE-TRESPASS OR HOUSE-BREAKING.

(1) [Punishment for lurking house-trespass or house-breaking] Whoever commits lurking house-trespass or house-breaking, shall be punished with imprisonment of either description for a term which may extend to two years, and shall also be liable to fine.⁴⁷¹

(2) [Punishment for lurking house-trespass or house-breaking by night] Whoever commits lurking house-trespass or house-breaking (by night) after sunset and before sunrise, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.⁴⁷²

(3) [Lurking house-trespass or house-breaking in order to commit offence punishable with imprisonment] Whoever commits lurking house-trespass or house-breaking, in order to the committing of any offence punishable with imprisonment, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine; and if the offence intended to be committed is theft, the term of the imprisonment may be extended to ten years.⁴⁷³

(4) [Lurking house-trespass or house-breaking by night in order to commit offence punishable with imprisonment] Whoever commits lurking house-trespass (by night) or house-breaking after sunset and before sunrise (by night), in order to the committing of any offence punishable with imprisonment, shall be punished with imprisonment of either description for a term which may extend to five years, and shall also be liable to fine; and, if the offence intended to be committed is theft, the term of the imprisonment may be extended to fourteen years.⁴⁷⁴

(5) [Lurking house-trespass or house-breaking after preparation for hurt, assault or wrongful restraint] Whoever commits lurking house-trespass, or house-breaking, having made preparation for causing hurt to any person, or for assaulting any person, or for wrongfully restraining any person, or for putting any person in fear of hurt or of assault or of wrongful restraint, shall be punished with imprisonment of either description or [for] a term which may extend to ten years, and shall also be liable to fine.⁴⁷⁵

(6) [Lurking house-trespass or house-breaking by night after preparation for hurt, assault, or wrongful restraint.] Whoever commits lurking house-trespass (by night) or house-breaking after sunset and before sunrise (by night), having made preparation for causing hurt to any person or for assaulting any person, or for wrongfully restraining any person, or for putting any person in fear of hurt, or of assault, or of wrongful restraint, shall be punished with imprisonment of either description for a term which may extend to fourteen years, and shall also be liable to fine.⁴⁷⁶

⁴⁷¹ Section 453, IPC, 1860.

⁴⁷² Sections 446 and 456, IPC, 1860.

⁴⁷³ Section 454, IPC, 1860.

⁴⁷⁴ Section 457, IPC, 1860.

⁴⁷⁵ Section 455, IPC, 1860.

⁴⁷⁶ Section 458, IPC, 1860.

(7) [Grievous hurt caused whilst committing lurking house-trespass or house-breaking]Whoever, whilst committing lurking house-trespass or house-breaking, causes grievous hurt to any person or attempts to cause death or grievous hurt to any person, shall be punished with imprisonment for life, or imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.⁴⁷⁷

(8) [All persons jointly concerned in lurking house-trespass or house-breaking by night punishable where death or grievous hurt caused by one of them.]If, at the time of the committing of lurking house-trespass (by night) or house-breaking after sunset and before sunrise, (by night) any person guilty of such offence shall voluntarily cause or attempt to cause death or grievous hurt to any person, every person jointly concerned in committing such lurking house-trespass or house-breaking after sunset and before sunrise (by night), shall be punished with imprisonment for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.⁴⁷⁸

332. HOUSE-TRESPASS IN ORDER TO COMMIT OFFENCE.

Whoever commits house-trespass in order to the committing of any offence--

- (a) [House-trespass in order to commit offence punishable with death]punishable with death, shall be punished with imprisonment for life, or with rigorous imprisonment for a term not exceeding ten years, and shall also be liable to fine;⁴⁷⁹
- (b) [House-trespass in order to commit offence punishable with imprisonment for life]punishable with imprisonment for life, shall be punished with imprisonment of either description for a term not exceeding ten years, and shall also be liable to fine;⁴⁸⁰
- (c) [House-trespass in order to commit offence punishable with imprisonment]punishable with imprisonment, shall be punished with imprisonment of either description for a term which may extend to two years, and shall also be liable to fine;⁴⁸¹ [and]

Provided that if the offence intended to be committed is theft, the term of the imprisonment may be extended to seven years.

333. HOUSE-TRESPASS AFTER PREPARATION FOR HURT, ASSAULT OR WRONGFUL RESTRAINT.⁴⁸²

Whoever commits house-trespass, having made preparation for causing hurt to any person or for assaulting any person, or for wrongfully restraining any person, or for putting any person in fear of hurt, or of assault, or of wrongful restraint, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

⁴⁷⁷ Section 459, IPC, 1860.

⁴⁷⁸ Section 460, IPC, 1860.

⁴⁷⁹ Section 449, IPC, 1860.

⁴⁸⁰ Section 450, IPC, 1860.

⁴⁸¹ Section 451, IPC, 1860.

⁴⁸² Section 452, IPC, 1860.

334. DISHONESTLY BREAKING OPEN RECEPTACLE CONTAINING PROPERTY.

- (1) [Dishonestly breaking open receptacle containing property] Whoever dishonestly or with intent to commit mischief, breaks open or unfastens any closed receptacle which contains or which he believes to contain property, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.⁴⁸³
- (2) [Punishment for same offence when committed by person entrusted with custody] Whoever, being entrusted with any closed receptacle which contains or which he believes to contain property, without having authority to open the same, dishonestly, or with intent to commit mischief, breaks open or unfastens that receptacle, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.⁴⁸⁴

SECTIONS MERGED

Multiple related provision like provisions related to extortion, robbery, trespass have been consolidated

INDIAN PENAL Code	BHARATIYA NYAYA SANHITA
CHAPTER XVII	CHAPTER XVII
OF OFFENCES AGAINST PROPERTY	OF OFFENCES AGAINST PROPERTY
378. Theft.	303. Theft.
379. Punishment for theft.	303 (1). 303 (2).
New Section	304. Snatching.
380. Theft in dwelling house, etc.	305. Theft in a dwelling house, or means of transportation or place of worship, etc.
381. Theft by clerk or servant of property in possession of master.	306. Theft by clerk or servant of property in possession of master.
382. Theft after preparation made for causing death, hurt or restraint in order to the committing of the theft.	307. Theft after preparation made for causing death, hurt or restraint in order to the committing of theft.
	<i>Of extortion</i>
383. Extortion.	308. Extortion.
384. Punishment for extortion.	308 (1).
385. Putting person in fear of injury in order to commit extortion.	308 (2). 308 (3).

⁴⁸³ Section 461, IPC, 1860.

⁴⁸⁴ Section 462, IPC, 1860.

387. Putting person in fear of death or of grievous hurt, in order to commit extortion.	308 (4).
386. Extortion by putting a person in fear of death or grievous hurt.	308 (5).
388. Extortion by threat of accusation of an offence punishable with death or imprisonment for life, etc.	308 (6).
389. Putting person in fear or accusation of offence, in order to commit extortion.	308 (7).
	Of Robbery and Dacoity
390. Robbery	309. Robbery.
392. Punishment for robbery.	309 (1)(2)(3).
393. Attempt to commit robbery.	309 (4).
394. Voluntarily causing hurt in committing robbery.	309(5). 309(6).
391. Dacoity.	310. Dacoity. 310 (1).
395. Punishment for dacoity.	310 (2).
396. Dacoity with murder.	310 (3).
399. Making preparation to commit dacoity.	310 (4). 310 (5).
402. Assembling for purpose of committing dacoity.	310 (6).
400. Punishment for belonging to gang of dacoits.	
397. Robbery, or dacoity, with attempt to cause death or grievous hurt.	311. Robbery, or dacoity, with attempt to cause death or grievous hurt.
398. Attempt to commit robbery or dacoity when armed with deadly weapon.	312. Attempt to commit robbery or dacoity when armed with deadly weapon.
401. Punishment for belonging to gang of thieves.	313. Punishment for belonging to gang of robbers, dacoits, etc.
	<i>Of Criminal Misappropriation of Property</i>
403. Dishonest misappropriation of property.	314. Dishonest misappropriation of property.

404. Dishonest misappropriation of property possessed by deceased person at the time of his death.	315. Dishonest misappropriation of property possessed by deceased person at the time of his death. Of Criminal Breach of Trust
	316. Criminal breach of trust.
405. Criminal breach of trust.	316 (1).
406. Punishment for criminal breach of trust.	316 (2).
407. Criminal breach of trust by carrier, etc.	316 (3).
408. Criminal breach of trust by clerk or servant.	316 (4).
409. Criminal breach of trust by public servant, or by banker, merchant or agent.	316 (5). <i>Of the Receiving of Stolen Property</i>
410. Stolen property.	317. Stolen property.
411. Dishonestly receiving stolen property.	317 (1). 317 (2).
412. Dishonestly receiving property stolen in the commission of a dacoity.	317 (3).
413. Habitually dealing in stolen property.	317 (4). 317 (5).
414. Assisting in concealment of stolen property.	
	 <i>Of Cheating</i>
415. Cheating.	318. Cheating.
417. Punishment for cheating.	318 (1).
418. Cheating with knowledge that wrongful loss may ensue to person whose interest offender is bound to protect.	318 (2). 318 (3).
420. Cheating and dishonestly inducing delivery of property.	318 (4).
	 <i>Cheating by personation</i>
416.	319(1).
419. Punishment of cheating by personation.	319(2).
	 <i>Of Fraudulent Deeds and Dispositions of Property.</i>

421. Dishonest or fraudulent removal or concealment of property to prevent distribution among creditors.	320. Dishonest or fraudulent removal or concealment of property to prevent distribution among creditors
422. Dishonestly or fraudulently preventing debt being available for creditors.	321. Dishonestly or fraudulently preventing debt being available for creditors.
423. Dishonest or fraudulent execution of deed of transfer containing false statement of consideration.	322. Dishonest or fraudulent execution of deed of transfer containing false statement of consideration.
424. Dishonest or fraudulent removal or concealment of property.	323. Dishonest or fraudulent removal or concealment of property.
<i>Of Mischief</i>	
425. Mischief.	324. Mischief.
426. Punishment for mischief. New	324 (1). 324 (2).
427. Mischief causing damage to the amount of fifty rupees. New	324 (3). Mischief causing loss to Government or Local Authority 324 (4). Mischief causing loss or damage to the amount of 20,000 rupees or more but less than 1 lakh rupees. 324(5). Mischief causing loss of one lakh or more (new)
440. Mischief committed after preparation made for causing death or hurt.	324 (6).
428. Mischief by killing or maiming animal of the value of ten rupees.	325. Mischief by killing or maiming animal.
429. Mischief by killing or maiming cattle, etc., of any value or any animal of the value of fifty rupees.	325. Mischief by killing or maiming animal.
	326. Mischief by injury, inundation, fire or explosive substance, etc. 326 (a). 326 (b). 326 (c). 326 (d). 326 (e). 326 (f). 326 (g).

<p>430. Mischief by injury to works of irrigation or by wrongfully diverting water.</p> <p>431. Mischief by injury to public road, bridge, river or channel.</p> <p>432. Mischief by causing inundation or obstruction to public drainage attended with damage.</p> <p>433. Mischief by destroying, moving or rendering less useful a light-house or sea-mark.</p> <p>434. Mischief by destroying or moving, etc., a land-mark fixed by public authority.</p> <p>435. Mischief by fire or explosive substance with intent to cause damage to amount of one hundred or (in case of agricultural produce) ten rupees.</p> <p>436. Mischief by fire or explosive substance with intent to destroy house, etc.</p>	
<p>437. Mischief with intent to destroy or make unsafe a rail, aircraft, decked vessel or one of twenty tons burden.</p> <p>438. Punishment for the mischief described in section 437 committed by fire or explosive substance.</p>	<p>327. Mischief with intent to destroy or make unsafe a rail, aircraft, decked vessel or one of twenty tons burden.</p> <p>327 (1).</p> <p>327 (2).</p>
<p>439. Punishment for intentionally running vessel aground or ashore with intent to commit theft, etc.</p>	<p>328. Punishment for intentionally running vessel aground or ashore with intent to commit theft, etc.</p>
<p>441. Criminal trespass.</p> <p>442. House-trespass.</p> <p>447. Punishment for criminal trespass.</p> <p>448. Punishment for house-trespass.</p>	<p>329. Criminal trespass and house-trespass.</p> <p>329 (1).</p> <p>329 (2).</p> <p>329 (3).</p> <p>329 (4).</p>

443. Lurking house-trespass.	330. House-trespass and house-breaking.
445. House-breaking.	330(1).
444. Lurking house-trespass by night.	330 (2). Deleted
453. Punishment for lurking house-trespass or house-breaking.	331. Punishment for house-trespass or house breaking.
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454. Lurking house-trespass or house-breaking in order to commit offence punishable with imprisonment.	331 (3).
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459. Grievous hurt caused whilst committing lurking house-trespass or house-breaking.	331 (7).
460. All persons jointly concerned in lurking house-trespass or house-breaking by night punishable where death or grievous hurt caused by one of them.	331 (8).
449. House-trespass in order to commit offence punishable with death.	332. House-trespass in order to commit offence. 332 (a).
450. House-trespass in order to commit offence punishable with imprisonment for life.	332 (b).
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452. House-trespass after preparation for hurt, assault or wrongful restraint.	333. House-trespass after preparation for hurt, assault or wrongful restraint.

461. Dishonestly breaking open receptacle containing property.	334. Dishonestly breaking open receptacle containing property.
462. Punishment for same offence when committed by person entrusted with custody.	334(1). 334(2).

CHAPTER XVIII

OF OFFENCES

OFFENCES RELATING TO DOCUMENTS

AND TO PROPERTY MARKS⁴⁸⁵

335. MAKING A FALSE DOCUMENT.⁴⁸⁶

A person is said to make a false document or false electronic record—

(A) [First] Who dishonestly or fraudulently—

- (i) [a] makes, signs, seals or executes a document or part of a document;
- (ii) [b] makes or transmits any electronic record or part of any electronic record;
- (iii) [c] affixes any electronic signature on any electronic record;
- (iv) [d] makes any mark denoting the execution of a document or the authenticity of the electronic signature,

with the intention of causing it to be believed that such document or part of document, electronic record or electronic signature was made, signed, sealed, executed, transmitted or affixed by or by the authority of a person by whom or by whose authority he knows that it was not made, signed, sealed, executed or affixed; or

(B) [Secondly] Who without lawful authority, dishonestly or fraudulently, by cancellation or otherwise, alters a document or an electronic record in any material part thereof, after it has been made, executed or affixed with electronic signature either by himself or by any other person, whether such person be living or dead at the time of such alteration; or

(C) [Thirdly] Who dishonestly or fraudulently causes any person to sign, seal, execute or alter a document or an electronic record or to affix his electronic signature on any electronic record knowing that such person by reason of unsoundness of mind or intoxication cannot, or that by reason of deception practised upon him, he does not know the contents of the document or electronic record or the nature of the alteration.

Illustrations

- (a) A has a letter of credit upon B for rupees 10,000, written by Z. A, in order to defraud B, adds cipher to the 10,000, and makes the sum 1,00,000 intending that it may be believed by B that Z so wrote the letter. A has committed forgery.
- (b) A, without Z's authority, affixes Z's seal to a document purporting to be a conveyance of an estate from Z to A, with the intention of selling the estate to B and thereby of obtaining from B the purchase-money. A has committed forgery.

⁴⁸⁵ Chapter XVIII of BNS corresponds to Chapter XVIII of IPC. It extends from Sections 335 to Section 350 of BNS.

⁴⁸⁶ Section 464, IPC, 1860.

- (c) A picks up a cheque on a banker signed by B, payable to bearer, but without any sum having been inserted in the cheque. A fraudulently fills up the cheque by inserting the sum of ten thousand rupees. A commits forgery.
- (d) A leaves with B, his agent, a cheque on a banker, signed by A, without inserting the sum payable and authorises B to fill up the cheque by inserting a sum not exceeding ten thousand rupees for the purpose of making certain payments. B fraudulently fills up the cheque by inserting the sum of twenty thousand rupees. B commits forgery.
- (e) A draws a bill of exchange on himself in the name of B without B's authority, intending to discount it as a genuine bill with a banker and intending to take up the bill on its maturity. Here, as A draws the bill with intent to deceive the banker by leading him to suppose that he had the security of B, and thereby to discount the bill, A is guilty of forgery.
- (f) Z's will contains these words—"I direct that all my remaining property be equally divided between A, B and C". A dishonestly scratches out B's name, intending that it may be believed that the whole was left to himself and C. A has committed forgery.
- (g) A endorses a Government promissory note and makes it payable to Z or his order by writing on the bill the words "Pay to Z or his order" and signing the endorsement. B dishonestly erases the words "Pay to Z or his order", and thereby converts the special endorsement into a blank endorsement. B commits forgery.
- (h) A sells and conveys an estate to Z. A afterwards, in order to defraud Z of his estate, executes a conveyance of the same estate to B, dated six months earlier than the date of the conveyance to Z, intending it to be believed that he had conveyed the estate to B before he conveyed it to Z. A has committed forgery.
- (i) Z dictates his will to A. A intentionally writes down a different legatee from the legatee named by Z, and by representing to Z that he has prepared the will according to his instructions, induces Z to sign the will. A has committed forgery.
- (j) A writes a letter and signs it with B's name without B's authority, certifying that A is a man of good character and in distressed circumstances from unforeseen misfortune, intending by means of such letter to obtain alms from Z and other persons. Here, as A made a false document in order to induce Z to part with property, A has committed forgery.
- (k) A without B's authority writes a letter and signs it in B's name certifying to A's character, intending thereby to obtain employment under Z. A has committed forgery in as much as he intended to deceive Z by the forged certificate, and thereby to induce Z to enter into an express or implied contract for service.

Explanation 1.—A man's signature of his own name may amount to forgery.

Illustrations

- (a) A signs his own name to a bill of exchange, intending that it may be believed that the bill was drawn by another person of the same name. A has committed forgery.
- (b) A writes the word “accepted” on a piece of paper and signs it with Z’s name, in order that B may afterwards write on the paper a bill of exchange drawn by B upon Z, and negotiate the bill as though it had been accepted by Z. A is guilty of forgery; and if B, knowing the fact, draws the bill upon the paper pursuant to A’s intention, B is also guilty of forgery.
- (c) A picks up a bill of exchange payable to the order of a different person of the same name. A endorses the bill in his own name, intending to cause it to be believed that it was endorsed by the person to whose order it was payable; here A has committed forgery.
- (d) A purchases an estate sold under execution of a decree against B. B, after the seizure of the estate, in collusion with Z, executes a lease of the estate, to Z at a nominal rent and for a long period and dates the lease six months prior to the seizure, with intent to defraud A, and to cause it to be believed that the lease was granted before the seizure. B, though he executes the lease in his own name, commits forgery by antedating it.
- (e) A, a trader, in anticipation of insolvency, lodges effects with B for A’s benefit, and with intent to defraud his creditors; and in order to give a colour to the transaction, writes a promissory note binding himself to pay to B a sum for value received, and antedates the note, intending that it may be believed to have been made before A was on the point of insolvency. A has committed forgery under the first head of the definition.

Explanation 2.—The making of a false document in the name of a fictitious person, intending it to be believed that the document was made by a real person, or in the name of a deceased person, intending it to be believed that the document was made by the person in his lifetime, may amount to forgery.

Illustration

A draws a bill of exchange upon a fictitious person, and fraudulently accepts the bill in the name of such fictitious person with intent to negotiate it. A commits forgery.

Explanation 3.—For the purposes of this section, the expression “affixing electronic signature” shall have the meaning assigned to it in clause (d) of sub-section (1) of section 2 of the Information Technology Act, 2000.

336. FORGERY.⁴⁸⁷

(1) Whoever makes any false document or false electronic record or part of a document or electronic record, with intent to cause damage or injury, to the public or to any person, or to support any claim or title, or to cause any person to part with property, or to enter into any express or implied contract, or with intent to commit fraud or that fraud may be committed, commits forgery.⁴⁸⁸

⁴⁸⁷ Sections 463, 465, 468 and 469 of IPC, 1860 have been merged as subsections of Section 336, BNS.

⁴⁸⁸ Section 463, IPC, 1860.

(2) [Punishment for forgery] Whoever commits forgery shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.⁴⁸⁹

(3) [Forgery for purpose of cheating] Whoever commits forgery, intending that the document or electronic record forged shall be used for the purpose of cheating, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.⁴⁹⁰

(4) [Forgery for purpose of harming reputation] Whoever commits forgery, intending that the document or electronic record forged shall harm the reputation of any party, or knowing that it is likely to be used for that purpose, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.⁴⁹¹

337. FORGERY OF RECORD OF COURT OR OF PUBLIC REGISTER, etc.⁴⁹²

Whoever forges a document or an electronic record, purporting to be a record or proceeding of or in a Court ([Court of Justice](#)) or an identity document issued by Government including voter identity card or Aadhaar Card, or a register of birth, [baptism] marriage or burial, or a register kept by a public servant as such, or a certificate or document purporting to be made by a public servant in his official capacity, or an authority to institute or defend a suit, or to take any proceedings therein, or to confess judgment, or a power of attorney, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Explanation.—For the purposes of this section, “register” includes any list, data or record of any entries maintained in the electronic form as defined in clause (r) of sub-section (1) of section 2 of the Information Technology Act, 2000 ([21 of 2000](#)).

338. FORGERY OF VALUABLE SECURITY, WILL, ETC.⁴⁹³

Whoever forges a document which purports to be a valuable security or a will, or an authority to adopt a son, or which purports to give authority to any person to make or transfer any valuable security, or to receive the principal, interest or dividends thereon, or to receive or deliver any money, movable property, or valuable security, or any document purporting to be an acquittance or receipt acknowledging the payment of money, or an acquittance or receipt for the delivery of any movable property or valuable security, shall be punished with imprisonment for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

⁴⁸⁹ Section 465, IPC, 1860.

⁴⁹⁰ Section 468, IPC, 1860.

⁴⁹¹ Section 469, IPC, 1860.

⁴⁹² Section 466, IPC, 1860.

⁴⁹³ Section 467, IPC, 1860.

339. HAVING POSSESSION OF DOCUMENT DESCRIBED IN SECTION 337 OR SECTION 338 [S. 466 or S. 467], KNOWING IT TO BE FORGED AND INTENDING TO USE IT AS GENUINE.⁴⁹⁴

Whoever has in his possession any document or electronic record, knowing the same to be forged and intending that the same shall fraudulently or dishonestly be used as genuine, shall, if the document or electronic record is one of the description mentioned in section 337 of this Sanhita,[S. 466 of this Code] be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine; and if the document is one of the description mentioned in section 338 [467], shall be punished with imprisonment for life, or with imprisonment of either description, for a term which may extend to seven years, and shall also be liable to fine.

340. FORGED DOCUMENT OR ELECTRONIC RECORD AND USING IT AS GENUINE.

- (1) A false document or electronic record made wholly or in part by forgery is designated a forged document or electronic record.⁴⁹⁵
- (2) [Using as genuine a forged document or electronic record] Whoever fraudulently or dishonestly uses as genuine any document or electronic record which he knows or has reason to believe to be a forged document or electronic record, shall be punished in the same manner as if he had forged such document or electronic record.⁴⁹⁶

341. MAKING OR POSSESSING COUNTERFEIT SEAL, ETC., WITH INTENT TO COMMIT FORGERY PUNISHABLE UNDER SECTION 338.

(1) Whoever makes or counterfeits any seal, plate or other instrument for making an impression, intending that the same shall be used for the purpose of committing any forgery which would be punishable under section 338 of this Sanhita, [S. 467 of this Code] or, with such intent, has in his possession any such seal, plate or other instrument, knowing the same to be counterfeit, shall be punished with imprisonment for life, or with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.⁴⁹⁷

(2) [Making or possessing counterfeit seal, etc., with intent to commit forgery punishable otherwise] Whoever makes or counterfeits any seal, plate or other instrument for making an impression, intending that the same shall be used for the purpose of committing any forgery which would be punishable under any section of this Chapter other than section 338[467]or, with such intent, has in his possession any such seal, plate or other instrument, knowing the same to be counterfeit, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.⁴⁹⁸

(3) Whoever possesses any seal, plate or other instrument knowing the same to be counterfeit, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.⁴⁹⁹

⁴⁹⁴ Section 474, IPC, 1860.

⁴⁹⁵ Section 470, IPC, 1860.

⁴⁹⁶ Section 471, IPC, 1860.

⁴⁹⁷ Section 472, IPC, 1860.

⁴⁹⁸ Section 473, IPC, 1860.

⁴⁹⁹ New addition to BNS.

(4) Whoever fraudulently or dishonestly uses as genuine any seal, plate or other instrument knowing or having reason to believe the same to be counterfeit, shall be punished in the same manner as if he had made or counterfeited such seal, plate or other instrument.⁵⁰⁰

Section 341 of BNS corresponds to *Section 472 and Section 473 of IPC.*

Sub-sections (3) and (4) have been added to Section 341 in order to **make conscious possession of such instrument punishable.**

342. COUNTERFEITING DEVICE OR MARK USED FOR AUTHENTICATING DOCUMENTS DESCRIBED IN SECTION 338, [467] OR POSSESSING COUNTERFEIT MARKED MATERIAL.

- (1) Whoever counterfeits upon, or in the substance of, any material, any device or mark used for the purpose of authenticating any document described in **section 338, [S. 467 of this Code]** intending that such device or mark shall be used for the purpose of giving the appearance of authenticity to any document then forged or thereafter to be forged on such material, or who, with such intent, has in his possession any material upon or in the substance of which any such device or mark has been counterfeited, shall be punished with imprisonment for life, or with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.⁵⁰¹
- (2) [Counterfeiting device or mark used for authenticating documents other than those described in section 467, or possessing counterfeit marked material] Whoever counterfeits upon, or in the substance of, any material, any device or mark used for the purpose of authenticating any document or electronic record other than the documents described in **section 338, [S. 467 of this Code]** intending that such device or mark shall be used for the purpose of giving the appearance of authenticity to any document then forged or thereafter to be forged on such material, or who with such intent, has in his possession any material upon or in the substance of which any such device or mark has been counterfeited, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.⁵⁰²

343. FRAUDULENT CANCELLATION, DESTRUCTION, ETC., OF WILL, AUTHORITY TO ADOPT, OR VALUABLE SECURITY.⁵⁰³

Whoever fraudulently or dishonestly, or with intent to cause damage or injury to the public or to any person, cancels, destroys or defaces, or attempts to cancel, destroy or deface, or secretes or attempts to secrete any document which is or purports to be a will, or an authority to adopt a son, or any valuable security, or commits mischief in respect of such document, shall be punished with imprisonment for life, or with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

⁵⁰⁰ New addition to BNS.

⁵⁰¹ Section 475, IPC, 1860.

⁵⁰² Section 476, IPC, 1860.

⁵⁰³ Section 477, IPC, 1860.

344. FALSIFICATION OF ACCOUNTS.⁵⁰⁴

Whoever, being a clerk, officer or servant, or employed or acting in the capacity of a clerk, officer or servant, wilfully, and with intent to defraud, destroys, alters, mutilates or falsifies any book, electronic record, paper, writing, valuable security or account which belongs to or is in the possession of his employer, or has been received by him for or on behalf of his employer, or wilfully, and with intent to defraud, makes or abets the making of any false entry in, or omits or alters or abets the omission or alteration of any material particular from or in, any such book, electronic record, paper, writing, valuable security or account, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.

Explanation.—It shall be sufficient in any charge under this section to allege a general intent to defraud without naming any particular person intended to be defrauded or specifying any particular sum of money intended to be the subject of the fraud, or any particular day on which the offence was committed.

*Of Property Marks***345. PROPERTY MARK.**

- (1) A mark used for denoting that movable property belongs to a particular person is called a property mark.⁵⁰⁵
- (2) [Using a false property mark] Whoever marks any movable property or goods or any case, package or other receptacle containing movable property or goods, or uses any case, package or other receptacle having any mark thereon, in a manner reasonably calculated to cause it to be believed that the property or goods so marked, or any property or goods contained in any such receptacle so marked, belong to a person to whom they do not belong, is said to use a false property mark.⁵⁰⁶
- (3) [Punishment for using a false property mark] Whoever uses any false property mark shall, unless he proves that he acted without intent to defraud, be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.⁵⁰⁷

346. TAMPERING WITH PROPERTY MARK WITH INTENT TO CAUSE INJURY.⁵⁰⁸

Whoever removes, destroys, defaces or adds to any property mark, intending or knowing it to be likely that he may thereby cause injury to any person, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

347. COUNTERFEITING A PROPERTY MARK.

- (1) Whoever counterfeits any property mark used by any other person shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.⁵⁰⁹

⁵⁰⁴ Section 477A, IPC, 1860.

⁵⁰⁵ Section 479, IPC, 1860.

⁵⁰⁶ Section 481, IPC, 1860.

⁵⁰⁷ Section 482, IPC, 1860.

⁵⁰⁸ Section 489, IPC, 1860.

⁵⁰⁹ Section 483, IPC, 1860.

- (2) [Counterfeiting a mark used by a public servant] Whoever counterfeits any property mark used by a public servant, or any mark used by a public servant to denote that any property has been manufactured by a particular person or at a particular time or place, or that the property is of a particular quality or has passed through a particular office, or that it is entitled to any exemption, or uses as genuine any such mark knowing the same to be counterfeit, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.⁵¹⁰

348. MAKING OR POSSESSION OF ANY INSTRUMENT FOR COUNTERFEITING A PROPERTY MARK.⁵¹¹

Whoever makes or has in his possession any die, plate or other instrument for the purpose of counterfeiting a property mark, or has in his possession a property mark for the purpose of denoting that any goods belong to a person to whom they do not belong, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

349. SELLING GOODS MARKED WITH A COUNTERFEIT PROPERTY MARK.

⁵¹²

Whoever sells, or exposes, or has in possession for sale, any goods or things with a counterfeit property mark affixed to or impressed upon the same or upon any case, package or other receptacle in which such goods are contained, shall, unless he proves—

- (a) that, having taken all reasonable precautions against committing an offence against this section, he had at the time of the commission of the alleged offence no reason to suspect the genuineness of the mark; and
- (b) that, on demand made by or on behalf of the prosecutor, he gave all the information in his power with respect to the persons from whom he obtained such goods or things; or
- (c) that otherwise he had acted innocently, be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

350. MAKING A FALSE MARK UPON ANY RECEPTACLE CONTAINING GOODS.

- (1) Whoever makes any false mark upon any case, package or other receptacle containing goods, in a manner reasonably calculated to cause any public servant or any other person to believe that such receptacle contains goods which it does not contain or that it does not contain goods which it does contain, or that the goods contained in such receptacle are of a nature or quality different from the real nature or quality thereof, shall, unless he proves that he acted without intent to defraud, be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.⁵¹³

⁵¹⁰ Section 484, IPC,1860.

⁵¹¹ Section 485, IPC,1860.

⁵¹² Section 486, IPC,1860.

⁵¹³ Section 487, IPC,1860.

(2) [Punishment for making use of any such false mark] Whoever makes use of any false mark in any manner prohibited under sub-section (1) shall, unless he proves that he acted without intent to defraud, be punished as if he had committed the offence under sub-section (1).⁵¹⁴

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CHAPTER XVIII	CHAPTER XVIII
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466. Forgery of record of Court or of public register, etc.	337. Forgery of record of Court or of public register, etc.
467. Forgery of valuable security, will, etc.	338. Forgery of valuable security, will, etc.
468. Forgery for purpose of cheating.	336(3).
469. Forgery for purpose of harming reputation.	336(4).
470. Forged document.	340(1).
471. Using as genuine a forged document or electronic record.	340(2).
472. Making or possessing counterfeit seal, etc., with intent to commit forgery punishable under section 467.	341(1).
473. Making or possessing counterfeit seal, etc., with intent to commit forgery punishable otherwise.	341(2).
474. Having possession of document described in section 466 or 467, knowing it to be forged and intending to use it as genuine.	339. Having possession of document described in section 337 or 338, knowing it to be forged and intending to use it as genuine.
475. Counterfeiting device or mark used for authenticating documents described in section 467, or possessing counterfeit marked material.	342(1).
476. Counterfeiting device or mark used for authenticating documents other than those described in section 467, or possessing counterfeit marked material.	342(2).
477. Fraudulent cancellation, destruction, etc., of will, authority to adopt, or valuable security.	343. Fraudulent cancellation, destruction, etc., of will, authority to adopt, or valuable security.

⁵¹⁴ Section 488, IPC,1860

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480. Repealed.	Repealed.
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483. Counterfeiting a property mark used by another.	347(1).
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485. Making or possession of any instrument for counterfeiting a property mark.	348. Making or possession of any instrument for counterfeiting a property mark.
486. Selling goods marked with a counterfeit property mark.	349. Selling goods marked with a counterfeit property mark.
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CHAPTER X	
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CHAPTER XIX (CHAPTER XXII, XXI)

OF CRIMINAL INTIMIDATION, INSULT, ANNOYANCE, DEFAMATION, ETC.⁵¹⁵

351. CRIMINAL INTIMIDATION.

(1) Whoever threatens another by any means, with any injury to his person, reputation or property, or to the person or reputation of any one in whom that person is interested, with intent to cause alarm to that person, or to cause that person to do any act which he is not legally bound to do, or to omit to do any act which that person is legally entitled to do, as the means of avoiding the execution of such threat, commits criminal intimidation.

Explanation.—A threat to injure the reputation of any deceased person in whom the person threatened is interested, is within this section.

Illustration

A, for the purpose of inducing B to resist from prosecuting a civil suit, threatens to burn B's house. A is guilty of criminal intimidation.

- (2) [Punishment for criminal intimidation] Whoever commits the offence of criminal intimidation shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.⁵¹⁶
- (3) [If threat be to cause death or grievous hurt, etc] Whoever commits the offence of criminal intimidation by threatening to cause death or grievous hurt, or to cause the destruction of any property by fire, or to cause an offence punishable with death or imprisonment for life, or with imprisonment for a term which may extend to seven years, or to impute unchastity to a woman, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.⁵¹⁷
- (4) [Criminal intimidation by an anonymous communication] Whoever commits the offence of criminal intimidation by an anonymous communication, or having taken precaution to conceal the name or abode of the person from whom the threat comes, shall be punished with imprisonment of either description for a term which may extend to two years, in addition to the punishment provided for the offence under sub-section (1) [by the last preceding section].⁵¹⁸

Section 351 of BNS corresponds to Section 503 of IPC.

- The term 'by any means' has been added to the section to include **electronic means**.

⁵¹⁵ Chapter XIX of BNS has consolidated Chapters XIX, XXI and XXII of IPC. It extends from Section 351 to Section 357 of BNS.

⁵¹⁶ Section 506, IPC, 1860.

⁵¹⁷ Section 506, IPC, 1860.

⁵¹⁸ Section 507, IPC, 1860.

352. INTENTIONAL INSULT WITH INTENT TO PROVOKE BREACH OF PEACE.

Whoever intentionally insults *in any manner*, and thereby gives provocation to any person, intending or knowing it to be likely that such provocation will cause him to break the public peace, or to commit any other offence, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Section 352 of BNS corresponds to Section 504 of IPC.

- Here too, the term '*in any manner*' has been added to the section to include **electronic means**.

353. STATEMENTS CONDUCING TO PUBLIC MISCHIEF.

- (1) Whoever makes, publishes or circulates any statement, **false information**, rumour, or report, **including through electronic means**—
 - (a) with intent to cause, or which is likely to cause, any officer, soldier, sailor or airman in the Army, Navy or Air Force of India to mutiny or otherwise disregard or fail in his duty as such; or
 - (b) with intent to cause, or which is likely to cause, fear or alarm to the public, or to any section of the public whereby any person may be induced to commit an offence against the State or against the public tranquillity; or
 - (c) with intent to incite, or which is likely to incite, any class or community of persons to commit any offence against any other class or community, shall be punished with imprisonment which may extend to three years, or with fine, or with both.
- (2) [Statements creating or promoting enmity, hatred or ill-will between classes] Whoever makes, publishes or circulates any statement or report containing **false information**, rumour or alarming news, **including through electronic means**, with intent to create or promote, or which is likely to create or promote, on grounds of religion, race, place of birth, residence, language, caste or community or any other ground whatsoever, feelings of enmity, hatred or ill will between different religious, racial, language or regional groups or castes or communities, shall be punished with imprisonment which may extend to three years, or with fine, or with both.
- (3) [Offence under sub-section (2) committed in place of worship, etc] Whoever commits an offence specified in sub-section (2) in any place of worship or in any assembly engaged in the performance of religious worship or religious ceremonies, shall be punished with imprisonment which may extend to five years and shall also be liable to fine.

Exception.—It does not amount to an offence, within the meaning of this section, when the person making, publishing or circulating any such statement, **false information**, rumour or report, has reasonable grounds for believing that such statement, **false information**, rumour or report is true and makes, publishes or circulates it in good faith and without any such intent as aforesaid.

Section 353 of BNS corresponds to Section 505 of IPC.

- This measure addresses the dissemination of fake news effectively.
- The terms '**false information**' and '**electronic means**' have been added to expand the scope of this provision.

354. ACT CAUSED BY INDUCING PERSON TO BELIEVE THAT HE WILL BE RENDERED AN OBJECT OF DIVINE DISPLEASURE.⁵¹⁹

Whoever voluntarily causes or attempts to cause any person to do anything which that person is not legally bound to do, or to omit to do anything which he is legally entitled to do, by inducing or attempting to induce that person to believe that he or any person in whom he is interested will become or will be rendered by some act of the offender an object of Divine displeasure if he does not do the thing which it is the object of the offender to cause him to do, or if he does the thing which it is the object of the offender to cause him to omit, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

Illustrations

- (a) A sits dharna at Z's door with the intention of causing it to be believed that, by so sitting, he renders Z an object of Divine displeasure. A has committed the offence defined in this section.
- (b) threatens Z that, unless Z performs a certain act, A will kill one of A's own children, under such circumstances that the killing would be believed to render Z an object of Divine displeasure. A has committed the offence defined in this section.

355. MISCONDUCT IN PUBLIC BY A DRUNKEN PERSON.⁵²⁰

Whoever, in a state of intoxication, appears in any public place, or in any place which it is a trespass in him to enter, and there conducts himself in such a manner as to cause annoyance to any person, shall be punished with simple imprisonment for a term which may extend to twenty-four hours, or with fine which may extend to **one thousand (ten rupees)** rupees, or with both **or with community service**.

OF DEFAMATION

356. DEFAMATION.

(1) Whoever, by words either spoken or intended to be read, or by signs or by visible representations, makes or publishes in any manner, any imputation concerning any person intending to harm, or knowing or having reason to believe that such imputation will harm, the reputation of such person, is said, except in the cases hereinafter excepted, to defame that person.⁵²¹

Explanation 1.—It may amount to defamation to impute anything to a deceased

⁵¹⁹ Section 508, IPC, 1860.

⁵²⁰ Section 510, IPC, 1860.

⁵²¹ Section 499, IPC, 1860.

person, if the imputation would harm the reputation of that person if living, and is intended to be hurtful to the feelings of his family or other near relatives.

Explanation 2.—It may amount to defamation to make an imputation concerning a company or an association or collection of persons as such.

Explanation 3.—An imputation in the form of an alternative or expressed ironically, may amount to defamation.

Explanation 4.—No imputation is said to harm a person's reputation, unless that imputation directly or indirectly, in the estimation of others, lowers the moral or intellectual character of that person, or lowers the character of that person in respect of his caste or of his calling, or lowers the credit of that person, or causes it to be believed that the body of that person is in a loathsome state, or in a state generally considered as disgraceful.

Illustrations

(a) A says— “Z is an honest man; he never stole B's watch”; intending to cause it to be believed that Z did steal B's watch. This is defamation, unless it falls within one of the exceptions.

(b) A is asked who stole B's watch. A points to Z, intending to cause it to be believed that Z stole B's watch. This is defamation, unless it falls within one of the exceptions.

(c) A draws a picture of Z running away with B's watch, intending it to be believed that Z stole B's watch. This is defamation, unless it falls within one of the exceptions.

[First]Exception 1.—[*Imputation of truth which public good requires to be made or published*] It is not defamation to impute anything which is true concerning any person, if it be for the public good that the imputation should be made or published. Whether or not it is for the public good is a question of fact.

[Second]Exception 2.—[*Public conduct of public servants*] It is not defamation to express in good faith any opinion whatever respecting the conduct of a public servant in the discharge of his public functions, or respecting his character, so far as his character appears in that conduct, and no further.

[Third]Exception 3.—[*Conduct of any person touching any public question*] It is not defamation to express in good faith any opinion whatever respecting the conduct of any person touching any public question, and respecting his character, so far as his character appears in that conduct, and no further.

Illustrations

It is not defamation in A to express in good faith any opinion whatever respecting Z's conduct in petitioning Government on a public question, in signing a requisition for a meeting on a public question, in presiding or attending at such meeting, in forming or joining any society which invites the public support, in voting or canvassing for a particular candidate for any situation in the efficient discharge of the duties of which the public is interested.

[Fourth]Exception 4.—[Publication of reports of proceedings of courts]It is not defamation to publish substantially true report of the proceedings of a Court, or of the result of any such proceedings.

Explanation.—A Magistrate (A Justice of the peace) or other officer holding an inquiry in open Court preliminary to a trial in a Court (Court of Justice), is a Court within the meaning of the above section.

[Fifth]Exception 5.—[Merits of case decided in Court or conduct of witnesses and others concerned]It is not defamation to express in good faith any opinion whatever respecting the merits of any case, civil or criminal, which has been decided by a Court (Court of Justice), or respecting the conduct of any person as a party, witness or agent, in any such case, or respecting the character of such person, as far as his character appears in that conduct, and no further.

Illustrations

(a) A says—"I think Z's evidence on that trial is so contradictory that he must be stupid or dishonest". A is within this exception if he says this in good faith, in as much as the opinion which he expresses respects Z's character as it appears in Z's conduct as a witness, and no further.

(b) But if A says—"I do not believe what Z asserted at that trial because I know him to be a man without veracity"; A is not within this exception, in as much as the opinion which expresses of Z's character, is an opinion not founded on Z's conduct as a witness.

[Sixth]Exception 6.—[Merits of public performance]It is not defamation to express in good faith any opinion respecting the merits of any performance which its author has submitted to the judgment of the public, or respecting the character of the author so far as his character appears in such performance, and no further.

Explanation.—A performance may be submitted to the judgment of the public expressly or by acts on the part of the author which imply such submission to the judgment of the public.

Illustrations

(a) A person who publishes a book, submits that book to the judgment of the public.

(b) A person who makes a speech in public, submits that speech to the judgment of the public.

(c) An actor or singer who appears on a public stage, submits his acting or singing to the judgment of the public.

(d) A says of a book published by Z—"Z's book is foolish; Z must be a weak man. Z's book is indecent; Z must be a man of impure mind". A is within the exception, if he says this in good faith, in as much as the opinion which he expresses of Z respects Z's character only so far as it appears in Z's book, and no further.

(e) But if A says "I am not surprised that Z's book is foolish and indecent, for he is a weak man and a libertine". A is not within this exception, in as much as the opinion which he expresses of Z's character is an opinion not founded on Z's book.

[Seventh]Exception 7.—[Censure passed in good faith by person having lawful authority over another] It is not defamation in a person having over another any authority, either conferred by law or arising out of a lawful contract made with that other, to pass in good faith any censure on the conduct of that other in matters to which such lawful authority relates.

Illustration

A Judge censuring in good faith the conduct of a witness, or of an officer of the Court; a head of a department censuring in good faith those who are under his orders, a parent censuring in good faith a child in the presence of other children; a school master, whose authority is derived from a parent, censuring in good faith a pupil in the presence of other pupils; a master censuring a servant in good faith for remissness in service; a banker censuring in good faith the cashier of his bank for the conduct of such cashier as such cashier are within this exception.

[Eighth]Exception 8.—[Accusation preferred in good faith to authorised person] It is not defamation to prefer in good faith an accusation against any person to any of those who have lawful authority over that person with respect to the subject-matter of accusation.

Illustration

If A in good faith accuses Z before a Magistrate; if A in good faith complains of the conduct of Z, a servant, to Z's master; if A in good faith complains of the conduct of Z, a child, to Z's father, A is within this exception.

[Ninth]Exception 9.—[Imputation made in good faith by person for protection of his or other's interests] It is not defamation to make an imputation on the character of another provided that the imputation be made in good faith for the protection of the interests of the person making it, or of any other person, or for the public good.

Illustrations

(a) A, a shopkeeper, says to B, who manages his business—"Sell nothing to Z unless he pays you ready money, for I have no opinion of his honesty". A is within the exception, if he has made this imputation on Z in good faith for the protection of his own interests.

(b) A, a Magistrate, in making a report to his own superior officer, casts an imputation on the character of Z. Here, if the imputation is made in good faith, and for the public good, A is within the exception.

[Tenth]Exception 10.— [Caution intended for good of person to whom conveyed or for public good] It is not defamation to convey a caution, in good faith, to one person against another, provided that such caution be intended for the good of the person to whom it is conveyed, or of some person in whom that person is interested, or for the public good.

(2) **[Punishment for defamation]** Whoever defames another shall be punished with simple imprisonment for a term which may extend to two years, or with fine, or with both, **or with community service**.⁵²²

(3) **[Printing or engraving matter known to be defamatory]** Whoever prints or engraves any matter, knowing or having good reason to believe that such matter is defamatory

⁵²² Section 500, IPC, 1860.

of any person, shall be punished with simple imprisonment for a term which may extend to two years, or with fine, or with both.⁵²³

(4) [Sale of printed or engraved substance containing defamatory matter] Whoever sells or offers for sale any printed or engraved substance containing defamatory matter, knowing that it contains such matter, shall be punished with simple imprisonment for a term which may extend to two years, or with fine, or with both.⁵²⁴

Section 356 'Defamation' of BNS corresponds to Section 499, Section 500, Section 501, Section 502 of IPC.

- The term '*in any manner*' has been added to sub-section (1) of Section 356 to address electronic means.

Of Breach Of Contract To Attend On And Supply Wants Of Helpless Person

357. BREACH OF CONTRACT TO ATTEND ON AND SUPPLY WANTS OF HELPLESS PERSON.⁵²⁵

Whoever, being bound by a lawful contract to attend on or to supply the wants of any person who, by reason of youth, or of unsoundness of mind, or of a disease or bodily weakness, is helpless or incapable of providing for his own safety or of supplying his own wants, voluntarily omits so to do, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine which may extend to **five thousand (two hundred)** rupees, or with both.

PUNISHMENT

Punishments of the following offences have been enhanced by either –

- Increasing the fine prescribed, or
- Introducing community service

IPC Punishment	BNS Punishment
Section 491 Breach of contract to attend on and supply wants of helpless person. 200 rupees	Section 357 5,000 rupees
Section 500 Punishment for defamation. Imprisonment extendable to 2 years, or with fine, or with both	Section 356 356(2) imprisonment extendable to 2 years, or with fine, or with both, or with community service
Section 510 Misconduct in public by a drunken person. Imprisonment for a term which may extend to twenty-four hours or fine of 10 rupees	Section 355 Imprisonment extendable to twenty-four hours, or with fine which may extend to 1,000 rupees, or with both or with community service.

⁵²³ Section 501, IPC, 1860.

⁵²⁴ Section 502, IPC, 1860.

⁵²⁵ Section 491, IPC, 1860.

INDIAN PENAL Code	BHARATIYA NYAYA SANHITA
CHAPTER XIX	CHAPTER XIX
OF THE CRIMINAL BREACH OF CONTRACTS OF SERVICE	OF CRIMINAL INTIMIDATION, INSULT, ANNOYANCE, DEFAMATION, ETC.
	<i>Of breach of contract to attend on and supply wants of helpless person.</i>
490. Repealed.	Repealed.
491. Breach of contract to attend on and supply wants of helpless person.	357. Breach of contract to attend on and supply wants of helpless person.
492. Repealed.	Repealed.
CHAPTER XXI	
OF DEFAMATION	<i>Of defamation</i>
499. Defamation.	356(1).
500. Punishment for defamation.	356(2).
501. Printing or engraving matter known to be defamatory.	356(3).
502. Sale of printed or engraved substance containing defamatory matter.	356(4).
CHAPTER XXII	
OF CRIMINAL INTIMIDATION, INSULT AND ANNOYANCE	
503. Criminal intimidation.	351. Criminal intimidation.
504. Intentional insult with intent to provoke breach of the peace.	352. Intentional insult with intent to provoke breach of peace.
505. Statements conduced to public mischief.	353. Statements conduced to public mischief.
506. Punishment for criminal intimidation.	351(2) and 351(3).
507. Criminal intimidation by an anonymous communication.	351(4).
508. Act caused by inducing person to believe that he will be rendered an object of the Divine displeasure.	354. Act caused by inducing person to believe that he will be rendered an object of the Divine displeasure.
509. Word, gesture or act intended to insult the modesty of a woman.	79. Word, gesture or act intended to insult the modesty of a woman.
510. Misconduct in public by a drunken person.	355. Misconduct in public by a drunken person.

CHAPTERXX

REPEAL AND SAVINGS

358. REPEAL AND SAVINGS.

- (1) The Indian Penal Code 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 with regard to the effect of the repeal.

Chapter XX – Repeal and Saving of BNS is a new Chapter comprising of one section - Section 358 ‘Repeal and savings’.

The Sections clarifies that –

- Implementation of BNS does not affect anything done or suffered under the IPC before its repeal.
- Rights, privileges, obligations, or liabilities acquired under the IPC remain valid.
- Penalties or punishments incurred for offenses committed under the IPC are still applicable
- Investigations or remedies related to penalties or punishments under the IPC continue.

- Actions taken under the IPC are considered to have been done under the corresponding provisions of the new BNS.
- The repeal of the IPC does not disrupt or invalidate ongoing legal actions or the application of penalties for past offenses committed under the IPC.

List of IPC sections, which have been deleted / repealed in BNS, 2023

Old Sec. of IPC	Title / Description
Sec. 14	Servant of Government -The words "servant of government denote any officer or servant continued, appointed or employed in India by or under the authority of Government.
Sec. 18	India
50	"Section". The word "section" denotes one of those portions of a Chapter of this Code which are distinguished by prefixed numeral figures.
53 A	Construction of reference to transportation
124 A	Sedition
153 AA	Punishment for knowingly carrying arms in any procession
236	Abetting in India the counterfeiting out of India of coin
237	Import or export of counterfeit coin
238	Import or export of counterfeits of Indian Coin
264	Fraudulent use of false instrument for weighing
265	Fraudulent use of false weight or measure
266	Being in possession of false weight or measure
267	Making or selling false weight or measure
309	Attempt to commit suicide
310	Thug
311	Punishment of Thug
377	Sexual intercourse against the order of nature
444	Lurking house trespass at night
446	House breaking at night
497	Adultery

Summary of Bharatiya Nyaya Sanhita, 2023

- The new Act is called “**Bharatiya Nyaya Sanhita, 2023**”, (BNS) which has replaced Indian Penal Code, 1860. The word Code has been replaced with Sanhita.
- In BNS, there are a total of **358 Sections in 20 Chapters** whereas there were **511 sections in 23 Chapters** in IPC. Scattered provisions have been consolidated in single Chapter. Also, definitions and punishment have been provided in the same section in many Sections/ Chapters, which resulted in change in numbering of Sections/ Chapters in BNS.
- The Sections/ Chapters for offences against women & children and offences affecting the human body (murder) have been given precedence. Further, the **offences against women and children** which were scattered throughout in the erstwhile IPC have been brought together and have been consolidated under Chapter V. In the same manner, the **offences affecting the human body** are also brought up in order and placed thereafter in Chapter VI
- All the three incomplete categories of offences, i.e. **Attempt, Abetment & Conspiracy**, are brought together in one Chapter i.e. Chapter IV, which were earlier in different chapters.
- **20 New sections have been added.** For example, Abetment of an offence committed in India by a person outside India has now been made an offence u/s 48 of BNS. Offence of **Snatching** has also been introduced u/s 304 of BNS. Also, **Mob Lynching, Organised Crime, Petty Organised Crime and Terrorist Act** have been made separate offences in BNS. A new Section 226 has been added in the BNS to punish those who **attempt to commit suicide with the intent to compel or restrain the exercise of any lawful power by a public servant**.
- To tackle ‘**organised crime**’ and ‘**terrorist acts**’, offence of organised crime and terrorist act have been added in the Sanhita with deterrent punishments. Sections **111 & 113** of the BNS 2023 punish the commission, attempt, abetment, conspiracy of organised crimes and terrorist acts respectively. Both the Sections also punish the act of being a member of any organised crime syndicate or terrorist organisation, harboring or concealing any person who committed any organised crime or terrorist act and the act of possessing any property derived or obtained from the commission of organised crime or terrorist act. Section 111 on organised crime takes care of various State Laws enacted in this domain. Section 113 on terrorist act has been drafted on the lines of UAPA. It has also been provided that **in case of the offence of terrorist act, officer not below the rank of SP will decide whether to register a case under the provisions of BNS, 2023 or UAPA.**

- A new offence for having sexual intercourse on **false promise of marriage, employment, promotion or by suppressing the identity etc.** has been introduced in **Section 69 of the BNS**. This provision will be a deterrent for the people who employ deceitful means like false promise of marriage, concealment of identity etc. to take consent of the woman and involve in sexual intercourse. It aims to protect the rights of women.
- **20 Provisions of IPC have been deleted.** Offences like **Attempt to Commit Suicide u/s 309 IPC, Adultery u/s 497 IPC, Sedition u/s124-A IPC, etc.** have been deleted/ repealed as offence in BNS.
- Punishment of **imprisonment has been increased in 33 offences** viz. in the offence of death by negligence punishable u/s 106(1) of BNS imprisonment has been increased from 2 years to 5 years. Also, punishment of imprisonment up to ten years and fine u/s 106 (2) of BNS for not reporting of death caused by rash and negligent driving of vehicle and escapes from the place of incident without reporting has been incorporated.
- A new provision **117(3)** has been introduced in the BNS to provide **stringent punishment** for such acts of **grievous hurt which results in persistent vegetative state or in permanent disability**, it will attract higher punishment of **rigorous imprisonment for a term which shall not be less than ten years but which may extend to imprisonment for life (remainder of that person's natural life)** as against up to 7 years imprisonment for grievous hurt earlier in IPC.
- Punishment of **Fine has been enhanced in 83 offences**. Fine of ₹10/-, 100/-, 200/-, 250/-, 500/- etc. have been enhanced to 1000/-, 2500/-, 5000/-, 10,000/- etc.to make the fine heavy.
- **Mandatory minimum punishment** has been introduced in **23 offences** viz. buying child for the purpose of prostitution, organised crime, terrorist act, hurt to deter public servant from his duty, personating a public servant, theft etc.
- For the first time **Community Service** has been introduced as one of the punishments specifically provided for **6 petty offences** mentioned below. It introduces the reformative approach in the punishment scheme which is aimed towards achieving '**NYAYA**' in the society.
 - i. Public Servant unlawfully engaging in trade u/s 202 BNS.
 - ii. Non-appearance in response to a proclamation published under sub-section (1) of section 84 of BNSS is punishable u/s 209 BNS.

- iii. Attempt to commit suicide to compel or restrain exercise of lawful power of public servant u/s 226 BNS.
- iv. Petty theft on return/ restoration of theft property and a person is convicted for the first time u/s 303(2) BNS.
- v. Misconduct in public by a drunken person u/s 355 BNS.
- vi. Defamation u/s 356 BNS.
- **Assault or use of criminal force to woman with intent to disrobe her** u/s 76 of BNS and **Voyeurism** u/s 77 of BNS has been made **gender neutral** with respect to the perpetrator.
- The offence relating to **importation of a person from a foreign country** has also been made **gender neutral** with respect to the victim to cover both boys and girls in **Section 141**. It will protect the **minor boys and girls** from being used for the purposes of forced or seduced illicit intercourse.
- **Age based parameters** for differential punishment (**for gang rape of a minor girl**) has been removed and now Section 70(2) prescribes **life imprisonment (till remainder of that person's natural life) or death for gang rape of a woman below the age of 18 years**.
- Definition of **Child** is added in Sec. 2 (3). Uniformity has been introduced in the use of expression ‘child’ throughout the BNS, 2023 which is achieved by replacing the expression ‘minor’ and ‘child under the age of eighteen years’ with the word ‘child’.
- **Transgender** has been included in the definition of ‘Gender’ u/s 2(10) as any person including male, female and transgender.
- Replacing ‘**Night**’ with ‘**after sunset and before sunrise**’.
- Movable property includes **tangible as well as intangible property**. [Sec 2 (21)]
- Section 303 (2) of the BNS, 2023 presents a fine example of **deterrence and reformative approach of punishment**. On the one hand, for a second conviction of any person for theft, the section prescribes a higher punishment up to 5 years with a mandatory minimum punishment of 1 year, on the other hand where the value of stolen property is less than 5,000 rupees and the first-time offender returns/ restores the stolen property, the punishment of only community service has been prescribed.



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