



# Bharatiya Nyaya Sanhita, 2023

# भारतीय न्याय संहिता, 2023

(Upon enforcement would repeal - Indian Penal Code, 1860)  
(Enforcement date - 1st July 2024)



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## **FOREWORD**

Manupatra Information Solutions Pvt. Ltd. has released this e-book of Bharatiya Nyaya Sanhita, 2023 in an e-book format for ecological reasons. The team at Manupatra is committed to deliver such content and legal-tech solutions that drive the change and development in the field of law.

The e-book carries a lot of features and can be opened on Google Chrome or Adobe PDF Reader for best utilization and reading experience. Use the side index/bookmarks feature to navigate the document comfortably.

The team at Manupatra will be updating its users about the Bharatiya Nyaya Sanhita, 2023 for the period of 1 year through email (subject to terms and conditions). Manupatra will be using the email that the user has provided at the time of download.

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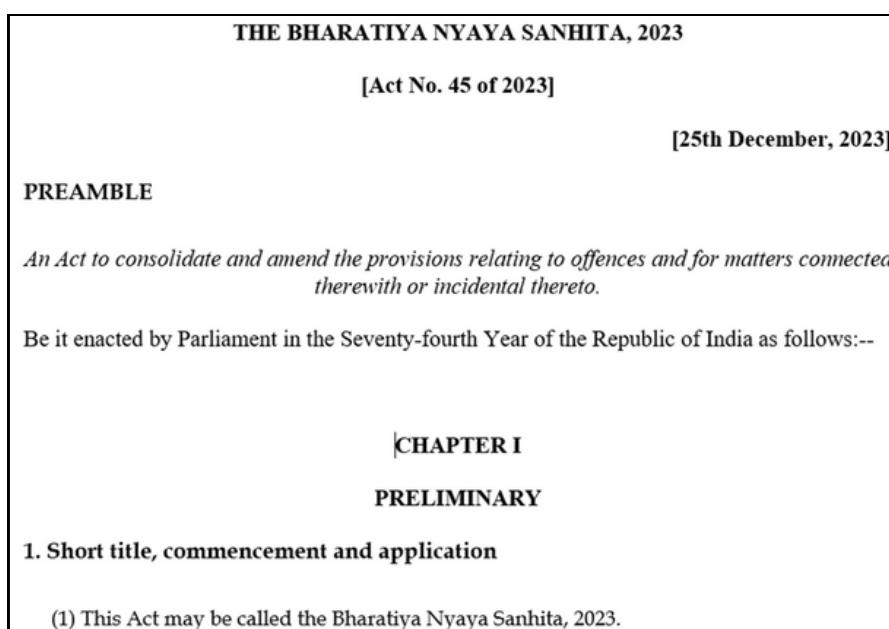
## DETAILS OF THE ACT

<b>Act Title (English):</b>	Bharatiya Nyaya Sanhita, 2023
<b>Act Title (Hindi):</b>	भारतीय न्याय संहिता, 2023
<b>Enactment Date:</b>	25th December, 2023
<b>Act Number:</b>	45 of 2023
<b>Act Year:</b>	2023
<b>Preamble:</b>	An Act to consolidate and amend the provisions relating to offences and for matters connected therewith or incidental thereto.
<b>Enforcement Date:</b>	1 <sup>st</sup> July 2024
<b>Act Repealed: (from the date of enforcement)</b>	The Indian Penal Code, 1860 (45 of 1860)

# GUIDE ON HOW TO MAKE THE MOST OF THIS E-BOOK!

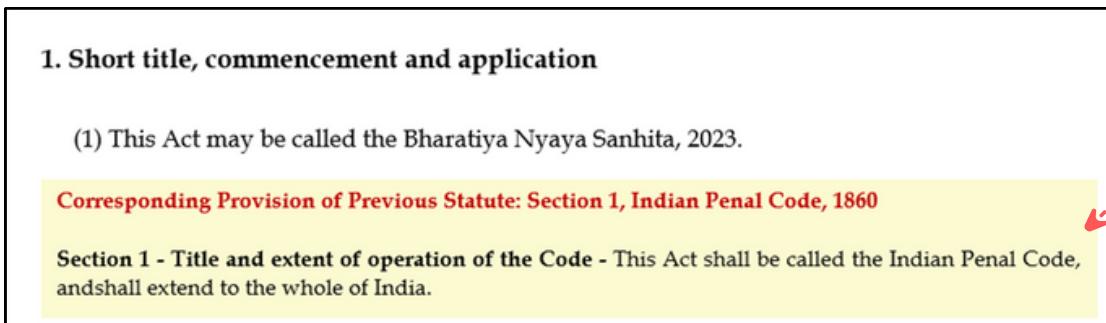
## 01

The e-book has the complete Bharatiya Nyaya Sanhita, 2023.



## 02

Below the provisions of the new statute, you will find yellow boxes.



**1. Short title, commencement and application**

(1) This Act may be called the Bharatiya Nyaya Sanhita, 2023.

**Corresponding Provision of Previous Statute: Section 1, Indian Penal Code, 1860**

Section 1 - Title and extent of operation of the Code - This Act shall be called the Indian Penal Code, and shall extend to the whole of India.

These yellow boxes contain the corresponding provision of the Indian Penal Code, 1860. These provisions cater to the same/similar notion or topic as the new statute.

## 03

In some of these yellow boxes, landmark decisions of the corresponding provision from the Indian Penal Code, 1860 are present.

### Corresponding Provision of Previous Statute: Section 3, Indian Penal Code, 1860

**Section 3 - Punishment of offences committed beyond, but which by law may be tried within, India**  
- Any person liable, by any Indian law, to be tried for an offence committed beyond India shall be dealt with according to the provisions of this Code for any act committed beyond India in the same manner as if such act had been committed within India.

#### LANDMARK JUDGMENT

Kari Singh vs. Emperor, [MANU/WB/0119/1912](#)

Simply click on the link and read the entire judgment.

## 04

For a lot of the provisions, you will find a box of linked provisions on the side. These are the provisions that can be read as related or connected to the provision of the Bharatiya Nyaya Sanhita, 2023. You can read the entire provision by just clicking on the link!

### 15. Act of Judge when acting judicially

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.

#### Linked Provisions

[Contempt of Courts Act, 1971 - Section 16 - Contempt by Judge, Magistrate or Other Person Acting Judicially](#)

## THE BHARATIYA NYAYA SANHITA, 2023

Preamble - THE BHARATIYA NYAYA SANHITA, 2023

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Section 3 - General explanations.

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Section 6 - Fractions of terms of punishment.

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Section 358 - Repeal and savings.

Statement of Objects and Reasons - STATEMENT OF OBJECTS AND REASONS

## THE BHARATIYA NYAYA SANHITA, 2023

[Act No. 45 of 2023]

[25th December, 2023]

## PREAMBLE

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

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

## CHAPTER I

## PRELIMINARY

**1. Short title, commencement and application**

(1) This Act may be called the Bharatiya Nyaya Sanhita, 2023.

**Corresponding Provision of Previous Statute: Section 1, Indian Penal Code, 1860**

**Section 1 - Title and extent of operation of the Code** - This Act shall be called the Indian Penal Code, and shall extend to the whole of India.

(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 and not otherwise for every act or omission contrary to the provisions thereof, of which he shall be guilty within India.

**Corresponding Provision of Previous Statute: Section 2, Indian Penal Code, 1860**

**Section 2 - Punishment of offences committed within India** - Every person shall be liable to punishment under this Code and not otherwise for every act or omission contrary to the provisions thereof, of which he shall be guilty within India.

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**LANDMARK JUDGMENT**

Mobarik Ali Ahmed vs. The State of Bombay, [MANU/SC/0043/1957](#)

(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 for any act committed beyond India in the same manner as if such act had been committed within India.

**Corresponding Provision of Previous Statute: Section 3, Indian Penal Code, 1860****Section 3 - Punishment of offences committed beyond, but which by law may be tried within, India**

- Any person liable, by any Indian law, to be tried for an offence committed beyond India shall be dealt with according to the provisions of this Code for any act committed beyond India in the same manner as if such act had been committed within India.

**LANDMARK JUDGMENT**

Kari Singh vs. Emperor, [MANU/WB/0119/1912](#)

(5) The provisions of this Sanhita shall also apply to any offence committed by-

- (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. He can be tried and convicted of murder in any place in India in which he may be found.

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**Corresponding Provision of Previous Statute: Section 4, Indian Penal Code, 1860**

**Section 4 - Extension of Code to extra-territorial offences** - The provisions of this Code apply also to any offence committed by –

- (1) any citizen of India in any place without and beyond India;
- (2) any person on any ship or aircraft registered in India wherever it may be.
- (3) any person in any place without and beyond India committing offence targeting a computer resource located in India.

*Explanation.*—In this section—

- (a) the word “offence” includes every act committed outside India which, if committed in India, would be punishable under this Code;
- (b) the expression “computer resource” shall have the meaning assigned to it in clause (k) of sub-section (1) of section 2 of the Information Technology Act, 2000 (21 of 2000).

*Illustration*

A, who is a citizen of India, commits a murder in Uganda. He can be tried and convicted of murder in any place in India in which he may be found.

**LANDMARK JUDGMENT**

Central Bank of India vs. Ram Narain, [MANU/SC/0066/1954](#)

- (6) Nothing in this Sanhita 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.

**Corresponding Provision of Previous Statute: Section 5, Indian Penal Code, 1860**

**Section 5 - Certain laws not to be affected by this Act** - Nothing in this Act 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.

## 2. Definitions

In this Sanhita, unless the context otherwise requires,—

- (1) "act" denotes as well a series of acts as a single act;

**Corresponding Provision of Previous Statute: Section 33, Indian Penal Code, 1860**

**Section 33 - "Act". "Omission"** - The word "act" denotes as well as series of acts as a single act: the word "omission" denotes as well a series of omissions as a single omission.

**LANDMARK JUDGMENT**

Shishpal and Ors. vs. The State (NCT of Delhi), [MANU/DE/1347/2014](#)

(2) "animal" means any living creature, other than a human being;

**Corresponding Provision of Previous Statute: Section 47, Indian Penal Code, 1860**

**Section 44 - "Animal"**- The word "animal" denotes any living creature, other than a human being.

(3) "child" means any person below the age of eighteen years;

(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.

*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;

**Corresponding Provision of Previous Statute: Section 28, Indian Penal Code, 1860**

**Section 28 - "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.

*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

(5) "Court" means 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;

**Corresponding Provision of Previous Statute: Section 20, Indian Penal Code, 1860**

**Section 20 - "Court of Justice"**- The words "Court of Justice" denote 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.

*Illustration*

A Panchayat acting under Regulation VII, 1816, of the Madras Code, having power to try and determine suits, is a Court of Justice

(6) "death" means the death of a human being unless the contrary appears from the context;

**Corresponding Provision of Previous Statute: Section 46, Indian Penal Code, 1860**

**Section 46 - "Death"**- The word "death" denotes the death of a human being unless the contrary appears from the context.

(7) "dishonestly" means doing anything with the intention of causing wrongful gain to one person or wrongful loss to another person;

**Corresponding Provision of Previous Statute: Section 24, Indian Penal Code, 1860**

**Section 24 - "Dishonestly"**- Whoever does anything with the intention of causing wrongful gain to one person or wrongful loss to another person, is said to do that thing "dishonestly".

**LANDMARK JUDGMENT**

Union of India (UO) through its Secretary Ministry of Defence vs. Rabinder Singh, [MANU/SC/1140/2011](#)

(8) "document" means any matter expressed or described upon any substance by means of letters, figures or marks, or by more than one of those means, and includes electronic and digital record, intended to be used, or which may be used, as evidence of that matter.

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*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 or not.*

*Illustrations*

- (a) A writing expressing the terms of a contract, which may be used as evidence of the contract, is a document.
- (b) A cheque upon a banker is a document.
- (c) A power-of-attorney is a document.
- (d) A map or plan which is intended to be used or which may be used as evidence, is a document.
- (e) A writing containing directions or instructions is a document.

*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;

**Corresponding Provision of Previous Statute: Section 29, Indian Penal Code, 1860**

**Section 29 - "Document"** - The word "document" denotes any matter expressed or described upon any substance by means of letters, figures or marks, or by more than one of those means, 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 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

*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.

(9) "fraudulently" means doing anything with the intention to defraud but not otherwise;

#### **Corresponding Provision of Previous Statute: Section 25, Indian Penal Code, 1860**

**Section 25 - "Fraudulently"** - A person is said to do a thing fraudulently if he does that thing with intent to defraud but not otherwise.

#### **LANDMARK JUDGMENT**

Pyare Lal Bhargava vs. State of Rajasthan, [MANU/SC/0152/1962](#)

(10) "gender".--The pronoun "he" and its derivatives are used of any person, whether male, female or transgender.

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

#### **Corresponding Provision of Previous Statute: Section 8, Indian Penal Code, 1860**

**Section 8 - Gender** - The pronoun "he" and its derivatives are used of any person, whether male or female.

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(11) "good faith".--Nothing is said to be done or believed in "good faith" which is done or believed without due care and attention;

**Corresponding Provision of Previous Statute: Section 52, Indian Penal Code, 1860**

**Section 52 - "Good faith"** - Nothing is said to be done or believed in "good faith" which is done or believed without due care and attention.

(12) "Government" means the Central Government or a State Government;

**Corresponding Provision of Previous Statute: Section 17, Indian Penal Code, 1860**

**Section 17 - "Government"** - The word "Government" denotes the Central Government or the Government of a State.

(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;

**Corresponding Provision of Previous Statute: Section 52A, Indian Penal Code, 1860**

**Section 52A - "Harbour"** - Except in section 157, and in section 130 in the case in which the harbour is given by the wife or husband of the person harboured, the word "harbour" includes the 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 section or not, to evade apprehension.

(14) "injury" means any harm whatever illegally caused to any person, in body, mind, reputation or property;

**Corresponding Provision of Previous Statute: Section 44, Indian Penal Code, 1860**

**Section 44 - "Injury"** - The word "injury" denotes any harm whatever illegally caused to any person, in body, mind, reputation or property.

(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

**Corresponding Provision of Previous Statute: Section 43, Indian Penal Code, 1860**

**Section 43 - "Illegal". "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.

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(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;

**Corresponding Provision of Previous Statute: Section 19, Indian Penal Code, 1860**

**Section 19 - "Judge"** - The word "Judge" denotes not only every person who is officially designated as a Judge, but also every person who is empowered by law to give, in any legal proceeding, civil or criminal, a definitive judgment, or a judgment which, if not appealed against, would be definitive, or a judgment which, if confirmed by some other authority, would be definitive, or who is one of a body or persons, which body of persons is empowered by law to give such a judgment.

*Illustrations*

(a) A Collector exercising jurisdiction in a suit under Act 10 of 1859 is a Judge.

(b) A Magistrate exercising jurisdiction in respect of a charge on which he has power to sentence to fine or imprisonment, with or without appear, is a Judge.

(c) A member of a panchayat which has power, under Regulation VII, 1816, of the Madras Code, to try and determine suits, is a Judge.

(d) A Magistrate exercising jurisdiction in respect of a charge on which he has power only to commit for trial to another Court, is not a Judge.

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

**Corresponding Provision of Previous Statute: Section 45, Indian Penal Code, 1860**

**Section 45 - "Life"** - The word "life" denotes the life of a human being, unless the contrary appears from the context

(18) "local law" means a law applicable only to a particular part of India;

**Corresponding Provision of Previous Statute: Section 42, Indian Penal Code, 1860**

**Section 42 - "Local law"** - A "local law" is a law applicable only to a particular part of India.

(19) "man" means male human being of any age;

**Corresponding Provision of Previous Statute: Section 10, Indian Penal Code, 1860**

**Section 10 - "Man". "Woman"** - The word "man" denotes a male human being of any age; the word "woman" denotes a female human being of any age.

(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;

(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;

**Corresponding Provision of Previous Statute: Section 22, Indian Penal Code, 1860**

**Section 22 - "Movable property"** - The words "movable property" are intended to include corporeal property of every description, except land and things attached to the earth or permanently fastened to anything which is attached to the earth.

(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;

**Linked Provisions**

[General Clauses Act, 1897 - Section 13 - Gender and Number](#)

**Corresponding Provision of Previous Statute: Section 9, Indian Penal Code, 1860**

**Section 9 - 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.

(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;

**Linked Provisions**

[Indian Marine Act, 1887 - Section 56 - Oaths](#)

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**Corresponding Provision of Previous Statute: Section 51, Indian Penal Code, 1860**

**Section 51 – “Oath”** - The word “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 of Justice or not.

(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

**Corresponding Provision of Previous Statute: Section 40, Indian Penal Code, 1860**

**Section 40 – “Offence”** - Except in the Chapters and sections mentioned in clauses 2 and 3 of this section, the word “offence” denotes a thing made punishable by this Code.

In Chapter IV, Chapter VA and in the following sections, namely, sections 64, 65, 66, 67, 71, 109, 110, 112, 114, 115, 116, 117, 118, 119 and 120 187, 194, 195, 203, 211, 213, 214, 221, 222, 223, 224, 225, 327, 328, 329, 330, 331, 347, 348, 388, 389 and 445, the word “offence” denotes a thing punishable under this Code, or under any special or local law as hereinafter defined.

And in sections 141, 176, 177, 201, 202, 212, 216 and 441, the word “offence” has the same meaning when the thing punishable under the special or local law is punishable under such law with imprisonment for a term of six months or upwards, whether with or without fine

(25) "omission" denotes as well as a series of omissions as a single omission;

**Corresponding Provision of Previous Statute: Section 33, Indian Penal Code, 1860**

**Section 33 – “Act”. “Omission”** - The word “act” denotes as well as series of acts as a single act: the word “omission” denotes as well a series of omissions as a single omission.

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

**Corresponding Provision of Previous Statute: Section 11, Indian Penal Code, 1860**

**Section 11 - "Person"** - The word "person" includes any Company or Association or body of persons, whether incorporated or not.

(27) "public" includes any class of the public or any community;

**Corresponding Provision of Previous Statute: Section 12, Indian Penal Code, 1860**

**Section 12 - "Public"** - The word "public" includes any class of the public or any community.

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

(a) every commissioned officer in the Army, Navy or Air Force;

(b) every Judge including any person empowered by law to discharge, whether by himself or as a member of any body of persons, any adjudicatory functions;

(c) every officer of a Court including a liquidator, receiver or commissioner whose duty it is, as such officer, to investigate or report on any matter of law or fact, or to make, authenticate, or keep any document, or to take charge or dispose of any property, or to execute any judicial process, or to administer any oath, or to interpret, or to preserve order in the Court, and every person specially authorised by a Court to perform any of such duties;

(d) every assessor or member of a panchayat assisting a Court or public servant;

(e) every arbitrator or other person to whom any cause or matter has been referred for decision or report by any Court, or by any other competent public authority;

(f) every person who holds any office by virtue of which he is empowered to place or keep any person in confinement;

- (g) every officer of the Government whose duty it is, as such officer, to prevent offences, to give information of offences, to bring offenders to justice, or to protect the public health, safety or convenience;
- (h) every officer whose duty it is, as such officer, to take, receive, keep or expend any property on behalf of the Government, or to make any survey, assessment or contract on behalf of the Government, or to execute any revenue-process, or to investigate, or to report, on any matter affecting the pecuniary interests of the Government, or to make, authenticate or keep any document relating to the pecuniary interests of the Government, or to prevent the infraction of any law for the protection of the pecuniary interests of the Government;
- (i) every officer whose duty it is, as such officer, to take, receive, keep or expend any property, to make any survey or assessment or to levy any rate or tax for any secular common purpose of any village, town or district, or to make, authenticate or keep any document for the ascertaining of the rights of the people of any village, town or district;
- (j) every person who holds any office by virtue of which he is empowered to prepare, publish, maintain or revise an electoral roll or to conduct an election or part of an election;
- (k) every person--
  - (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).

*Explanation.--*

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- (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;

**Corresponding Provision of Previous Statute: Section 21, Indian Penal Code, 1860**

**Section 21 – “Public servant”** - The words “public servant” denote a person falling under any of the descriptions hereinafter following, namely:—

Second.—Every Commissioned Officer in the Military, Naval or Air Forces of India;

Third.—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;

Fourth.—Every officer of a Court of Justice (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 of Justice to perform any of such duties;

Fifth.—Every juryman, assessor, or member of a panchayat assisting a Court of Justice or public servant;

Sixth.—Every arbitrator or other person to whom any cause or matter has been referred for decision or report by any Court of Justice, or by any other competent public authority;

Seventh.—Every person who holds any office by virtue of which he is empowered to place or keep any person in confinement;

Eighth.—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;

Ninth.—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

Tenth.—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;

Eleventh.—Every person who holds any office in 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;

Twelfth.—Every person—

- (a) in the service or pay of the Government or remunerated by fees or commission for the performance of any public duty by the Government;
- (b) in the service or pay of a local authority, a corporation established by or under a Central, Provincial or State Act or a Government company as defined in section 617 of the Companies Act, 1956 (1 of 1956).

*Illustration*

A Municipal Commissioner is a public servant.

*Explanation 1.*—Persons falling under any of the above descriptions are public servants, whether appointed by the Government or not.

*Explanation 2.*—Wherever the words “public servant” occur, they shall be understood of 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.

*Explanation 3.*—The word “election” denotes 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 prescribed as by election.

*Explanation 3.*—The word “election” denotes 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 prescribed as by election.

(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;

**Corresponding Provision of Previous Statute: Section 26, Indian Penal Code, 1860**

**Section 26 – “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.

(30) "special law" means a law applicable to a particular subject;

**Corresponding Provision of Previous Statute: Section 41, Indian Penal Code, 1860**

**Section 41 – “Special law”** - A “special law” is a law applicable to a particular subject.

(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.

*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";

**Corresponding Provision of Previous Statute: Section 30, Indian Penal Code, 1860**

**Section 30 – "Valuable security"** - The words "valuable security" denote 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.

*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 unlawful 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;

**Corresponding Provision of Previous Statute: Section 48, Indian Penal Code, 1860**

**Section 48 – "Vessel"** - The word "vessel" denotes anything made for the conveyance by water of human beings or of property.

(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.

*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;

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**Corresponding Provision of Previous Statute: Section 39, Indian Penal Code, 1860**

**Section 39 – “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.

*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;

**Corresponding Provision of Previous Statute: Section 31, Indian Penal Code, 1860**

**Section 31 – “A will”** - The words “a will” denote any testamentary document.

(35) "woman" means a female human being of any age;

**Corresponding Provision of Previous Statute: Section 10, Indian Penal Code, 1860**

**Section 10 – “Man”. “Woman”** - The word “man” denotes a male human being of any age; the word “woman” denotes a female human being of any age.

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

**Corresponding Provision of Previous Statute: Section 23, Indian Penal Code, 1860**

**Section 23 – “Wrongful gain”** - “Wrongful gain” is gain by unlawful means of property to which the person gaining is not legally entitled.

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

**Corresponding Provision of Previous Statute: Section 23, Indian Penal Code, 1860**

**Section 23 – “Wrongful gain”** - “Wrongful gain” is gain by unlawful means of property to which the person gaining is not legally entitled.

(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; and

**Corresponding Provision of Previous Statute: Section 23, Indian Penal Code, 1860**

**Section 23 – “Wrongful gain”** - “Wrongful gain” is gain by unlawful means of property to which the person gaining is not legally entitled.

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(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.

### 3. General explanations

(1) Throughout this Sanhita 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.

#### *Illustrations*

(a) The sections in this Sanhita, 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".

#### **Corresponding Provision of Previous Statute: Section 6, Indian Penal Code, 1860**

**Section 6 – Definitions in the Code to be understood subject to exceptions** - Throughout this 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.

#### *Illustrations*

(a) The sections, in this 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.

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(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, is used in every Part of this Sanhita in conformity with the explanation.

**Corresponding Provision of Previous Statute: Section 7, Indian Penal Code, 1860**

**Section 7 – Sense of expression once explained** - Every expression which is explained in any part of this Code, is used in every part of this Code in conformity with the explanation.

- (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.

*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 sub-section.

**Corresponding Provision of Previous Statute: Section 27, Indian Penal Code, 1860**

**Section 27 – “Property in possession of wife, clerk or servant”** - When property is in the possession of a person's wife, clerk or servant, on account of that person, it is in that person's possession within the meaning of this Code.

*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 section.

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

**Corresponding Provision of Previous Statute: Section 32, Indian Penal Code, 1860**

**Section 32 – Words referring to acts include illegal omissions** - In every part of this Code, except where a contrary intention appears from the context, words which refer to acts done extend also to illegal omissions.

- (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.

**Corresponding Provision of Previous Statute: Section 34, Indian Penal Code, 1860**

**Section 34 – Acts done by several persons in furtherance of common intention** - 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.

**LANDMARK JUDGMENT**

Mahbub Shah vs. Emperor, [MANU/PR/0013/1945](#)  
Barendra Kumar Ghosh vs. Emperor, [MANU/PR/0064/1924](#)

(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.

**Corresponding Provision of Previous Statute: Section 35, Indian Penal Code, 1860**

**Section 35 – When such an act is criminal by reason of its being done with a criminal knowledge or Intention** - 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.

(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.

*Illustration*

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

**Corresponding Provision of Previous Statute: Section 36, Indian Penal Code, 1860**

**Section 36 – Effect caused partly by act and partly by omission** - 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.

*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.

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*Illustrations*

- (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.

**Corresponding Provision of Previous Statute: Section 37, Indian Penal Code, 1860**

**Section 37 – Co-operation by doing one of several acts constituting an offence** - When an offence is committed by means of several acts, whoever intentionally co-operates in the commission of that offence by doing any one of those acts, either singly or jointly with any other person, commits that offence.

*Illustrations*

- (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 co-operate 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 co-operate 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.

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(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 co-operation 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 co-operate 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.

*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.

**Corresponding Provision of Previous Statute: Section 38, Indian Penal Code, 1860**

**Section 38 – Persons concerned in criminal act may be guilty of different offences** - 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.

*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.

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## CHAPTER II

## OF PUNISHMENTS

**4. Punishments**

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

- (a) Death;
- (b) Imprisonment for life;
- (c) Imprisonment, which is of two descriptions, namely:--
  - (1) Rigorous, that is, with hard labour;
  - (2) Simple;
- (d) Forfeiture of property;
- (e) Fine;
- (f) Community Service.

**Corresponding Provision of Previous Statute: Section 53, Indian Penal Code, 1860**

**Section 53 – Punishments** - The punishments to which offenders are liable under the provisions of this Code are

First, – Death;

Secondly. – Imprisonment for life;

Fourthly. – Imprisonment, which is of two descriptions, namely:—

(1) Rigorous, that is, with hard labour;

(2) Simple;

Fifthly. – Forfeiture of property;

Sixthly. – Fine.

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## 5. Commutation of sentence

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.

*Explanation.--*For the purposes of this 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

### **Corresponding Provision of Previous Statute: Section 54, Indian Penal Code, 1860**

**Section 54 – Commutation of sentence of death** - In every case in which sentence of death shall have been passed, the appropriate Government may, without the consent of the offender, commute the punishment for any other punishment provided by this Code.

(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.

### **Corresponding Provision of Previous Statute: Section 55, Indian Penal Code, 1860**

**Section 55 – Commutation of sentence of imprisonment for life** - In every case in which sentence of imprisonment for life shall have been passed, the appropriate Government may, without the consent of the offender, commute the punishment for imprisonment of either description for a term not exceeding fourteen years.

**Section 55A - Definition of “appropriate Government”** - In sections fifty-four and fifty-five 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.

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## 6. Fractions of terms of punishment

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

### Corresponding Provision of Previous Statute: Section 57, Indian Penal Code, 1860

**Section 57 – Fractions of terms of punishment** - In calculating fractions of terms of punishment, imprisonment for life shall be reckoned as equivalent to imprisonment for twenty years.

## 7. Sentence may be (in certain cases of imprisonment) wholly or partly rigorous or simple

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.

### Corresponding Provision of Previous Statute: Section 60, Indian Penal Code, 1860

**Section 60 – Sentence may be (in certain cases of imprisonment) wholly or partly rigorous or simple** - 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.

### Corresponding Provision of Previous Statute: Section 63, Indian Penal Code, 1860

**Section 63 – Amount of fine** - 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.

(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;

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(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

**Corresponding Provision of Previous Statute: Section 64, Indian Penal Code, 1860**

**Section 64 – Sentence of imprisonment for non-payment of fine** - In every case of an offence punishable with imprisonment as well as fine, in which the offender is sentenced to a fine, whether with or without imprisonment,

and in every case of an offence 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, 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.

(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.

**Corresponding Provision of Previous Statute: Section 65, Indian Penal Code, 1860**

**Section 65 – Limit to imprisonment for non-payment of fine, when imprisonment and fine awardable** - 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.

(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.

**Corresponding Provision of Previous Statute: Section 66, Indian Penal Code, 1860**

**Section 66 – Description of imprisonment for non-payment of fine** - The imprisonment which the Court imposes in default of payment of a fine may be of any description to which the offender might have been sentenced for the offence.

(5) If the offence is punishable with fine or community service, the imprisonment which the Court imposes in default of payment of the fine or in default of community service shall be simple, and the term for which the Court

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directs the offender to be imprisoned, in default of payment of fine or in default of community service, shall not exceed,--

- (a) two months when the amount of the fine does not exceed five thousand rupees;
- (b) four months when the amount of the fine does not exceed ten thousand rupees; and
- (c) one year in any other case.

**Corresponding Provision of Previous Statute: Section 67, Indian Penal Code, 1860**

**Section 67 – Imprisonment for non-payment of fine, when offence punishable with fine only** - If the offence be punishable with fine only, the imprisonment which the Court imposes in default of payment of the fine shall be simple, and] the term for which the Court directs the offender to be imprisoned, in default of payment of fine, shall not exceed the following scale, that is to say, for any term not exceeding two months when the amount of the fine shall not exceed fifty rupees, and for any term not exceeding four months when the amount shall not exceed one hundred rupees, and for any term not exceeding six months in any other case.

- (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;
- (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.

*Illustration*

A is sentenced to a fine of one thousand rupees and to four months' imprisonment in default of payment. Here, if seven hundred and fifty 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 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 rupees of the fine be paid or levied before the expiration of two months of the imprisonment, A will be

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discharged as soon as the two months are completed. If five hundred 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.

**Corresponding Provision of Previous Statute: Section 70, Indian Penal Code, 1860**

**Section 70 – Fine leivable within six years, or during imprisonment. Death not to discharge property from liability** - 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.

## 9. Limit of punishment of offence made up of several offences

(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.

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*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.

**Corresponding Provision of Previous Statute: Section 71, Indian Penal Code, 1860**

**Section 71 – Limit of punishment of offence made up of several offences** - 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.

Where 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

where 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.

**10. Punishment of person guilty of one of several offences, judgment stating that it is doubtful of which**

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.

**Corresponding Provision of Previous Statute: Section 72, Indian Penal Code, 1860**

**Section 72 – Punishment of person guilty of one of several offences, the judgment stating that it is doubtful of which** - 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.

## 11. Solitary confinement

Whenever any person is convicted of an offence for which under this Sanhita 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:--

- (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.

**Corresponding Provision of Previous Statute: Section 73, Indian Penal Code, 1860**

**Section 73 – Solitary confinement** - Whenever any person is convicted of an offence for which under this 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, that is to say—

a time not exceeding one month if the term of imprisonment shall not exceed six months; a time not exceeding two months if the term of imprisonment shall exceed six months and shall not exceed one year;

a time not exceeding three months if the term of imprisonment shall exceed one year.

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## 12. Limit of solitary confinement

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.

### Linked Provisions

[Bharatiya Nyaya Sanhita, 2023 - Section 11 - Solitary confinement](#)

### Corresponding Provision of Previous Statute: Section 74, Indian Penal Code, 1860

**Section 74 – Limit of solitary confinement** - 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

Whoever, having been convicted by a Court in India, of an offence punishable under Chapter X or Chapter XVII of this Sanhita 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.

### Linked Provisions

[Burma Salt Act, 1917 - Section 15 - Enhanced Punishment after Previous Conviction](#)

[Coast Guard Act, 1978 - Section 87 - Evidence of Previous Convictions and General Character](#)

[Code on Social Security, 2020 - Section 134 - Enhanced Punishment in Certain Cases after Previous Conviction  
2020 Amendment: Date of Enforcement Not Notified](#)

[The Employees' Provident Funds and Miscellaneous Provisions Act, 1952 - Section 14AA -](#)

[Enhanced Punishment in Certain Cases after Previous Conviction](#)

[Employees' State Insurance Act, 1948 - Section 85A - Enhanced Punishment in Certain Cases after Previous Conviction](#)

[Factories Act, 1934 - Section 61 - Enhanced Penalty in Certain Cases after Previous Conviction](#)

[Factories Act, 1948 - Section 94 - Enhanced Penalty after Previous Conviction](#)

[Motor Transport Workers' Act, 1961 - Section 33 - Enhanced Penalty after Previous Conviction](#)

[Narcotic Drugs and Psychotropic Substances Act, 1985 - Section 31 - Enhanced Punishment for Offences after Previous Conviction](#)

[Opium Act, 1878 - Section 9G - Enhanced Punishment after Previous Conviction](#)

[Plantations Labour Act, 1951 - Section 37 - Enhanced Penalty after Previous Conviction](#)

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[The Water \(Prevention and Control of Pollution\) Act, 1974 - Section 45 - Enhanced Penalty after Previous Conviction](#)

**Corresponding Provision of Previous Statute: Section 75, Indian Penal Code, 1860**

**Section 75 – Enhanced punishment for certain offences under Chapter XII or Chapter XVII after previous conviction** - Whoever, having been convicted,—

(a) by a Court in India, of an offence punishable under Chapter XII or Chapter XVII of this 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.

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## CHAPTER III

## GENERAL EXCEPTIONS

**14. Act done by a person bound, or by mistake of fact believing himself bound, by law**

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.

**Linked Provisions**

[Bharatiya Nyaya Sanhita, 2023 - Section 15](#)  
[- Act of Judge when acting judicially](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 16](#)  
[- Act done pursuant to judgment or order of Court](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 17](#)  
[- Act done by a person justified, or by mistake of fact believing himself justified, by law](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 18](#)  
[- Accident in doing a lawful act](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 19](#)  
[- Act without criminal intent and to prevent other harm](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 20](#)  
[- Act of Child under seven years of age](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 21](#)  
[- Act of Child above seven and under twelve years of age, of immature understanding](#)

Bharatiya Nyaya Sanhita, 2023 - Section 22 - Act of person of unsound mind

Bharatiya Nyaya Sanhita, 2023 - Section 23 - Act of person incapable of judgement by reason of intoxication

Bharatiya Nyaya Sanhita, 2023 - Section 24 - Offence requiring intent or knowledge done by intoxicated person

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<a href="#"><u>Bharatiya Nyaya Sanhita, 2023 - Section 30 - Act done in good faith for benefit of person without consent</u></a>
<a href="#"><u>Bharatiya Nyaya Sanhita, 2023 - Section 31 - Communication made in good faith</u></a>
<a href="#"><u>Bharatiya Nyaya Sanhita, 2023 - Section 32 - Act to which a person is compelled by threats</u></a>
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#### Corresponding Provision of Previous Statute: Section 76, Indian Penal Code, 1860

##### Section 76 - Act done by a person bound, or by mistake of fact believing himself bound, by law -

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 of Justice, being ordered by that Court to arrest Y and, after due enquiry, believing Z to be Y, arrests Z. A has committed no offence.

#### 15. Act of Judge when acting judicially

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.

##### Linked Provisions

<a href="#"><u>Contempt of Courts Act, 1971 - Section 16 - Contempt by Judge, Magistrate or Other Person Acting Judicially</u></a>
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**Corresponding Provision of Previous Statute: Section 77, Indian Penal Code, 1860**

**Section 77 – Act of Judge when acting judicially** - 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**

Nothing which is done in pursuance of, or which is warranted by the judgment or order of, a Court; 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.

**Corresponding Provision of Previous Statute: Section 78, Indian Penal Code, 1860**

**Section 78 – Act done pursuant to the judgment or order of Court** - Nothing which is done in pursuance of, or which is warranted by the judgment or order of, a 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**

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.

*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-defence.

**Corresponding Provision of Previous Statute: Section 79, Indian Penal Code, 1860**

**Section 79 – Act done by a person justified, or by mistake of fact believing himself justified, by law** - 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.

*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-defence.

**LANDMARK JUDGMENT**

Chirangi vs. State, [MANU/MH/0166/1952](#)

**18. Accident in doing a lawful act**

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.

**Corresponding Provision of Previous Statute: Section 80, Indian Penal Code, 1860**

**Section 80 – Accident in doing a lawful act** - 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.

**LANDMARK JUDGMENT**

State of Orissa vs. Khora Ghasi, [MANU/OR/0088/1978](#)

**19. Act likely to cause harm, but done without criminal intent, and to prevent other harm**

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.

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*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 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.

#### **Corresponding Provision of Previous Statute: Section 81, Indian Penal Code, 1860**

**Section 81 – Act likely to cause harm, but done without criminal intent, and to prevent other harm** - 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

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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 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.

#### **LANDMARK JUDGMENT**

R. v Dudley (Thomas), [MANU/UKWQ/0002/1884](#)

## **20. Act of a child under seven years of age**

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

#### **Corresponding Provision of Previous Statute: Section 82, Indian Penal Code, 1860**

**Section 82 – Act of a child under seven years of age** - Nothing is an offence which is done by a child under seven years of age.

#### **LANDMARK JUDGMENT**

R. v. Dudley (Thomas), [MANU/UKWQ/0002/1884](#)

## **21. Act of a child above seven and under twelve years of age of immature understanding**

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.

#### **Corresponding Provision of Previous Statute: Section 83, Indian Penal Code, 1860**

**Section 83 – Act of a child above seven and under twelve of immature understanding** - Nothing is an offence which is done by a child above seven years of age and under twelve, 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**

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.

#### **Linked Provisions**

[Bharatiya Nyaya Sanhita, 2023 - Section 34 -Things done in private defence](#)

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**Corresponding Provision of Previous Statute: Section 84, Indian Penal Code, 1860**

**Section 84 – Act of a person of unsound mind** - 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.

**LANDMARK JUDGMENT**

Amrit Bhushan Gupta vs. Union of India (UOI) and Ors.,  
[MANU/SC/0087/1976](#)

**23. Act of a person incapable of judgment by reason of intoxication caused against his will**

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.

**Linked Provisions**

[Air Force Act, 1950 - Section 48 - Intoxication](#)

[Army Act, 1950 - Section 48 - Intoxication](#)

[Border Security Force Act, 1968 - Section 26 - Intoxication](#)

[Air Force Act 1950 - Section 46 - Certain Forms of Disgraceful Conduct](#)

[Indo-Tibetan Border Police Force Act, 1992 - Section 29 - Intoxication](#)

[Sashastra Seema Bal Act, 2007 - Section 29 - Intoxication](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 24 - Offence requiring intent or knowledge done by intoxicated person](#)

**Corresponding Provision of Previous Statute: Section 85, Indian Penal Code, 1860****Section 85 – Act of a person incapable of judgment by reason of intoxication caused against his will** -

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.

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**LANDMARK JUDGMENT**Basdev vs. The State of Pepsu, [MANU/SC/0027/1956](#)**24. Offence requiring a particular intent or knowledge committed by one who is intoxicated**

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.

**Linked Provisions**

[Sashastra Seema Bal Act, 2007 - Section 29 - Intoxication](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 18 - Accident in doing a lawful act](#)

**Corresponding Provision of Previous Statute: Section 86, Indian Penal Code, 1860**

**Section 86 – Offence requiring a particular intent or knowledge committed by one who is intoxicated** - 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.

**LANDMARK JUDGMENT**Basdev vs. The State of Pepsu, [MANU/SC/0027/1956](#)**25. Act not intended and not known to be likely to cause death or grievous hurt, done by consent**

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.

**Linked Provisions**

[Bharatiya Nyaya Sanhita, 2023 - Section 14 - Act of Judge when acting judicially](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 15 - Act of Judge when acting judicially](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 16 - Act done pursuant to judgment or order of Court](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 17](#)

*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.

-Act done by a person justified, or by mistake of fact believing himself justified, by law

Bharatiya Nyaya Sanhita, 2023 - Section 18

-Accident in doing a lawful act

Bharatiya Nyaya Sanhita, 2023 - Section 19

-Act without criminal intent and to prevent other harm

Bharatiya Nyaya Sanhita, 2023 - Section 20

-Act of Child under seven years of age

Bharatiya Nyaya Sanhita, 2023 - Section 21

-Act of Child above seven and under twelve years of age, of immature understanding

Bharatiya Nyaya Sanhita, 2023 - Section 22

- Act of person of unsound mind

Bharatiya Nyaya Sanhita, 2023 - Section 23

-Act of person incapable of judgement by reason of intoxication

Bharatiya Nyaya Sanhita, 2023 - Section 24

-Offence requiring intent or knowledge done by intoxicated person

Bharatiya Nyaya Sanhita, 2023 - Section 26

- Act not intended to cause death or grievous hurt done in good faith

<u>Bharatiya Nyaya Sanhita, 2023 - Section 27</u> <u>-Act done in good faith for benefit of Child or person of unsound mind</u>
<u>Bharatiya Nyaya Sanhita, 2023 - Section 28</u> <u>-Consent under fear or misconception</u>
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<u>Bharatiya Nyaya Sanhita, 2023 - Section 34</u> <u>- Things done in private defence</u>

**Corresponding Provision of Previous Statute: Section 87, Indian Penal Code, 1860**

**Section 87 – Act not intended and not known to be likely to cause death or grievous hurt, done by Consent**  
- 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.

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*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.

**26. Act not intended to cause death, done by consent in good faith for person's benefit**

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.

**Linked Provisions**

[Bharatiya Nyaya Sanhita, 2023 - Section 14](#)  
[- Act of Judge when acting judicially](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 15](#)  
[- Act of Judge when acting judicially](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 16](#)  
[- Act done pursuant to judgment or order of Court](#)

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<u>Bharatiya Nyaya Sanhita, 2023 - Section 24</u> <u>- Offence requiring intent or knowledge done by intoxicated person</u>
<u>Bharatiya Nyaya Sanhita, 2023 - Section 25</u> <u>- Act not intended to be likely to cause death or grievous hurt done by consent</u>
<u>Bharatiya Nyaya Sanhita, 2023 - Section 27</u> <u>- Act done in good faith for benefit of Child or person of unsound mind</u>
<u>Bharatiya Nyaya Sanhita, 2023 - Section 28</u> <u>- Consent under fear or misconception</u>
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<u>Bharatiya Nyaya Sanhita, 2023 - Section 30</u>	<u>- Act done in good faith for benefit of person without consent</u>
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#### Corresponding Provision of Previous Statute: Section 88, Indian Penal Code, 1860

**Section 88 – Act not intended to cause death, done by consent in good faith for person's benefit** - 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, by, or by consent of guardian

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:

#### Linked Provisions

<u>Parsi Marriage and Divorce Act, 1865 - Section 45 - Settlement of Wife's Property for Benefit of Children</u>
<u>Bharatiya Nyaya Sanhita, 2023 - Section 14</u>

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Provided that this exception shall not extend to--

- (a) the intentional causing of death, or to the attempting to cause death;
- (b) 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) 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) 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.

[- Act of Judge when acting judicially](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 15](#)

[- Act of Judge when acting judicially](#)

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[- Act done pursuant to judgment or order of Court](#)

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[- Act causing slight harm](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 34](#)  
[- Things done in private defence](#)

#### Corresponding Provision of Previous Statute: Section 89, Indian Penal Code, 1860

**Section 89 - Act done in good faith for benefit of child or insane person, by or by consent of guardian -**  
Nothing which is done in good faith for the benefit of a person under twelve years of age, or 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 -

**Provisos - First.** - That this exception shall not extend to the intentional causing of death, or to the attempting to cause death;

**Secondly.** - That this exception shall not extend to 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;

**Thirdly.** - That this exception shall not extend to 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;

**Fourthly.** - That this exception shall not extend to 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, inasmuch as his object was the cure of the child.

#### 28. Consent known to be given under fear or misconception

A consent is not such a consent as is intended by any section of this Sanhita,--

(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

#### Linked Provisions

[Indian Contract Act, 1872 - Section 13 - 'Consent' Defined](#)

believe, that the consent was given in consequence of such fear or misconception; or

(b) 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) unless the contrary appears from the context, if the consent is given by a person who is under twelve years of age.

[Indian Contract Act, 1872 - Section 14 - 'Free Consent' Defined](#)

[New Delhi Municipal Council Act, 1994 - Section 344 - Consent Ordinarily To Be Obtained](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 14 - Act of Judge when acting judicially](#)

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#### Corresponding Provision of Previous Statute: Section 90, Indian Penal Code, 1860

**Section 90 – Consent known to be given under fear or misconception** - A consent is not such a consent as is intended by any section of this Code, 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

**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

**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

The exceptions in sections 25, 26 and 27 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.

#### Linked Provisions

Bharatiya Nyaya Sanhita, 2023 - Section 14  
- Act of Judge when acting judicially

Bharatiya Nyaya Sanhita, 2023 - Section 15  
- Act of Judge when acting judicially

*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.

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Sanhita, 2023 - Section 16

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Bharatiya Nyaya  
Sanhita, 2023 - Section 17

- Act done by a person  
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Bharatiya Nyaya Sanhita, 2023 - Section 27  
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[Bharatiya Nyaya Sanhita, 2023 - Section 34 - Things done in private defence](#)

#### Corresponding Provision of Previous Statute: Section 91, Indian Penal Code, 1860

**Section 91 – Exclusion of acts which are offences independently of harm cause** - The exceptions in sections 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.

#### 30. Act done in good faith for benefit of a person without consent

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) the intentional causing of death, or the attempting to cause death;

(b) 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;

#### Linked Provisions

[Bharatiya Nyaya Sanhita, 2023 - Section 14 - Act of Judge when acting judicially](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 15 - Act of Judge when acting judicially](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 16 - Act done pursuant to judgment or order of Court](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 17 - Act done by a person justified, or by mistake of fact believing himself justified, by law](#)

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

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

### *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.*

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#### Corresponding Provision of Previous Statute: Section 92, Indian Penal Code, 1860

**Section 92 – Act done in good faith for benefit of a person without consent** - 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 –

**Provisos.** *First.* – That this exception shall not extend to the intentional causing of death, or the attempting to cause death;

*Secondly.* – That this exception shall not extend to 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;

*Thirdly.* – That this exception shall not extend to the voluntary causing of hurt, or to the attempting to cause hurt, for any purpose other than the preventing of death or hurt;

*Fourthly.* – That this exception shall not extend to the abetment of any offence, to the committing of which offence it would not extend.

#### *Illustrations*

(a) 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.

(b) 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 ball gives Z a mortal wound. A has committed no offence.

(c) 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.

(d) 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 stop, 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 88, 89 and 92.

### 31. Communication made in good faith

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.

#### Linked Provisions

[Bharatiya Nyaya Sanhita, 2023 - Section 351 - Criminal intimidation](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 14 - Act of Judge when acting judicially](#)

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**Corresponding Provision of Previous Statute: Section 93, Indian Penal Code, 1860**

**Section 93 - Communication made in good faith** - 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.

*Explanation.*—Mere pecuniary benefit is not benefit within the meaning of sections 88, 89 and 92.

**32. Act to which a person is compelled by threats**

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.

**Linked Provisions**

[Copyright Act, 1957 - Section 60 - Remedy In The Case Of Groundless Threat of Legal Proceedings](#)

[Unlawful Activities \(Prevention\) Act, 1967 - Section 22 - Punishment for Threatening Witness](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 308\(6\) - Extortion](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 14 - Act of Judge when acting judicially](#)

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[Bharatiya Nagarik Suraksha Sanhita, 2023 - Section 216 - Procedure for witnesses in case of threatening, etc.](#)

[Bharatiya Sakshya Act, 2023 - Section 22- Confession caused by inducement, threat, coercion or promise, when irrelevant in criminal proceeding](#)

#### Corresponding Provision of Previous Statute: Section 94, Indian Penal Code, 1860

**Section 94 – Act to which a person is compelled by threats** - 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 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.

#### 33. Act causing slight harm

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

of right of private defence

#### Linked Provisions

[Bharatiya Nyaya Sanhita, 2023 - Section 14 - Act of Judge when acting judicially](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 15 - Act of Judge when acting judicially](#)

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**Corresponding Provision of Previous Statute: Section 95, Indian Penal Code, 1860**

**Section 95 – Act causing slight harm** - 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.

**LANDMARK JUDGMENT**

Amish Devgan vs. Union of India (UOI) and Ors., [MANU/SC/0921/2020](#)

*of right of private defence*

### 34. Things done in private defence

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

**Linked Provisions**

[Bharatiya Nyaya Sanhita, 2023 - Section 14 - Act of Judge when acting judicially](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 15 - Act of Judge when acting judicially](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 16 - Act done pursuant to judgment or order of Court](#)

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[Bharatiya Nyaya Sanhita, 2023 - Section 18 - Accident in doing a lawful act](#)

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[Bharatiya Nyaya Sanhita, 2023 - Section 43 - Commencement and continuance of the right of private defence of property](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 44 - Right of private defence against deadly assault](#)

#### Corresponding Provision of Previous Statute: Section 96, Indian Penal Code, 1860

**Section 96 – Things done in private defence** - Nothing is an offence which is done in the exercise of the right of private defence.

#### LANDMARK JUDGMENT

Kashi Ram and Ors. vs. State of Rajasthan, [MANU/SC/0649/2008](#)

### 35. Right of private defence of body and of property

Every person has a right, subject to the restrictions contained in section 37, to defend--

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

#### Linked Provisions

[Bharatiya Nyaya Sanhita, 2023 - Section 36 - Right of private defence against act of person of unsound mind](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 37 - Act against which there is no private defence](#)

(b) 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.

[Bharatiya Nyaya Sanhita, 2023 - Section 38  
- When right of private defence of the body extends to causing death](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 40  
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[Bharatiya Nyaya Sanhita, 2023 - Section 41  
- Commencement and continuance of the right of private defence of the body](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 43  
- Commencement and continuance of the right of private defence of property](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 44  
- Right of private defence against deadly assault](#)

#### Corresponding Provision of Previous Statute: Section 97, Indian Penal Code, 1860

**Section 97 – Right of private defence of the body and of property** - Every person has a right, subject to the restrictions contained in section 99, to defend –

*First.*—His own body, and the body of any other person, against any offence affecting the human body;

*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

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

#### Linked Provisions

[The Juvenile Justice Act, 1986 - Section 48 - Committal to Approved](#)

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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.

[Place of Juvenile or Child Suffering From Dangerous Diseases and His Future Disposal](#)

[Navy Act, 1957 - Section 180 - Application of Sections 171 To 179 to Persons of Unsound Mind](#)

#### *Illustrations*

(a) Z, a person of unsound mind, attempts to kill A; Z is guilty of no offence. But A has the same right of private defence which he would have if Z were sane.

(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.

[Bharatiya Nyaya Sanhita, 2023 - Section 22 - Act of person of unsound mind](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 312 - Attempt to commit robbery or dacoity when armed with deadly weapon](#)

#### **Corresponding Provision of Previous Statute: Section 98, Indian Penal Code, 1860**

**Section 98 – Right of private defence against the act of a person of unsound mind, etc.** - 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.

#### *Illustrations*

(a) Z, 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**

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

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- (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;
- (b) 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.

#### Corresponding Provision of Previous Statute: Section 99, Indian Penal Code, 1860

**Section 99 – Acts against which there is no right of private defence** - There is no right of private defence 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.

There is no right of private defence 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.

There is no right of private defence in cases in which there is time to have recourse to protection of the public authorities.

**Extent to which the right may be exercised.**—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

The right of private defence of the body extends, under the restrictions specified in section 37, 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) such an assault as may reasonably cause the apprehension that death will otherwise be the consequence of such assault;
- (b) such an assault as may reasonably cause the apprehension that grievous hurt will otherwise be the consequence of such assault;
- (c) an assault with the intention of committing rape;
- (d) an assault with the intention of gratifying unnatural lust;
- (e) an assault with the intention of kidnapping or abducting;
- (f) 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;

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(g) 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.

**Corresponding Provision of Previous Statute: Section 100, Indian Penal Code, 1860**

**Section 100 – When the right of private defence of the body extends to causing death** - The right of private defence of the body extends, under the restrictions 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:—

*First.*—Such an assault as may reasonably cause the apprehension that death will otherwise be the consequence of such assault;

*Secondly.*—Such an assault as may reasonably cause the apprehension that grievous hurt will otherwise be the consequence of such assault;

*Thirdly.*—An assault with the intention of committing rape;

*Fourthly.*—An assault with the intention of gratifying unnatural lust;

*Fifthly.*—An assault with the intention of kidnapping or abducting;

*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.

**LANDMARK JUDGMENT**

State of U.P. vs. Ram Swarup and Ors., [MANU/SC/0218/1974](#)

**39. When such right extends to causing any harm other than death**

If the offence be not of any of the descriptions specified in section 38, 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, to the voluntary causing to the assailant of any harm other than death.

**Corresponding Provision of Previous Statute: Section 101, Indian Penal Code, 1860**

**Section 101 – When such right extends to causing any harm other than death** - If the offence be not of any of the descriptions 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 mentioned in section 99 to the voluntary causing to the assailant of any harm other than death.

**LANDMARK JUDGMENT**

James Martin vs. State of Kerala, [MANU/SC/1051/2003](#)

## 40. Commencement and continuance of right of private defence of body

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

**Corresponding Provision of Previous Statute: Section 102, Indian Penal Code, 1860**

**Section 102 – Commencement and continuance of the right of private defence of the body** - 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

The right of private defence of property extends, under the restrictions specified in section 37, 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) robbery;

(b) house-breaking after sunset and before sunrise;

(c) 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) 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.

### Linked Provisions

[Bharatiya Nyaya Sanhita, 2023 - Section 309\(1\) - Robbery](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 311 - Robbery, or dacoity, with attempt to cause death or grievous hurt](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 309\(2\) - Robbery](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 309\(4\) - Robbery](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 331\(8\) - Punishment for house-trespass or house-breaking](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 326 - Mischief by injury, fire or explosive substance, etc.](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 324\(2\) - Mischief](#)

**Corresponding Provision of Previous Statute: Section 103, Indian Penal Code, 1860**

**Section 103 – When the right of private defence of property extends to causing death** - The right of private defence of property extends, under the restrictions 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:—

*First.*—Robbery;

*Secondly.*—House-breaking by night;

*Thirdly.*—Mischief by fire 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;

*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

**LANDMARK JUDGMENT**

James Martin vs. State of Kerala, [MANU/SC/1051/2003](#)

**42. When such right extends to causing any harm other than death**

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, that right does not extend to the voluntary causing of death, but does extend, subject to the restrictions specified in section 37, to the voluntary causing to the wrong-doer of any harm other than death.

**Linked Provisions**

[Bharatiya Nyaya Sanhita, 2023 - Section 39 - When such right extends to causing any harm other than death](#)

**Corresponding Provision of Previous Statute: Section 104, Indian Penal Code, 1860**

**Section 104 – When such right extends to causing any harm other than death** - 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 enumerated in the last preceding section, that right does not extend to the voluntary causing of death, but does extend, subject to the restrictions mentioned in section 99, to the voluntary causing to the wrong-doer of any harm other than death.

**43. Commencement and continuance of right of private defence of property**

The right of private defence of property,—

(a) commences when a reasonable apprehension of danger to the property commences;

**Linked Provisions**

[Bharatiya Nyaya Sanhita, 2023 - Section 41 - When the right of private defence of property extends to causing death](#)

- (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 continues as long as the house-trespass which has been begun by such house-breaking continues.

**Corresponding Provision of Previous Statute: Section 105, Indian Penal Code, 1860**

**Section 105 – Commencement and continuance of the right of private defence of property** - The right of private defence of property commences when a reasonable apprehension of danger to the property commences.

The right of private defence of property 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.

The right of private defence of property 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.

The right of private defence of property against criminal trespass or mischief continues as long as the offender continues in the commission of criminal trespass or mischief.

The right of private defence of property against house-breaking 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**

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.

**Linked Provisions**

[Bharatiya Nyaya Sanhita, 2023 - Section 36 - Right of private defence against act of person of unsound mind](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 37 - Act against which there is no private defence](#)

*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.

[Bharatiya Nyaya Sanhita, 2023 - Section 38](#)  
[- When right of private defence of the body extends to causing death](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 40](#)  
[- Commencement and continuance of the right of private defence of the body](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 41](#)  
[- Commencement and continuance of the right of private defence of the body](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 43](#)  
[- Commencement and continuance of the right of private defence of property](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 44](#)  
[- Right of private defence against deadly assault](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 34](#)  
[- Things done in private defence](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 35](#)  
[- Right of private defence of body and property](#)

**Corresponding Provision of Previous Statute: Section 106, Indian Penal Code, 1860**

**Section 106 – Right of private defence against deadly assault when there is risk of harm to innocent Person** - 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.

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## CHAPTER IV

### OF ABETMENT, CRIMINAL CONSPIRACY AND ATTEMPT

*of abetment*

#### **45. Abetment of a thing**

A person abets the doing of a thing, who--

- (a) instigates any person to do that thing; or
- (b) engages with one or more other person or persons in any conspiracy 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.

#### **Linked Provisions**

[Black Money \(Undisclosed Foreign Income & Assets & Imposition of Tax Act, 2015 - Section 53 - Punishment for Abetment\)](#)

[Army Act, 1950 - Section 66 - Abetment of Offences That Have Been Committed](#)

[The Bonded Labour System \(Abolition\) Act, 1976 - Section 20 - Abetment to Be An Offence](#)

[Border Security Force Act, 1968 - Section 43 - Abetment of Offences That Have Been Committed](#)

[Coast Guard Act, 1978 - Section 46 - Abetment of Offences That Have Been Committed](#)

[Companies \(Profits\) Surtax Act, 1964 - Section 22 - Abetment of False Returns, Etc](#)

[The Electricity Act, 2003 - Section 150 - Abetment](#)

[Essential Commodities Act, 1955 - Section 8 - Attempts and Abetment](#)

[Expenditure-tax Act, 1987 - Section 28 - Abetment of False Returns, Etc](#)

[Extradition Act, 1962 - Section 26 - Abetment of Extradition Offences](#)

[Hotel Receipts Tax Act, 1980 - Section 30 - Abetment of False Return, Etc Income Tax Act, 1961 - Section 278 - Abetment of False Return, Etc.](#)

[Air Force Act, 1950 - Section 68 - Abetment of offences that have been committed.](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 160 - Abetment of mutiny, if mutiny is committed in consequence thereof](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 161 -Abetment of assault by soldier, sailor or airman on his superior officer, when in execution of His office](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 162 - Abetment of such assault, if the assault committed](#)

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[Bharatiya Nyaya Sanhita, 2023 - Section 163 - Abetment of desertion of soldier, sailor or airman](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 166 - Abetment of act of insubordination by soldier, sailor or airman](#)

[Bharatiya Nagarik Suraksha Sanhita, 2023 - Section 22 - Sentences which High Courts and Sessions Judges may pass](#)

[Bharatiya Sakshya Act, 2023 - Section 117 - Presumption as to abetment of suicide by a married woman](#)

[Air Force Act, 1950 - Section 69 - Abetment of offences punishable with death and not committed.](#)

[Air Force Act, 1950 - Section 70 - Abetment of offences punishable with imprisonment and not committed.](#)

#### Corresponding Provision of Previous Statute: Section 107, Indian Penal Code, 1860

**Section 107 – Abetment of a thing** - A person abets the doing of a thing, who –

First. – Instigates any person to do that thing; or

Secondly. – Engages with one or more other person or persons in any conspiracy 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

Thirdly. – Intentionally aids, by any act or illegal omission, the doing of that thing.

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*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 of Justice 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

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.

#### *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.

#### Linked Provisions

[Explosive Substances Act, 1908 - Section 6 - Punishment of Abettors](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 50 - Punishment if abetted person does act with different intention](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 51 - Liability of abettor when one act abetted and different act done](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 52 - Abettor when liable to cumulative punishment](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 53 - Liability of abettor when act abettor different from intended](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 54 - A bettor present when offence is committed](#)

*Illustrations*

- (a) A, with a guilty intention, abets a child or a person of unsound mind 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.*

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*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.

*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.

**Corresponding Provision of Previous Statute: Section 108, Indian Penal Code, 1860**

**Section 108 – Abettor** - 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.

*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.

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*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 lunatic 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 the unsoundness of his 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.

*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.

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#### 47. Abetment in India of offences outside India

A person abets an offence within the meaning of this Sanhita 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, to commit a murder in that country, A is guilty of abetting murder.

##### **Corresponding Provision of Previous Statute: Section 108A, Indian Penal Code, 1860**

**Section 108A - Abetment in India of offences outside India** - A person abets an offence within the meaning of this 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 Goa, to commit a murder in 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.

#### 49. Punishment of abetment if act abetted is committed in consequence and where no express provision is made for its punishment

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 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.

#### *Illustrations*

(a) 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) 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.

#### **Corresponding Provision of Previous Statute: Section 109, Indian Penal Code, 1860**

**Section 109 – Punishment of abetment if the act abetted is committed in consequence and where no express provision is made for its punishment** - Whoever abets any offence shall, if the act abetted is committed in consequence of the abetment, and no express provision is made by this 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.

#### *Illustrations*

(a) A offers a bribe to B, a public servant, as a reward for showing A some favour in the exercise of B's official functions. B accepts the bribe. A has abetted the offence defined in section 161.

(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.

(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.

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## 50. Punishment of abetment if person abetted does act with different intention from that of abettor

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.

### Corresponding Provision of Previous Statute: Section 110, Indian Penal Code, 1860

**Section 110 – Punishment of abetment if person abetted does act with different intention from that of Abettor** - 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

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:

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.

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(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.

(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.

#### **Corresponding Provision of Previous Statute: Section 111, Indian Penal Code, 1860**

**Section 111 – Liability of abettor when one act abetted and different act done** - 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: Provided 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.

(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**

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

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*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.

**Corresponding Provision of Previous Statute: Section 112, Indian Penal Code, 1860**

**Section 112 – Abettor when liable to cumulative punishment for act abetted and for act done** - If the act for which the abettor is liable under 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**

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.

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**Corresponding Provision of Previous Statute: Section 113, Indian Penal Code, 1860**

**Section 113 – Liability of abettor for an effect caused by the act abetted different from that intended by the abettor** - 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**

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.

**Corresponding Provision of Previous Statute: Section 114, Indian Penal Code, 1860**

**Section 114 – Abettor present when offence is committed** - 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**

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 no express provision is made under this Sanhita 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; 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.

**Linked Provisions**

[Air Force Act, 1950 - Section 69 - Abetment of Offences Punishable With Death And Not Committed](#)

[Army Act, 1950 - Section 67 - Abetment of Offences Punishable With Death And Not Committed](#)

[Border Security Force Act, 1968 - Section 44 - Abetment of Offences Punishable With Death And Not Committed](#)

*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.

[Coast Guard Act, 1978 - Section 47 - Abetment of Offences Punishable With Death And Not Committed](#)

[Indo-Tibetan Border Police Force Act, 1992 - Section 47 - Abetment of Offences Punishable With Death And Not Committed](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 62 - Attempt](#)

**Corresponding Provision of Previous Statute: Section 115, Indian Penal Code, 1860**

**Section 115 – Abetment of offence punishable with death or imprisonment for life-if offence not Committed** - 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 no express provision is made by this 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 imprisonment**

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 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; and if the abettor or the person abetted is a public servant, whose duty it is to prevent

**Linked Provisions**

[Bharatiya Nyaya Sanhita, 2023 - Section 62 - Attempt](#)

[Air Force Act, 1950 - Section 70 - Abetment of Offences Punishable With Imprisonment And Not Committed](#)

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) 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) 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) 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.

[Army Act, 1950 - Section 68 - Abetment of Offences Punishable With Imprisonment And Not Committed.](#)

[Assam Rifles Act, 2006 - Section 54 - Abetment of Offences Punishable With Imprisonment And Not Committed](#)

[Border Security Force Act, 1968 - Section 45 - Abetment of Offences Punishable With Imprisonment And Not Committed](#)

[Coast Guard Act, 1978 - Section 48 - Abetment of Offences Punishable With Imprisonment And Not Committed](#)

[Indo-Tibetan Border Police Force Act, 1992 - Section 48 - Abetment of Offences Punishable With Imprisonment And Not Committed](#)

[Sashastra Seema Bal Act, 2007 - Section 48 - Abetment of Offences Punishable With Imprisonment And Not Committed](#)

### **Corresponding Provision of Previous Statute: Section 116, Indian Penal Code, 1860**

**Section 116 – Abetment of offence punishable with imprisonment-if offence be not committed** - 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 by this 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 abettor or person abetted be 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) A offers a bribe to B, a public servant, as a reward for showing A some favour in the exercise of B's official functions. B refuses to accept the bribe. A is punishable under this section.
- (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.
- (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.
- (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

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.

*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.

### Corresponding Provision of Previous Statute: Section 117, Indian Penal Code, 1860

**Section 117 – Abetting commission of offence by the public or by more than ten persons** - 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 three years, or with fine, or with both.

*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.

## 58. Concealing design to commit offence punishable with death or imprisonment for life

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 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 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.

### **Corresponding Provision of Previous Statute: Section 118, Indian Penal Code, 1860**

**Section 118 – Concealing design to commit offence punishable with death or imprisonment for life -**  
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 offence be committed; if offence be not committed.** – shall, if that offence be committed, be punished with imprisonment of either description for a term which may extend to seven years, or, 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.

### Linked Provisions

[Bharatiya Nyaya Sanhita, 2023 - Section 59](#)  
[- Public servant concealing design](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 60](#)  
[- Concealing design to commit offence punishable with imprisonment](#)

**59. Public servant concealing design to commit offence which it is his duty to prevent**

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 the offence be committed, be punished with imprisonment of any description provided for the offence, for a term which may 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 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, 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.

**Linked Provisions**

[Bharatiya Nyaya Sanhita, 2023 - Section 60 - Concealing design to commit offence punishable with imprisonment](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 58 - Concealing design to commit Offence punishable with death or imprisonment for life](#)

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**Corresponding Provision of Previous Statute: Section 119, Indian Penal Code, 1860**

**Section 119 – Public servant concealing design to commit offence which it is his duty to prevent -**  
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 illegal 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 offence be committed.** – shall, if the offence be committed, be punished with imprisonment of any description provided for the offence, for a term which may extend to one-half of the longest term of such imprisonment, or with such fine as is provided for that offence, or with both;

**if 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;

**if offence be not committed.** – or, 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 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**

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 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.

**Linked Provisions**

[Bharatiya Nyaya Sanhita, 2023 - Section 58 - Concealing design to commit Offence punishable with death or imprisonment for life](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 59 - Public servant concealing design](#)

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**Corresponding Provision of Previous Statute: Section 120, Indian Penal Code, 1860**

**Section 120 – Concealing design to commit offence punishable with imprisonment** - 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,

**if offence be committed; if offence be not committed.** – shall, 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, 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*

## 61. Criminal conspiracy

(1) When two or more persons agree with the common object to do, or cause to be done--

(a) an illegal act; or

(b) 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.*

(2) Whoever is a party to a criminal conspiracy,--

(a) 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 for the punishment of such a conspiracy, be punished in the same manner as if he had abetted such offence;

### Linked Provisions

[Narcotic Drugs and Psychotropic Substances Act, 1985 - Section 29 - Punishment For Abetment And Criminal Conspiracy](#)

[Trade Unions Act, 1926 - Section 17 - Criminal Conspiracy In Trade Disputes](#)

[Bharatiya Nagarik Suraksha Sanhita, 2023 - Section 217 - Prosecution for offences against the State and for criminal conspiracy to commit such offence](#)

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(b) 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.

**Corresponding Provision of Previous Statute: Section 120A, Indian Penal Code, 1860**

**Section 120A - Definition of criminal conspiracy** - When two or more persons agree to do, or cause to be done,—

(1) an illegal act, or

(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.

**LANDMARK JUDGMENT**

State through Superintendent of Police, CBI/SIT vs. Nalini and Ors.,  
[MANU/SC/0945/1999](#)

**Section 120B - Punishment of criminal conspiracy** - (1) Whoever is a party to a criminal conspiracy 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 Code for the punishment of such a conspiracy, be punished in the same manner as if he had abetted such offence.

(2) Whoever is a party to a criminal conspiracy 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.

**LANDMARK JUDGMENT**

Gian Singh vs. State of Punjab and Ors., [MANU/SC/0781/2012](#)

*of attempt*

## 62. Punishment for attempting to commit offences punishable with imprisonment for life or other imprisonment

Whoever attempts to commit an offence punishable by this Sanhita 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

**Linked Provisions**

[Air Force Act, 1950](#) -  
[Section 69 - Abetment of Offences Punishable With Death And Not Committed](#)

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[Air Force Act, 1950 - Section 70 - Abetment of Offences Punishable with Imprisonment and not Committed](#)

[Border Security Force Act, 1968 - Section 44 - Abetment of Offences Punishable with Death and not Committed](#)

[Border Security Force Act, 1968 - Section 45 - Abetment of Offences Punishable with Imprisonment and not Committed](#)

[Coast Guard Act, 1978 - Section 47 - Abetment of Offence Punishable with Death and Nnot Committed](#)

[Coast Guard Act, 1978 - Section 48 - Abetment of Offences Punishable with Imprisonment and not Committed](#)

[Indo-Tibetan Border Police Force Act, 1992 - Section 48 - Abetment of Offences Punishable with Imprisonment and not Committed](#)

[Indo-Tibetan Border Police Force Act, 1992 - Section 47 - Abetment of Offences Punishable with Death and not Committed](#)

[Sashastra Seema Bal Act, 2007 - Section 47 - Abetment of Offences](#)

offence, shall, where no express provision is made by this Sanhita 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.

[Punishable with Death and not Committed](#)

[Sashastra Seema Bal Act, 2007 - Section 48 - Abetment of Offences Punishable with Imprisonment and not Committed](#)

[Air Force Act, 1950 - Section 67 - Attempt](#)

[Air Force Act, 1950 - Section 68 - Abetment of Offences That Have Been Committed](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 55 - Abetment of offence punishable with death or imprisonment for life](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 56 - Abetment of offence punishable with imprisonment](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 192 -Wantonly giving provocation with intent to cause riot-if rioting be committed; if not committed](#)

#### **Corresponding Provision of Previous Statute: Section 511, Indian Penal Code, 1860**

**Section 511 – Punishment for attempting to commit offences punishable with imprisonment for life or other imprisonment** - Whoever attempts to commit an offence punishable by this 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 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.

**LANDMARK JUDGMENT**

Asgarali Pradhania vs. Emperor, [MANU/WB/0154/1933](#)

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## CHAPTER V

### OF OFFENCES AGAINST WOMAN AND CHILD

*Of sexual offences*

#### 63. Rape

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) against her will;

(ii) without her consent;

(iii) 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;

#### Linked Provisions

[Bharatiya Nyaya Sanhita, 2023 - Section 64 - Punishment for rape](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 65\(1\)](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 70\(1\) - Gangrape](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 65\(2\) - Rape on woman under 12 years of age](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 67 - Sexual intercourse during separation](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 68 -Sexual intercourse by person in authority](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 71- Repeat Offenders](#)

[Bharatiya Nagarik Suraksha Sanhita, 2023 - Section 52 -Examination of person accused of rape by medical practitioner](#)

(iv) 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) with her consent when, at the time of giving such consent, by reason of unsoundness 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) with or without her consent, when she is under eighteen years of age;

(vii) 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.

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 years of age, is not rape.

#### Corresponding Provision of Previous Statute: Section 375, Indian Penal Code, 1860

**Section 375 – Rape** - 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

[Bharatiya Nagarik Suraksha Sanhita, 2023 - Section 184 -Medical examination of the victim of rape](#)

[Bharatiya Sakshya Act, 2023 - Section 120 - Presumption as to absence of consent in certain prosecution for rape](#)

(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:—

First. — Against her will.

Secondly. — Without her consent.

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.

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.

Fifthly. — With her consent when, at the time of giving such consent, by reason of unsoundness 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.

Sixthly. — With or without her consent, when she is under eighteen years of age.

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.

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 fifteen years of age, is not rape.

#### **LANDMARK JUDGMENT**

Sakshi and Ors. vs. Union of India (UOI) and Ors., [MANU/SC/0523/2004](#)

Independent Thought vs. Union of India (UOI) and Ors., [MANU/SC/1298/2017](#)

#### **64. Punishment for rape**

(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.

#### **Linked Provisions**

[Bharatiya Nyaya Sanhita, 2023 - Section 63 - Rape](#)

(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

(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) commits rape, on a woman incapable of giving consent; or

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- (j) being in a position of control or dominance over a woman, commits rape on such woman; or
- (k) commits rape on a woman suffering from mental or physical disability; or
- (l) while committing rape causes grievous bodily harm or maims or disfigures or endangers the life of a woman; or
- (m) 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 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 medical attention or rehabilitation;
- (c) "police officer" shall have the same meaning as assigned to the expression "police" under the Police Act, 1861(5 of 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.

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**Corresponding Provision of Previous Statute: Section 376, Indian Penal Code, 1860**

**Section 376 – Punishment for rape -** (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 or a State Government commits rape in such area; or

(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

(j) commits rape, on a woman incapable of giving consent; or

(k) being in a position of control or dominance over a woman, commits rape on such woman; or

(l) commits rape on a woman suffering from mental or physical disability; or

(m) while committing rape causes grievous bodily harm or maims or disfigures or endangers the life of a woman; or

(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, 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 medical attention or rehabilitation;

(c) "police officer" shall have the same meaning as assigned to the expression "police" under the Police Act, 1861 (5 of 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

(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.

### Corresponding Provision of Previous Statute: Section 376(3), Indian Penal Code, 1860

**Section 376(3) – Rape** - 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) 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:

### Linked Provisions

[Bharatiya Nyaya Sanhita, 2023 - Section 63 - Rape](#)

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.

**Corresponding Provision of Previous Statute: Section 376AB, Indian Penal Code, 1860**

**Section 376A - Punishment for rape on woman 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 section shall be paid to the victim.

**66. Punishment for causing death or resulting in persistent vegetative state of victim**

Whoever, commits an offence punishable under sub-section (1) or sub-section (2) of section 64 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.

**Linked Provisions**

[Bharatiya Nyaya Sanhita, 2023 - Section 63 - Rape](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 64 - Punishment for rape](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 65\(1\) - Rape on woman under 16 years of age](#)

**Corresponding Provision of Previous Statute: Section 376A, Indian Penal Code, 1860**

**Section 376A - Punishment for causing death or resulting in persistent vegetative state of victim** - Whoever, commits an offence punishable under sub-section (1) or sub-section (2) of section 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**

Whoever has sexual intercourse with his own wife, who is living separately, whether under a decree of separation or otherwise, without her consent, shall

**Linked Provisions**

[Bharatiya Nyaya Sanhita, 2023 - Section 63 - Rape](#)

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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 intercourse" shall mean any of the acts mentioned in clauses (a) to (d) of section 63.

**Corresponding Provision of Previous Statute: Section 376B, Indian Penal Code, 1860**

**Section 376B - Sexual intercourse by husband upon his wife during separation** - 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 intercourse" shall mean any of the acts mentioned in clauses (a) to (d) of section 375.

## 68. Sexual intercourse by a person in authority

Whoever, being--

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

(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.

### Linked Provisions

[Bharatiya Nyaya Sanhita, 2023 - Section 66](#)  
[- Rape causing death or persistent vegetative state](#)

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*Explanation 1.*--In this section, "sexual intercourse" shall mean any of the acts mentioned in clauses (a) to (d) of section 63.

*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 "women's 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.

#### **Corresponding Provision of Previous Statute: Section 376C, Indian Penal Code, 1860**

**Section 376C - Sexual intercourse by a person in authority** - Whoever, being—

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

(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 375.

*Explanation 2.*—For the purposes of this section, Explanation 1 to section 375 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 “women's or children's institution” shall respectively have the same meaning as in Explanation to sub-section (2) of section 376.

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## 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.

## 70. Gang rape

(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.

### Corresponding Provision of Previous Statute: Section 376D, Indian Penal Code, 1860

**Section 376D - Gang rape** - 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 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 section shall be paid to the victim.

**LANDMARK JUDGMENT**

Bhupinder Sharma vs. State of Himachal Pradesh, [MANU/SC/0825/2003](#)

(2) Where a woman under eighteen 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.

**71. Punishment for repeat offenders**

Whoever has been previously convicted of an offence punishable under section 64 or section 65 or section 66 or section 70 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.

**Linked Provisions**

[Bharatiya Nyaya Sanhita, 2023 - Section 64 - Punishment for rape](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 65\(1\) - Rape on woman under 16 years of age](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 65\(2\) - Rape on woman under 12 years of age](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 66 - Rape causing death or persistent vegetative state](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 70 \(1\) - Gang Rape](#)

**Corresponding Provision of Previous Statute: Section 376E, Indian Penal Code, 1860**

**Section 376E - Punishment for repeat offenders** - Whoever has been previously convicted of an offence punishable under section 376 or section 376A or section 376AB or section 376D or section 376DA or section 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**

(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 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 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*

**Linked Provisions**

[Juvenile Justice \(Care and Protection of Children\) Act, 2015 - Section 74 - Prohibition On Disclosure Of Identity of Children](#)

recognised in this behalf by the Central Government or the State Government.

**Corresponding Provision of Previous Statute: Section 228A, Indian Penal Code, 1860****Section 228A - Disclosure of identity of the victim of certain offences, etc –**

(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 376, section 376A, section 376AB, section 376B, section 376C, section 376D, section 376DA, section 376DB or section 376E is alleged or found to have been committed (hereafter in this section referred to as the 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 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 means a social welfare institution or organisation recognised Government.

(3) Whoever prints or publishes any matter in relation to any offence referred to in sub-section (1) without the previous permission with imprisonment of either description for a term which may extend fine.

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

**73. Printing or publishing any matter relating to Court proceedings without permission**

Whoever prints or publishes any matter in relation to any proceeding before a Court with respect to an offence referred to in section 72 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.

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*Of criminal force and assault against woman*

#### 74. Assault or use of criminal force to woman with intent to outrage her modesty

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.

**Corresponding Provision of Previous Statute: Section 354, Indian Penal Code, 1860**

**Section 354 - Assault or criminal force to woman with intent to outrage her modesty** - 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.

#### LANDMARK JUDGMENT

Sakshi and Ors. vs. Union of India (UOI) and Ors., [MANU/SC/0523/2004](#)

#### 75. 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.

#### Linked Provisions

[POCSO Act - Section 11 - Sexual Harassment](#)

[POCSO Act - Section 12 - Punishment for Sexual Harassment](#)

[The Sexual Harassment of Women at Workplace \(Prevention, Prohibition and Redressal\) Act, 2013 - Section 3 - Prevention of Sexual Harassment](#)

[The Sexual Harassment of Women at Workplace \(Prevention, Prohibition and Redressal\) Act, 2013 - Section 9 - Complaint 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.

**Corresponding Provision of Previous Statute: Section 354A, Indian Penal Code, 1860****Section 354A - Sexual harassment 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.

**LANDMARK JUDGMENT**

Vishaka and Ors. vs. State of Rajasthan and Ors., [MANU/SC/0786/1997](#)

**76. Assault or use of criminal force to woman with intent to disrobe**

Whoever 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.

**Linked Provisions**

[Bharatiya Nyaya Sanhita, 2023 - Section 129 - Criminal Force](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 130 -Assault](#)

**Corresponding Provision of Previous Statute: Section 354B, Indian Penal Code, 1860**

**Section 354B - Assault or use of criminal force to woman with intent to disrobe** - 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

Whoever 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.

*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.

### Corresponding Provision of Previous Statute: Section 354C, Indian Penal Code, 1860

**Section 354C - Voyeurism** - 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 purpose 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.

*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.

## 78. Stalking

(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.

**Corresponding Provision of Previous Statute: Section 354D, Indian Penal Code, 1860**

**Section 354D – Stalking – (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

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(ii) monitors the use by a woman of the internet, email 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

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.

### Linked Provisions

[Bharatiya Nyaya Sanhita, 2023 - Section 351 - Criminal intimidation](#)

### Corresponding Provision of Previous Statute: Section 509, Indian Penal Code, 1860

**Section 509 – Word, gesture or act intended to insult the modesty of a woman** - Whoever, intending to insult the modesty of any woman, utters any words, makes any sound or gesture, or exhibits any object, 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.

### Offences relating to marriage

## 80. Dowry death

(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

### Linked Provisions

[The Dowry Prohibition Act, 1961 - Section 2 - Definition Of 'Dowry'](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 85 - Husband or relative of](#)

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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.

[husband of a woman subjecting her to cruelty](#)

[Bharatiya Nagarik Suraksha Sanhita, 2023 - Section 194 - Police to enquire and report on suicide, etc.](#)

[Bharatiya Sakshya Act, 2023 - Section 117 - Presumption as to abetment of suicide by a married woman](#)

[Bharatiya Sakshya Act, 2023 - Section 118 - Presumption as to dowry death](#)

#### **Corresponding Provision of Previous Statute: Section 304B, Indian Penal Code, 1860**

##### **Section 304B – Dowry death –**

(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**

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 intercourse 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.

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**Corresponding Provision of Previous Statute: Section 493, Indian Penal Code, 1860**

**Section 493 – Cohabitation caused by a man deceitfully inducing a belief of lawful marriage** - 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 intercourse 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

(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, inform 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) Whoever commits the offence under sub-section (1) 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.

**Corresponding Provision of Previous Statute: Section 494, Indian Penal Code, 1860**

**Section 494 – Marrying again during lifetime of husband or wife** - 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 section does not extend to any person whose marriage with such husband or wife been declared void by a Court of competent jurisdiction, nor to any person who contracts a marriage during the

**Linked Provisions**

[Special Marriage Act, 1954 - Section 15 - Registration of Marriages Celebrated in Other forms.](#)

[Special Marriage Act, 1954 - Section 43 - Penalty On Married Person Marrying Again Under This Act](#)

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, inform 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.

**Section 495 - Same offence with concealment of former marriage from person with whom subsequent marriage is contracted** - Whoever commits the offence defined in the 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.

#### **LANDMARK JUDGMENT**

Sarla Mudgal and Ors. vs. Union of India (UOI) and Ors.,  
[MANU/SC/0290/1995](#)

### **83. Marriage ceremony fraudulently gone through without lawful marriage**

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.

#### **Corresponding Provision of Previous Statute: Section 496, Indian Penal Code, 1860**

**Section 496 - Marriage ceremony fraudulently gone through without lawful marriage** - 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**

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, 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.

**Corresponding Provision of Previous Statute: Section 498, Indian Penal Code, 1860**

**Section 498 – Enticing or taking away or detaining with criminal intent a married woman** – 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.

**85. Husband or relative of husband of a woman subjecting her to cruelty**

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.

**Linked Provisions**

[Divorce Act, 1869 - Section 52 - Competence Of Husband And Wife To Give Evidence As To Cruelty Or Deser-tion](#)

[Hindu Marriage Act, 1955 - Section 13 - Divorce](#)

[Protection of Women from Domestic Violence Act, 2005 - Section 3 - Definition Of Domestic Violence](#)

[Dissolution of Muslim Marriages Act, 1939 - Section 2 - Grounds For Decree For Dissolution Of Marriage](#)

[Divorce Act, 1869 - Section 10 - Grounds For Dissolution Of Marriage](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 108 - Abetment of suicide](#)

[Bharatiya Sakshya Act, 2023 - Section 117 - Presumption as to abetment of suicide by a married woman](#)

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**Corresponding Provision of Previous Statute: Section 498A, Indian Penal Code, 1860**

**Section 498A – Husband or relative of husband of a woman subjecting her to cruelty** - 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.

*Explanation.*—For the purposes 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.

**LANDMARK JUDGMENT**

Arnesh Kumar vs. State of Bihar, [MANU/SC/0559/2014](#)

**86. Cruelty defined**

For the purposes of section 85, "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.

**87. Kidnapping, abducting or inducing woman to compel her marriage, etc**

Whoever kidnaps or abducts any woman with intent that she 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 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.

**Corresponding Provision of Previous Statute: Section 366, Indian Penal Code, 1860**

**Section 366 – Kidnapping, abducting or inducing woman to compel her marriage, etc** - Whoever kidnaps or abducts any woman with intent that she 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 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.

**LANDMARK JUDGMENT**

Thakorlal D. Vadgama vs. The State of Gujarat, [MANU/SC/0191/1973](#)

*Of causing miscarriage, etc.*

## 88. Causing miscarriage

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.*

**Linked Provisions**

[Bharatiya Nyaya Sanhita, 2023 - Section 89 - Causing miscarriage without woman's consent](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 90 - Death caused by act done with intent to cause miscarriage](#)

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**Corresponding Provision of Previous Statute: Section 312, Indian Penal Code, 1860**

**Section 312 – Causing miscarriage** - 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.

**LANDMARK JUDGMENT**

Asgarali Pradhania vs. Emperor, [MANU/WB/0154/1933](#)

**89. Causing miscarriage without woman's consent**

Whoever commits the offence under section 88 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.

**Linked Provisions**

[Bharatiya Nyaya Sanhita, 2023 - Section 88 - Causing miscarriage](#)

**Corresponding Provision of Previous Statute: Section 313, Indian Penal Code, 1860**

**Section 313 – Causing miscarriage without woman's consent** - Whoever commits the offence 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**

(1) Whoever, with intent to cause the miscarriage 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) Where the act referred to in sub-section (1) is done without the consent of the woman, shall be punishable 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.

**Linked Provisions**

[Bharatiya Nyaya Sanhita, 2023 - Section 89 - Causing miscarriage without woman's consent](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 88 - Causing miscarriage](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 91 - Act done with intent to prevent child being born alive or to cause to die after birth](#)

[Bharatiya Nyaya  
Sanhita, 2023 - Section 90  
-Death caused by act  
done with intent to cause  
miscarriage](#)

#### **Corresponding Provision of Previous Statute: Section 314, Indian Penal Code, 1860**

**Section 314 – Death caused by act done with intent to cause miscarriage** - Whoever, with intent to cause the miscarriage 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;

**if act done without woman's consent.**—and if the act is done without the consent of the woman, shall be punished either with imprisonment for life, or with the punishment above mentioned.

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

#### **91. Act done with intent to prevent child being born alive or to cause to die after birth**

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.

#### **Corresponding Provision of Previous Statute: Section 315, Indian Penal Code, 1860**

**Section 315 – Act done with intent to prevent child being born alive or to cause it to die after birth** - 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 amounting to culpable homicide**

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

#### **Linked Provisions**

[Bharatiya Nyaya  
Sanhita, 2023 - Section  
100 - Culpable homicide](#)

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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.

**Corresponding Provision of Previous Statute: Section 316, Indian Penal Code, 1860**

**Section 316 – Causing death of quick unborn child by act amounting to culpable homicide** – 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**

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.

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*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.

**Corresponding Provision of Previous Statute: Section 317, Indian Penal Code, 1860**

**Section 317 - Exposure and abandonment of child under twelve years, by parent or person having care of it** - 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

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.

**Corresponding Provision of Previous Statute: Section 318, Indian Penal Code, 1860**

**Section 318 - Concealment of birth by secret disposal of dead body** - 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 endeavors 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.

#### 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.

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

## 96. Procurement of child

Whoever, by any means whatsoever, induces any child 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.

### Corresponding Provision of Previous Statute: Section 366A, Indian Penal Code, 1860

**Section 366A - Procurement of minor girl** - Whoever, by any means whatsoever, induces any minor girl under the age of eighteen years to go from any place or to do any act with intent that such girl may be, or knowing that it is likely that 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.

## 97. Kidnapping or abducting child under ten years of age with intent to steal from its person

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.

### Linked Provisions

[Bharatiya Nyaya Sanhita, 2023 - Section 137\(1\) - Kidnapping](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 138 - Abduction](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 303\(1\) - Theft](#)

### Corresponding Provision of Previous Statute: Section 369, Indian Penal Code, 1860

**Section 369 – Kidnapping or abducting child under ten years with intent to steal from its person** - 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.

## 98. Selling child for purposes of prostitution, etc

Whoever sells, lets to hire, or otherwise disposes of any child with intent that such child shall at any age be employed or used for the purpose of prostitution

### Linked Provisions

[The Immoral Traffic \(Prevention\) Act, 1956 - Section 5 - Procuring,](#)

or illicit intercourse with any person or for any unlawful and immoral purpose, or knowing it to be likely that such child 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 recognised 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.

[Inducing Or Taking Person For The Sake Of Prostitution](#)

[The Immoral Traffic \(Prevention\) Act, 1956 - Section 6 - Detaining A Person In Premises Where Prostitution Is Carried On](#)

[The Immoral Traffic \(Prevention\) Act, 1956 - Section 8 - Seducing Or Soliciting For Purpose Of Prostitution](#)

[The Immoral Traffic \(Prevention\) Act, 1956 - Section 5 - Procuring, Inducing Or Taking Person For The Sake Of Prostitution](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 98 -Selling child for purposes of prostitution, etc](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 99 -Buying child for purposes of prostitution, etc](#)

#### **Corresponding Provision of Previous Statute: Section 372, Indian Penal Code, 1860**

**Section 372 – Selling minor for purposes of prostitution, etc** - Whoever sells, lets to hire, or otherwise disposes of any person under the age of eighteen years with intent that such 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 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 I.–*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 II.*—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 recognised 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 quasimarital relation.

### 99. Buying child for purposes of prostitution, etc

Whoever buys, hires or otherwise obtains possession of any child with intent that such child 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 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 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.

#### Corresponding Provision of Previous Statute: Section 373, Indian Penal Code, 1860

**Section 373 – Buying minor for purposes of prostitution, etc** - Whoever buys, hires or otherwise obtains possession of any person under the age of eighteen years with intent that such 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 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 I.*—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 II.*—“Illicit intercourse” has the same meaning as in section 372.

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## CHAPTER VI

## OF OFFENCES AFFECTING THE HUMAN BODY

*Of offences affecting life*

**100. Culpable homicide**

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.

**Linked Provisions**

[Bharatiya Nyaya Sanhita, 2023 - Section 102 - Culpable homicide by causing death of person other than person whose death was intended](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 105 - Punishment for culpable homicide not amounting to murder](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 110 - Attempt to commit culpable homicide](#)

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*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.

#### Corresponding Provision of Previous Statute: Section 299, Indian Penal Code, 1860

**Section 299 – Culpable homicide** - 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.

#### LANDMARK JUDGMENT

State of Andhra Pradesh vs. Rayavarapu Punnayya and Ors., [MANU/SC/0180/1976](#)

## 101. Murder

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

- (a) if the act by which the death is caused is done with the intention of causing death; or
- (b) 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) 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) 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.

### Linked Provisions

[Bharatiya Nyaya Sanhita, 2023 - Section 103 - Punishment for murder](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 104 - Punishment for murder by life-convict](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 109 - Attempt to murder](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 140\(1\) - Kidnapping or abducting in order to murder or for ransom etc.](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 310\(3\) - Dacoity](#)

### 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

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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.--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:

Provided that the provocation is not,--

(a) sought or voluntarily provoked by the offender as an excuse for killing or doing harm to any person;

(b) 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) 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.

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- (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 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.

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*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 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.

**Corresponding Provision of Previous Statute: Section 300, Indian Penal Code, 1860**

**Section 300 – Murder** - Except in the cases hereinafter excepted, culpable homicide is murder, if the act by which the death is caused is done with the intention of causing death, or –

2ndly.—If it 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 —

3rdly.—If it 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 —

4thly.—If the person committing the act 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:—

First.—That the provocation is not sought or voluntarily provoked by the offender as an excuse for killing or doing harm to any person.

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.

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.

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*Illustrations*

(a) A, under the influence of passion excited by a provocation given by Z, intentionally kills Y, Z's child. This is murder, inasmuch 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, inasmuch 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, inasmuch as the provocation was given 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.

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**Illustration**

A, by instigation, voluntarily causes Z, a 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.

**LANDMARK JUDGMENT**

Kapur Singh vs. State of Pepsu, [MANU/SC/0150/1954](#)

**102. Culpable homicide by causing death of person other than person whose death was intended**

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.

**Linked Provisions**

[Bharatiya Nyaya Sanhita, 2023 - Section 100 - Culpable homicide](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 105 - Punishment for culpable homicide not amounting to murder](#)

**Corresponding Provision of Previous Statute: Section 301, Indian Penal Code, 1860**

**Section 301 – Culpable homicide by causing death of person other than person whose death was Intended**  
- 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.

**LANDMARK JUDGMENT**

Emperor vs. Mushnooru Suryanarayana Murthy, [MANU/TN/0083/1912](#)

**103. Punishment for murder**

(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.

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**Corresponding Provision of Previous Statute: Section 302, Indian Penal Code, 1860**

**Section 302 – Punishment for murder** - Whoever commits murder shall be punished with death, or imprisonment for life, and shall also be liable to fine.

**LANDMARK JUDGMENT**

Bachan Singh and Ors. vs. State of Punjab and Ors., [MANU/SC/0356/1982](#)

**104. Punishment for murder by life-convict**

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.

**Corresponding Provision of Previous Statute: Section 303, Indian Penal Code, 1860**

**Section 303 – Punishment for murder by life-convict** - Whoever, being under sentence of imprisonment for life, commits murder shall be punished with death.

**105. Punishment for culpable homicide not amounting to murder**

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 with fine, 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.

**Corresponding Provision of Previous Statute: Section 304, Indian Penal Code, 1860**

**Section 304 – Punishment for culpable homicide not amounting to murder** - Whoever commits culpable homicide not amounting to murder 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, 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, 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.

**LANDMARK JUDGMENT**K.M. Nanavati vs. State of Maharashtra, [MANU/SC/0147/1961](#)**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 years, 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.

**Linked Provisions**

[Bharatiya Nyaya Sanhita, 2023 - Section 281 - Rash driving or riding on a public way](#)

*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.

**Corresponding Provision of Previous Statute: Section 304A, Indian Penal Code, 1860**

**Section 304A – Causing death by negligence** - Whoever causes the 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 two years, or with fine, or with both.

**LANDMARK JUDGMENT**Cherubin Gregory vs. The State of Bihar, [MANU/SC/0080/1963](#)

(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.

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### 107. Abetment of suicide of child or person of unsound mind

If any child, any person of unsound mind, any delirious person 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.

#### Linked Provisions

[Bharatiya Nyaya Sanhita, 2023 - Section 108 - Abetment of suicide](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 45 - Abetment of a thing](#)

[Bharatiya Sakshya Act, 2023 - Section 117 - Presumption as to abetment of suicide by a married woman](#)

#### Corresponding Provision of Previous Statute: Section 305, Indian Penal Code, 1860

**Section 305 – Abetment of suicide of child or insane person** - If any person under eighteen 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.

### 108. Abetment of suicide

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.

#### Linked Provisions

[Bharatiya Sakshya Act, 2023 - Section 117 - Presumption as to abetment of suicide by a married woman](#)

#### Corresponding Provision of Previous Statute: Section 306, Indian Penal Code, 1860

**Section 306 – Abetment of suicide** - 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

(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

#### Linked Provisions

[Bharatiya Nyaya Sanhita, 2023 - Section 101- Murder](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 62 - Attempt](#)

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

(2) When any person offending under sub-section (1) 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).

(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.

#### **Corresponding Provision of Previous Statute: Section 307, Indian Penal Code, 1860**

**Section 307 – Attempt to murder** - 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 person by such act, the offender shall be liable either to Imprisonment for life, or to such punishment as is hereinbefore mentioned.

**Attempts by life-convicts.**— When any person offending under this section is under sentence of imprisonment for life, he may, if hurt is caused, be punished with death.

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*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 the 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.

**LANDMARK JUDGMENT**

Om Parkash vs. The State of Punjab, [MANU/SC/0125/1961](#)

**110. Attempt to commit culpable homicide**

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.

**Linked Provisions**

[Bharatiya Nyaya Sanhita, 2023 - Section 62 - Attempt](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 100 - Culpable homicide](#)

*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.

**Corresponding Provision of Previous Statute: Section 308, Indian Penal Code, 1860**

**Section 308 – Attempt to commit culpable homicide** - 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.

### 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;

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(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

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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.

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(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

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(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

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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 (37 of 1967).

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*Of hurt***114. Hurt**

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

**Linked Provisions**

[Bharatiya Nyaya Sanhita, 2023 - Section 115\(1\) - Voluntarily causing hurt](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 115\(2\) - Voluntarily causing hurt](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 118\(1\) - Voluntarily causing hurt or grievous hurt by dangerous weapons or means](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 119\(1\) - Voluntarily causing hurt or grievous hurt to extort property, or to constrain to an illegal to an act](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 123 - Causing hurt by means of poison, etc., with intent to commit an offence](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 120\(1\) - Voluntarily causing hurt or grievous hurt to extort confession, or to compel restoration of property](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 121\(1\) - Voluntarily](#)

causing hurt or grievous  
hurt to deter public  
servant from his duty

Bharatiya Nyaya  
Sanhita, 2023 - Section  
122(1) - Voluntarily  
causing hurt or grievous  
hurt on provocation

Bharatiya Nyaya  
Sanhita, 2023 - Section  
125 -Act endangering life  
or personal safety of  
others

Bharatiya Nyaya  
Sanhita, 2023 - Section  
307 - Theft after  
preparation made for  
causing death, hurt or  
restraint in order to  
committing of theft

Bharatiya Nyaya  
Sanhita, 2023 - Section  
309(4) - Robbery

Bharatiya Nyaya  
Sanhita, 2023 - Section  
324(6) - Mischief

Bharatiya Nyaya  
Sanhita, 2023 - Section  
331(5) - Punishment for  
house-trespass or house-  
breaking

Bharatiya Nyaya  
Sanhita, 2023 - Section  
331(6) - Punishment for  
house-trespass or house-  
breaking

Indian Railways Act,  
1890 - Section 127 -  
Maliciously hurting or  
attempting to hurt

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[persons travelling by railway.](#)

[Metro Railway \(Operations and Maintenance\) Act, 2002 - Section 76 - Maliciously Hurting or Attempting to Hurt Persons Travelling By Metro Railway](#)

[Railways Act, 1989 - Section 152 - Maliciously Hurting or Attempting to Hurt Persons Travelling By Railway](#)

#### Corresponding Provision of Previous Statute: Section 319, Indian Penal Code, 1860

**Section 319 – Hurt** - Whoever causes bodily pain, disease or infirmity to any person is said to cause hurt.

#### 115. Voluntarily 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".

(2) Whoever, except in the case provided for by sub-section (1) of section 122 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, or with both.

#### Linked Provisions

[Bharatiya Nyaya Sanhita, 2023 - Section 114 - Hurt](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 118\(1\) - Voluntarily causing hurt or grievous hurt by dangerous weapons or means](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 119\(1\) - Voluntarily causing hurt or grievous hurt to extort property, or to constrain to an illegal to an act](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 123 - Causing hurt by means of poison, etc.,](#)

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with intent to commit an offence

Bharatiya Nyaya Sanhita, 2023 - Section 120(1) - Voluntarily causing hurt or grievous hurt to extort confession, or to compel restoration of property

Bharatiya Nyaya Sanhita, 2023 - Section 121(1) - Voluntarily causing hurt or grievous hurt to deter public servant from his duty

Bharatiya Nyaya Sanhita, 2023 - Section 122(1) - Voluntarily causing hurt or grievous hurt on provocation

Bharatiya Nyaya Sanhita, 2023 - Section 125 -Act endangering life or personal safety of others

Bharatiya Nyaya Sanhita, 2023 - Section 307 - Theft after preparation made for causing death, hurt or restraint in order to committing of theft

Bharatiya Nyaya Sanhita, 2023 - Section 309(4) - Robbery

Bharatiya Nyaya Sanhita, 2023 - Section 324(6) - Mischief

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<a href="#"><u>Bharatiya Nyaya Sanhita, 2023 - Section 333 - House-trespass after preparation for hurt, assault or wrongful restraint</u></a>
<a href="#"><u>Bharatiya Nyaya Sanhita, 2023 - Section 331(5) - Punishment for house-trespass or house-breaking</u></a>
<a href="#"><u>Bharatiya Nyaya Sanhita, 2023 - Section 331(6) - Punishment for house-trespass or house-breaking</u></a>
<a href="#"><u>Indian Railways Act, 1890 - Section 127 - Maliciously hurting or attempting to hurt persons travelling by railway</u></a>
<a href="#"><u>Metro Railway (Operations and Maintenance) Act, 2002 - Section 76 - Maliciously Hurting or Attempting to Hurt Persons Travelling By Metro Railway</u></a>
<a href="#"><u>Railways Act, 1989 - Section 152 - Maliciously Hurting or Attempting to Hurt Persons Travelling By Railway</u></a>

**Corresponding Provision of Previous Statute: Section 321, Indian Penal Code, 1860**

**Section 321 – Voluntarily causing hurt** - 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”

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**Section 323 - Punishment for voluntarily causing hurt.** — Whoever, except in the case provided for by 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 one thousand rupees, or with both.

## 116. Grievous hurt

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

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

### Linked Provisions

[Bharatiya Nyaya Sanhita, 2023 - Section 117\(1\) - Voluntarily causing grievous hurt](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 117\(2\) - Voluntarily causing grievous hurt](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 118\(2\) - Voluntarily causing hurt or grievous hurt by dangerous weapons or means](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 119\(2\) - Voluntarily causing hurt or grievous hurt to extort property, or to constrain to an illegal to an act](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 120\(2\) - Voluntarily causing hurt or grievous hurt to extort confession, or to compel restoration of property](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 121\(2\) - Voluntarily causing hurt or grievous hurt to deter public servant from his duty](#)

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Bharatiya Nyaya Sanhita, 2023 - Section 122(2) - Voluntarily causing hurt or grievous hurt on provocation

Bharatiya Nyaya Sanhita, 2023 - Section 140(4) - Kidnapping or abducting in order to murder or for ransom etc.

Bharatiya Nyaya Sanhita, 2023 - Section 125 -Act endangering life or personal safety of others

Bharatiya Nyaya Sanhita, 2023 - Section 308(4)- Extortion

Bharatiya Nyaya Sanhita, 2023 - Section 308(5) - Extortion

Bharatiya Nyaya Sanhita, 2023 - Section 311 - Robbery, or dacoity, with attempt to cause death or grievous hurt

Bharatiya Nyaya Sanhita, 2023 - Section 331(7) - Punishment for house-trespass or house-breaking

Bharatiya Nyaya Sanhita, 2023 - Section 324(2) - Mischief

Bharatiya Nyaya Sanhita, 2023 - Section 124(1) - Voluntarily causing grievous hurt by use of acid, etc.

[Bharatiya Nyaya Sanhita, 2023 - Section 331\(8\) - Punishment for house-trespass or house-breaking](#)

[Motor Vehicles Act, 1988 - Section 164 - Payment Of Compensation In Case Of Death Or Grievous Hurt, Etc](#)

#### Corresponding Provision of Previous Statute: Section 320, Indian Penal Code, 1860

**Section 320 – Grievous hurt** - The following kinds of hurt only are designated as “grievous”:-

First.—Emasculation.

Secondly.—Permanent privation of the sight of either eye.

Thirdly.—Permanent privation of the hearing of either ear.

Fourthly.—Privation of any member or joint.

Fifthly.—Destruction or permanent impairing of the powers of any member or joint.

Sixthly.—Permanent disfiguration of the head or face.

Seventhly.—Fracture or dislocation of a bone or tooth.

Eighthly.—Any hurt which endangers life or which causes the sufferer to be during the space of twenty days in severe bodily pain, or unable to follow his ordinary pursuits.

#### LANDMARK JUDGMENT

Rameshwar Mahton and Ors. vs. The State, [MANU/BH/0085/1957](#)

#### 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".

#### Linked Provisions

[Bharatiya Nyaya Sanhita, 2023 - Section 116 - Grevious Hurt](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 117\(2\) - Voluntarily causing grievous hurt](#)

*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. A has voluntarily caused grievous hurt.

[Bharatiya Nyaya Sanhita, 2023 - Section 118\(2\) - Voluntarily causing hurt or grievous hurt by dangerous weapons or means](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 119\(2\) - Voluntarily causing hurt or grievous hurt to extort property, or to constrain to an illegal to an act](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 120\(2\) - Voluntarily causing hurt or grievous hurt to extort confession, or to compel restoration of property](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 121\(2\) - Voluntarily causing hurt or grievous hurt to deter public servant from his duty](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 122\(2\) - Voluntarily causing hurt or grievous hurt on provocation](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 140\(4\) - Kidnapping or abducting in order to murder or for ransom etc.](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 125 - Act endangering life or personal safety of others](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 331\(7\) - Punishment for house-trespass or house-breaking](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 331\(8\) - Punishment for house-trespass or house-breaking](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 124\(1\) - Voluntarily causing grievous hurt by use of acid, etc.](#)

[Motor Vehicles Act, 1988 - Section 164 - Payment Of Compensation In Case Of Death Or Grievous Hurt, Etc](#)

#### Corresponding Provision of Previous Statute: Section 322, Indian Penal Code, 1860

**Section 322 – Voluntarily causing grievous hurt** - 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”.

*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 twenty days. A has voluntarily caused grievous hurt.

(2) Whoever, except in the case provided for by sub-section (2) of section 122, 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.

#### Linked Provisions

[Bharatiya Nyaya Sanhita, 2023 - Section 117\(1\) - Voluntarily causing grievous hurt](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 116 - Grevious Hurt](#)

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**Corresponding Provision of Previous Statute: Section 325, Indian Penal Code, 1860**

**Section 325 – Punishment for voluntarily causing grievous hurt** - Whoever, except in the case provided for by 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.

**LANDMARK JUDGMENT**

In Re: Palani Goundan, [MANU/TN/0025/1919](#)

(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.

(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.

**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, 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

**Linked Provisions**

[Bharatiya Nyaya Sanhita, 2023 - Section 114 - Hurt](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 115\(1\) - Voluntarily causing hurt](#)

extend to three years, or with fine which may extend to twenty thousand rupees, or with both.

**Corresponding Provision of Previous Statute: Section 324, Indian Penal Code, 1860**

**Section 324 – Voluntarily causing hurt by dangerous weapons or means** - Whoever, except in the case provided for by 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, or with both.

**LANDMARK JUDGMENT**

State through Superintendent of Police, CBI/SIT vs. Nalini and Ors.,  
[MANU/SC/0945/1999](#)

(2) Whoever, except in the case provided for by sub-section (2) of section 122, voluntarily causes grievous hurt by any means 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.

**Linked Provisions**

[Bharatiya Nyaya Sanhita, 2023 - Section 117\(1\)](#) [Voluntarily causing grievous hurt](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 116 - Grevious Hurt](#)

**Corresponding Provision of Previous Statute: Section 326, Indian Penal Code, 1860**

**Section 326 – Voluntarily causing grievous hurt by dangerous weapons or means** - Whoever, except in the case provided for by section 335, voluntarily causes grievous 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 for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

**LANDMARK JUDGMENT**

Laxmi vs. Union of India (UOI) and Ors., [MANU/SC/0428/2015](#)

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**119. Voluntarily causing hurt or grievous hurt to extort property, or to constrain to an illegal act**

(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.

**Corresponding Provision of Previous Statute: Section 327, Indian Penal Code, 1860**

**Section 327 – Voluntarily causing hurt to extort property, or to constrain to an illegal to an act** - 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), 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.

**Linked Provisions**

[Bharatiya Nyaya Sanhita, 2023 - Section 115\(1\) - Voluntarily causing hurt](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 114 - Hurt](#)

**Linked Provisions**

[Bharatiya Nyaya Sanhita, 2023 - Section 116 - Grevious Hurt](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 117\(1\) - Voluntarily causing grievous hurt](#)

**Corresponding Provision of Previous Statute: Section 329, Indian Penal Code, 1860**

**Section 329 – Voluntarily causing grievous hurt to extort property, or to constrain to an illegal act** - Whoever voluntarily causes grievous 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 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.

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**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.

**Linked Provisions**

[Bharatiya Nyaya Sanhita, 2023 - Section 115\(1\) - Voluntarily causing hurt](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 114 - Hurt](#)

*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.

**Corresponding Provision of Previous Statute: Section 330, Indian Penal Code, 1860**

**Section 330 – Voluntarily causing hurt to extort confession, or to compel restoration of property** - 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.

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

**Linked Provisions**

[Bharatiya Nyaya Sanhita, 2023 - Section 117\(1\) - Voluntarily causing grievous hurt](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 116 - Grevious Hurt](#)

**Corresponding Provision of Previous Statute: Section 331, Indian Penal Code, 1860**

**Section 331 – Voluntarily causing grievous hurt to extort confession, or to compel restoration of Property -**  
Whoever voluntarily causes grievous 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 ten years, and shall also be liable to fine.

**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 years, or with fine, or with both.

**Linked Provisions**

[Bharatiya Nyaya Sanhita, 2023 - Section 115\(1\) - Voluntarily causing hurt](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 114 - Hurt](#)

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**Corresponding Provision of Previous Statute: Section 331, Indian Penal Code, 1860**

**Section 332 – Voluntarily causing hurt to deter public servant from his duty** - 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 three years, or with fine, or with both.

(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.

**Corresponding Provision of Previous Statute: Section 333, Indian Penal Code, 1860**

**Section 333 – Voluntarily causing grievous hurt to deter public servant from his duty** - 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 may extend to ten years, and shall also be liable to fine.

**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 rupees, or with both.

**Linked Provisions**

[Bharatiya Nyaya Sanhita, 2023 - Section 117\(1\) - Voluntarily causing grievous hurt](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 116 - Grevious Hurt](#)

**Linked Provisions**

[Bharatiya Nyaya Sanhita, 2023 - Section 115\(1\) - Voluntarily causing hurt](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 114 - Hurt](#)

**Corresponding Provision of Previous Statute: Section 334, Indian Penal Code, 1860**

**Section 334 – Voluntarily causing hurt on provocation** - 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 hundred rupees, or with both.

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(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 years, or with fine which may extend to ten thousand rupees, or with both.

*Explanation.--*This section is subject to the same proviso as Exception 1 of section 101.

#### **Corresponding Provision of Previous Statute: Section 335, Indian Penal Code, 1860**

**Section 335 – Voluntarily causing grievous hurt on provocation** – 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 four years, or with fine which may extend to two thousand rupees, or with both.

Explanation.—The last two sections are subject to the same provisos as Exception 1, section 300.

### **123. Causing hurt by means of poison, etc., with intent to commit an offence**

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 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.

#### **Linked Provisions**

[Bharatiya Nyaya Sanhita, 2023 - Section 117\(1\) - Voluntarily causing grievous hurt](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 116 - Grevious Hurt](#)

#### **Linked Provisions**

[Bharatiya Nyaya Sanhita, 2023 - Section 115\(1\) - Voluntarily causing hurt](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 114 - Hurt](#)

[Bharatiya Nagarik Suraksha Sanhita, 2023 - Section 368 - Procedure in case of person of unsound mind tried before Court](#)

[Bharatiya Nagarik Suraksha Sanhita, 2023 - Section 369 - Release of person of unsound mind pending investigation or trial](#)

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**Corresponding Provision of Previous Statute: Section 328, Indian Penal Code, 1860**

**Section 328 – Causing hurt by means of poison, etc., with intent to commit and offence** – 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 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:

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.

**Corresponding Provision of Previous Statute: Section 326A, Indian Penal Code, 1860**

**Section 326A – Voluntarily causing grievous hurt by use of acid, etc.** - 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, 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:

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 section shall be paid to the victim.

**Linked Provisions**

[Bharatiya Nyaya Sanhita, 2023 - Section 116 - Grevious Hurt](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 117\(1\) - Voluntarily causing grievous hurt](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 124\(2\) - Voluntarily causing grievous hurt by use of acid, etc.](#)

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(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.

**Linked Provisions**

[Bharatiya Nyaya Sanhita, 2023 - Section 124\(1\) - Voluntarily causing grievous hurt by use of acid, etc.](#)

*Explanation 1.--*For the purposes of 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, permanent or partial damage or deformity or permanent vegetative state shall not be required to be irreversible.

**Corresponding Provision of Previous Statute: Section 326B, Indian Penal Code, 1860**

**Section 326B – Voluntarily throwing or attempting to throw acid** - 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.

*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 section 326A and this section, permanent or partial damage or

**125. Act endangering life or personal safety of others****Linked Provisions**

[Bharatiya Nyaya Sanhita, 2023 - 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 rupees, or with both, but--

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(a) 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 rupees, or with both;

(b) where grievous hurt is caused, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine which may extend to ten thousand rupees, or with both.

[Bharatiya Nyaya Sanhita, 2023 - Section 115\(1\) - Voluntarily causing hurt](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 114 - Hurt](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 117\(1\) - Voluntarily causing grievous hurt](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 116 - Grevious Hurt](#)

#### Corresponding Provision of Previous Statute: Section 336, Indian Penal Code, 1860

**Section 336 – 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 hundred and fifty rupees, or with both.

**Section 337 - 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 endanger human life, or the personal safety of others, 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 hundred rupees, or with both.

**Section 338 - 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, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine which may extend to one thousand rupees, or with both.

*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.

#### Linked Provisions

[Bharatiya Nyaya Sanhita, 2023 - Section 126\(2\) - Wrongful restraint](#)

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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.

[Bharatiya Nyaya Sanhita, 2023 - Section 333 -House-trespass after preparation for hurt, assault or wrongful restraint](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 331\(5\) - Punishment for house-trespass or house-breaking](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 331\(6\) - Punishment for house-trespass or house-breaking](#)

**Corresponding Provision of Previous Statute: Section 339, Indian Penal Code, 1860**

**Section 339 – Wrongful restraint** - 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.

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) 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 rupees, or with both.

**Linked Provisions**

[Bharatiya Nyaya Sanhita, 2023 - Section 126\(2\) - Wrongful restraint](#)

**Corresponding Provision of Previous Statute: Section 341, Indian Penal Code, 1860**

**Section 341 – 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 hundred rupees, or with both.

**LANDMARK JUDGMENT**

Keso Sahu and Ors. vs. Saligram Shah, [MANU/OR/0129/1977](#)

## 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.

### *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.

(2) 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 thousand rupees, or with both.

(3) 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 years, or with fine which may extend to ten thousand rupees, or with both.

(4) 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 years, and shall also be liable to fine which shall not be less than ten thousand rupees.

(5) 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.

### Linked Provisions

[Bharatiya Nyaya Sanhita, 2023 - Section 135 - Abetment of desertion of soldier, sailor or airman](#)

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(6) 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.

(7) 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.

(8) 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.

**Corresponding Provision of Previous Statute: Section 340, Indian Penal Code, 1860**

**Section 340 – Wrongful confinement** - 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.

*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.

*Of criminal force and assault***128. Force**

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:--

(a) by his own bodily power;

(b) 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) by inducing any animal to move, to change its motion, or to cease to move.

**Linked Provisions**

[Bharatiya Nyaya Sanhita, 2023 - Section 134 - Assault or criminal force in attempt to commit theft of property carried by a person](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 135 -Assault or criminal force in attempt wrongfully to confine a person](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 76 - Assault or criminal force with intent to disrobe](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 129 - Criminal Force](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 133 - Assault or criminal force with intent to dishonor person otherwise than on grave provocation](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 132- Assault or criminal force to deter public servant from discharge of His duty](#)

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[Bharatiya Nyaya Sanhita, 2023 - Section 131 - Punishment for assault or criminal force otherwise than on grave provocation](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 74 - Assault or use of criminal force to woman to outrage her modesty](#)

[Bharatiya Nagarik Suraksha Sanhita, 2023 - Section 148 - Dispersal of assembly by use of civil force](#)

[Bharatiya Nagarik Suraksha Sanhita, 2023 - Section 147 - Enforcement of order of maintenance](#)

#### Corresponding Provision of Previous Statute: Section 349, Indian Penal Code, 1860

**Section 349 – Force** - 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 three ways hereinafter described:

First.—By his own bodily power.

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.

Thirdly.—By inducing any animal to move, to change its motion, or to cease to move.

#### 129. Criminal force

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

#### Linked Provisions

[Bharatiya Nyaya Sanhita, 2023 - Section 128 - Force](#)

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.

(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.

[Bharatiya Nyaya Sanhita, 2023 - Section 131 - Punishment for assault or criminal force otherwise than on grave provocation](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 132 - Assault or criminal force to deter public servant from discharge of His duty](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 74 -Assault or use of criminal force to woman to outrage her modesty](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 133 - Assault or criminal force with intent to dishonor person, otherwise than on grave provocation](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 134 - Assault or criminal force in attempt to commit theft of property carried by a person](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 135 -Assault or criminal force in attempt wrongfully to confine a person](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 136 - Assault or criminal force on grave provocation](#)

(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.

Bharatiya Nyaya  
Sanhita, 2023 - Section 76  
- Assault or criminal  
force with intent to  
disrobe

(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.

#### Corresponding Provision of Previous Statute: Section 350, Indian Penal Code, 1860

**Section 350 - Criminal force** - 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.

(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

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.

#### Linked Provisions

[Bharatiya Nyaya Sanhita, 2023 - Section 131 - Punishment for assault or criminal force otherwise than on grave provocation](#)

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*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.
- (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.

[Bharatiya Nyaya Sanhita, 2023 - Section 132 - Assault or criminal force to deter public servant from discharge of His duty](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 133 - Assault or criminal force with intent to dishonor person, otherwise than on grave provocation](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 134 - Assault or criminal force in attempt to commit theft of property carried by a person](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 135 -Assault or criminal force in attempt wrongfully to confine a person](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 136 - Assault or criminal force on grave provocation](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 74 -Assault or use of criminal force to woman to outrage her modesty](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 44 - Right of private defence against deadly assault](#)

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[Bharatiya Nyaya Sanhita, 2023 - Section 151 - Assaulting President, Governor, etc., with intent to compel or restrain exercise of any lawful power](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 161 - Abetment of assault by soldier, sailor or airman on his superior officer, when in execution of His office](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 162 - Abetment of such assault, if the assault committed](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 195 - Assaulting or obstructing public servant suppressing riot](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 333 -House-trespass after preparation for hurt, assault or wrongful restraint](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 331\(5\) - Punishment for house-trespass or house-breaking](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 331\(6\) - Punishment for house-trespass or house-breaking](#)

- [Bharatiya Nyaya Sanhita, 2023 - Section 76 - Assault or criminal force with intent to disrobe](#)
- [National Security Guard Act, 1986 - Section 22 - Assault And Obstruction](#)
- [POCSO Act - Section 3 - Penetrative Sexual Assault](#)
- [POCSO Act - Section 4 - Punishment For Penetrative Sexual Assault](#)
- [POCSO Act - Section 5 - Aggravated Penetrative Sexual Assault](#)
- [POCSO Act - Section 6 - Punishment For Aggravated Penetrative Sexual Assault](#)
- [POCSO Act - Section 7 - Sexual AssaultPOCSO Act - Section 8 - Punishment For Sexual Assault](#)
- [POCSO Act - Section 9 - Aggravated Sexual Assault](#)
- [POCSO Act - Section 10 - Punishment For Aggravated Sexual Assault](#)
- [National Security Guard Act, 1986 - Section 22 - Assault And Obstruction](#)
- [POCSO Act - Section 3 - Penetrative Sexual Assault](#)

**Corresponding Provision of Previous Statute: Section 351, Indian Penal Code, 1860**

**Section 351 – Assault** - 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) (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.
- (c) (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**

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 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.

**Linked Provisions**

[Bharatiya Nyaya Sanhita, 2023 - Section 129 - Criminal Force](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 130 -Assault](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 136 - Assault or criminal force on grave provocation](#)

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

**Corresponding Provision of Previous Statute: Section 352, Indian Penal Code, 1860**

**Section 352 – Punishment for assault or criminal force otherwise than on grave provocation** – 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 five hundred rupees, or with both.

*Explanation.—Grave and sudden provocation will not mitigate the punishment for an offence under this section, if the provocation is sought or voluntarily provoked by the offender as an excuse for the offence, or 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*

*if the provocation is given by anything done in the lawful exercise of the right of private defence.*

*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**

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.

**Linked Provisions**

[Bharatiya Nyaya Sanhita, 2023 - Section 129 - Criminal Force](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 130 -Assault](#)

**Corresponding Provision of Previous Statute: Section 353, Indian Penal Code, 1860**

**Section 353 – Assault or criminal force to deter public servant from discharge of his duty** – 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 to 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**

Whoever assaults or uses criminal force to any person, intending thereby to dishonour that person, otherwise than on grave and sudden provocation given

**Linked Provisions**

[Bharatiya Nyaya Sanhita, 2023 - Section 129 - Criminal Force](#)

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.

[Bharatiya Nyaya Sanhita, 2023 - Section 130 -Assault](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 79 - Word, gesture or act intended to insult the modesty of a woman](#)

#### Corresponding Provision of Previous Statute: Section 355, Indian Penal Code, 1860

**Section 355 – Assault or criminal force with intent to dishonour person, otherwise than on grave Provocation** - Whoever assaults or uses criminal force to any person, intending thereby to dishonor 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.

#### 134. Assault or criminal force in attempt to commit theft of property carried by a person

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.

#### Linked Provisions

[Bharatiya Nyaya Sanhita, 2023 - Section 129 - Criminal Force](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 130 -Assault](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 303\(1\) - Theft](#)

#### Corresponding Provision of Previous Statute: Section 356, Indian Penal Code, 1860

**Section 356 – Assault or criminal force in attempt to commit theft of property carried by a person** - 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 confine a person

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 thousand rupees, or with both.

#### Linked Provisions

[Bharatiya Nyaya Sanhita, 2023 - Section 129 - Criminal Force](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 130 -Assault](#)

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[Bharatiya Nyaya Sanhita, 2023 - Section 127 - Wrongful Confinement](#)

#### Corresponding Provision of Previous Statute: Section 357, Indian Penal Code, 1860

**Section 357 – Assault or criminal force in attempt wrongfully to confine a person** - 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 one thousand rupees, or with both.

#### 136. Assault or criminal force on grave provocation

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 rupees, or with both.

*Explanation.--*This section is subject to the same Explanation as section 131 of kidnapping, abduction, slavery and forced labour

#### Linked Provisions

[Bharatiya Nyaya Sanhita, 2023 - Section 129 - Criminal Force](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 130 - Assault](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 131 - Punishment for assault or criminal force otherwise than on grave provocation](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 133 - Assault or criminal force with intent to dishonor person, otherwise than on grave provocation](#)

#### Corresponding Provision of Previous Statute: Section 358, Indian Penal Code, 1860

**Section 358 – Assault or criminal force on grave provocation** - 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 two hundred rupees, or with both.

*Explanation.—*The last section is subject to the same Explanation as section 352.

#### 137. Kidnapping

(1) Kidnapping is of two kinds: kidnapping from India, and kidnapping from lawful guardianship--

#### Linked Provisions

[Bharatiya Nyaya Sanhita, 2023 - Section 137\(2\) - Kidnapping](#)

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(a) 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;

(b) whoever takes or entices any child 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 or person from lawful guardianship.

*Explanation.--*The words "lawful guardian" in this clause include any person lawfully entrusted with the care or custody of such child 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.

[Bharatiya Nyaya Sanhita, 2023 - Section 140\(1\) - Kidnapping or abducting in order to murder or for ransom etc.](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 140\(2\) - Kidnapping or abducting in order to murder or for ransom etc.](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 140\(3\) - Kidnapping or abducting in order to murder or for ransom etc.](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 140\(4\) - Kidnapping or abducting in order to murder or for ransom etc.](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 87 - Kidnapping, abducting, inducing woman to compel her marriage etc.](#)

[Juvenile Justice \(Care and Protection of Children\) Act, 2015 - Section 84 - Kidnapping And Abduction of Child](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 97 - Kidnapping or abducting child under ten years of age to steal from its person](#)

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[Guardians and Wards Act, 1890 - Section 7 - Power Of The Court To Make Orders As To Guardianship](#)

[Hindu Minority and Guardianship Act, 1956 - Section 7 - Natural Guardianship of Adopted Son](#)

[Hindu Widows' Remarriage Act, 1856 - Section 3 - Guardianship of Children of Deceased Husband On The Remarriage of His Widow.](#)

#### Corresponding Provision of Previous Statute: Section 359, Indian Penal Code, 1860

**Section 359 – Kidnapping** - Kidnapping is of two kinds: kidnapping from India, and kidnapping from lawful guardianship.

**Section 361 - Kidnapping from lawful guardianship** - Whoever takes or entices any 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 minor or person of unsound mind, without the consent of such guardian, is said to kidnap such minor or person from lawful guardianship.

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

*Exception.*—This section 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.

#### LANDMARK JUDGMENT

S. Varadarajan vs. State of Madras, [MANU/SC/0081/1964](#)

(2) 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.

#### Linked Provisions

[Bharatiya Nyaya Sanhita, 2023 - Section 137\(1\) - Kidnapping](#)

[Juvenile Justice \(Care and Protection of Children\) Act, 2000 - Section 24 - Removal of Disqualification On The Findings of an Offence](#)

[Juvenile Justice \(Care and Protection of Children\) Act, 2015 - Section 76 - Employment of Child For Begging](#)

[The Juvenile Justice Act, 1986 - Section 42 - Employment Of Juveniles For Begging](#)

#### Corresponding Provision of Previous Statute: Section 363, Indian Penal Code, 1860

**Section 363 – 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.

#### LANDMARK JUDGMENT

Thakorlal D. Vadgama vs. The State of Gujarat, [MANU/SC/0191/1973](#)

### 138. Abduction

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

#### Linked Provisions

[Juvenile Justice \(Care and Protection of Children\) Act, 2015 - Section 84 - Kidnapping And Abduction of Child](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 140\(1\) - Kidnapping or abducting in order to murder or for ransom etc.](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 140\(3\) - Kidnapping or abducting in order to](#)

[murder or for ransom etc.](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 140\(4\) - Kidnapping or abducting in order to murder or for ransom etc.](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 87 -Kidnapping, abducting, inducing woman to compel her marriage etc.](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 137\(1\) - Kidnapping](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 97 -Kidnapping or abducting child under ten years of age to steal from its person](#)

#### Corresponding Provision of Previous Statute: Section 362, Indian Penal Code, 1860

**Section 362 – Abduction** - Whoever by force compels, or by any deceitful means induces, any person to go from any place, is said to abduct that person

#### 139. Kidnapping or maiming a child for purposes of begging

(1) Whoever kidnaps any child or, not being the lawful guardian of such child, obtains the custody of the child, in order that such child may be employed or used for the purposes of begging 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.

(2) Whoever maims any child in order that such child 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.

(3) Where any person, not being the lawful guardian of a child employs or uses such child 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 in order that such child might be employed or used for the purposes of begging.

(4) In this section "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;

(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 as an exhibit for the purpose of soliciting or receiving alms.

#### **Corresponding Provision of Previous Statute: Section 363A, Indian Penal Code, 1860**

##### **Section 363A – Kidnapping or maiming a minor for purposes of begging –**

(1) Whoever kidnaps any minor or, not being the lawful guardian of a minor, obtains the custody of the minor, in order that such minor may be employed or used for the purposes of begging shall be punishable with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

(2) Whoever maims any minor in order that such minor may be employed or used for the purposes of begging shall be punishable with imprisonment for life, and shall also be liable to fine.

(3) Where any person, not being the lawful guardian of a minor, employs or uses such minor for the purposes of begging, it shall be presumed, unless the contrary is proved, that he kidnapped or otherwise

obtained the custody of that minor in order that the 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, fortunetelling, performing tricks or selling articles or otherwise;

(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 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

(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.

##### Linked Provisions

[Bharatiya Nyaya Sanhita, 2023 - Section 137\(1\) - Kidnapping](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 138 - Abduction](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 101- Murder](#)

##### Corresponding Provision of Previous Statute: Section 364, Indian Penal Code, 1860

**Section 364 – Kidnapping or abducting in order to murder** - 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.

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*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) 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.

**Linked Provisions**

[Bharatiya Nyaya Sanhita, 2023 - Section 137\(1\) - Kidnapping](#)

**Corresponding Provision of Previous Statute: Section 364A, Indian Penal Code, 1860**

**Section 364A – 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.

(3) 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.

**Linked Provisions**

[Bharatiya Nyaya Sanhita, 2023 - Section 137\(1\) - Kidnapping](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 138 - Abduction](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 127 - Wrongful Confinement](#)

**Corresponding Provision of Previous Statute: Section 365, Indian Penal Code, 1860**

**Section 365 – 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.

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(4) 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.

#### Linked Provisions

[Bharatiya Nyaya Sanhita, 2023 - Section 137\(1\) - Kidnapping](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 138 - Abduction](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 116 - Grevious Hurt](#)

#### Corresponding Provision of Previous Statute: Section 367, Indian Penal Code, 1860

**Section 367 – 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.

#### 141. Importation of girl or boy from foreign country

Whoever imports into India from any country outside India any girl under the age of twenty-one years or any boy under the age of eighteen years with intent that girl or boy may be, or knowing it to be likely that girl or boy 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.

#### Corresponding Provision of Previous Statute: Section 366B, Indian Penal Code, 1860

**Section 366B – Importation of girl from foreign country** - 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 with intent that she may be, or knowing it to be likely that 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.

#### 142. Wrongfully concealing or keeping in confinement, kidnapped or abducted person

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

#### Linked Provisions

[Bharatiya Nyaya Sanhita, 2023 - Section 137\(1\) - Kidnapping](#)

[Bharatiya Nyaya Sanhita, 2023 - Section](#)

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intention or knowledge, or for the same purpose as that with or for which he conceals or detains such person in confinement.

[138 - Abduction](#)

Bharatiya Nyaya  
Sanhita, 2023 - Section  
127 - Wrongful

**Corresponding Provision of Previous Statute: Section 368, Indian Penal Code, 1860**

**Section 368 – Wrongfully concealing or keeping in confinement, kidnapped or abducted person** - 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**

(1) Whoever, for the purpose of exploitation recruits, transports, harbours, transfers, or receives a person or persons, by--

(a) using threats; or

(b) using force, or any other form of coercion; or

(c) by abduction; or

(d) by practising fraud, or deception; or

(e) by abuse of power; or

(f) 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.*

**Linked Provisions**

[Constitution of India - Article 23 - Prohibition of Traffic in Human Beings And Forced Labour](#)

Bharatiya Nyaya  
Sanhita, 2023 - Section  
[144 - Exploitation of a trafficked person](#)

(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, 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, 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 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.

#### **Corresponding Provision of Previous Statute: Section 370, Indian Penal Code, 1860**

##### **Section 370 – Trafficking of person –**

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

First. – using threats, or

Secondly. – using force, or any other form of coercion, or

Thirdly.—by abduction, or

Fourthly.—by practising fraud, or deception, or

Fifthly.—by abuse of power, or

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, or the 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 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 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 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.

#### 144. Exploitation of a trafficked person

##### Linked Provisions

[Bharatiya Nyaya Sanhita, 2023 - Section 143 - Trafficking of person](#)

(1) Whoever, knowingly or having reason to believe that a child has been trafficked, engages such child for sexual exploitation in any manner, shall be punished with rigorous imprisonment 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.

(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 years, and shall also be liable to fine.

#### Corresponding Provision of Previous Statute: Section 370A, Indian Penal Code, 1860

**Section 370A - Exploitation of a trafficked person** - (1) Whoever, knowingly or having reason to believe that a minor has been trafficked, engages such minor for sexual exploitation in any manner, shall be punished with rigorous imprisonment 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.

(2) Whoever, knowingly by 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 five years, and shall also be liable to fine.

### 145. Habitual dealing in slaves

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.

#### Linked Provisions

[Bharatiya Nyaya Sanhita, 2023 - Section 140\(4\) - Kidnapping or abducting in order to murder or for ransom etc.](#)

#### Corresponding Provision of Previous Statute: Section 371, Indian Penal Code, 1860

**Section 371 - Habitual dealing in slaves** - 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

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.

#### Linked Provisions

[Protection of Civil Rights Act, 1955 - Section 7A - Unlawful Compulsory Labour To Be Deemed To Be A Practice Of "Untouchability"](#)

#### Corresponding Provision of Previous Statute: Section 374, Indian Penal Code, 1860

**Section 374 - Unlawful compulsory labour** - 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.

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## CHAPTER VII

## OF OFFENCES AGAINST THE STATE

**147. Waging, or attempting to wage war, or abetting waging of war, against Government of India**

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.

*Illustration*

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

**Linked Provisions**

[Bharatiya Nyaya Sanhita, 2023 - Section 149 - Collecting arms, etc., with intention of waging war against Government of India](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 150 - Concealing with intent to facilitate design to wage war](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 153 - Waging war against Government of any foreign State at peace with Government of India](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 148 - Conspiracy to commit offences punishable by section 147](#)

**Corresponding Provision of Previous Statute: Section 121, Indian Penal Code, 1860**

**Section 121 – Waging or attempting to wage war or abetting waging of war against the Government of India**  
- 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.

*Illustration*

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

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**148. Conspiracy to commit offences punishable by section 147**

Whoever within or without and beyond India conspires to commit any of the offences punishable by section 147, 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.

**Corresponding Provision of Previous Statute: Section 121A, Indian Penal Code, 1860**

**Section 121A – Conspiracy to commit offences punishable by section 121** - Whoever within or without India conspires to commit any of the offences punishable by section 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**

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.

**Linked Provisions**

[Bharatiya Nyaya Sanhita, 2023 - Section 147 - Waging, or Attempting to wage war, or abetting waging of war, against Government of India](#)

**Linked Provisions**

[Bharatiya Nyaya Sanhita, 2023 - Section 147 - Waging, or Attempting to wage war, or abetting waging of war, against Government of India](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 150 - Concealing with intent to facilitate design to wage war](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 153 - Waging war against](#)

Government of any foreign State at peace with Government of India

**Corresponding Provision of Previous Statute: Section 122, Indian Penal Code, 1860**

**Section 122 – Collecting arms, etc., with intention of waging war against the Government of India** - 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, 15 and shall also be liable to fine.

**150. Concealing with intent to facilitate design to wage war**

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.

**Linked Provisions**

Bharatiya Nyaya Sanhita, 2023 - Section 147 - Waging, or Attempting to wage war, or abetting waging of war, against Government of India

Bharatiya Nyaya Sanhita, 2023 - Section 149 - Collecting arms, etc., with intention of waging war against Government of India

Bharatiya Nyaya Sanhita, 2023 - Section 153 - Waging war against Government of any foreign State at peace with Government of India

**Corresponding Provision of Previous Statute: Section 123, Indian Penal Code, 1860**

**Section 123 – Concealing with intent to facilitate design to wage war** - 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.

## 151. Assaulting President, Governor, etc., with intent to compel or restrain exercise of any lawful power

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.

### Corresponding Provision of Previous Statute: Section 124, Indian Penal Code, 1860

**Section 124 – Assaulting President, Governor, etc., with intent to compel or restrain the exercise of any lawful power** - 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.

### LANDMARK JUDGMENT

Kedar Nath Singh vs. State of Bihar, [MANU/SC/0074/1962](#)

## 152. Act endangering sovereignty, unity and integrity of India

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.

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*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 Government of any foreign State at peace with Government of India**

Whoever wages war against the Government of any foreign State 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.

#### **Linked Provisions**

[Bharatiya Nyaya Sanhita, 2023 - Section 147 - Waging, or Attempting to wage war, or abetting waging of war, against Government of India](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 149 -Collecting arms, etc., with intention of waging war against Government of India](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 150 - Concealing with intent to facilitate design to wage war](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 154 - Committing depredation on territories of foreign State at peace with Government of India](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 155 - Receiving property taken by war or depredation mentioned in sections 153 and 154](#)

**Corresponding Provision of Previous Statute: Section 125, Indian Penal Code, 1860**

**Section 125 – Waging war against any Asiatic Power in alliance with the Government of India** - Whoever wages war against the Government of any Asiatic Power in alliance or 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.

**154. Committing depredation on territories of foreign State at peace with Government of India**

Whoever commits depredation, or makes preparations to commit depredation, on the territories of any foreign State 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.

**Linked Provisions**

[Bharatiya Nyaya Sanhita, 2023 - Section 153 - Waging war against Government of any foreign State at peace with Government of India](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 155 - Receiving property taken by war or depredation mentioned in sections 153 and 154](#)

**Corresponding Provision of Previous Statute: Section 126, Indian Penal Code, 1860**

**Section 126 – Committing depredation on territories of Power at peace with the Government of India** - Whoever commits depredation, or makes preparations to commit depredation, on the territories of 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.

**155. Receiving property taken by war or depredation mentioned in sections 153 and 154**

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, 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.

**Linked Provisions**

[Bharatiya Nyaya Sanhita, 2023 - Section 153 - Waging war against Government of any foreign State at peace with Government of India](#)

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[Bharatiya Nyaya Sanhita, 2023 - Section 154 - Committing depredation on territories of foreign State at peace with Government of India](#)

**Corresponding Provision of Previous Statute: Section 127, Indian Penal Code, 1860**

**Section 127 – Receiving property taken by war or depredation mentioned in sections 125 and 126** - Whoever receives any property knowing the same to have been taken in the commission of any of the offences mentioned in sections 125 and 126, 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**

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.

**Linked Provisions**

[Bharatiya Nyaya Sanhita, 2023 - Section 157 - Public servant negligently suffering such prisoner to escape](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 158 - Aiding escape of rescuing or harbouring such prisoner](#)

[Collection of Statistics Act, 2008 - Section 29 - Public Servants](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 2\(28\) - Public Servant](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 259 - Intentional omission to apprehend on part of public servant bound to apprehend](#)

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Bharatiya Nyaya Sanhita, 2023 - Section 260 - Intentional omission to apprehend on part of public servant bound to apprehend person under sentence or lawfully committed

Bharatiya Nyaya Sanhita, 2023 - Section 264 - Omission to apprehend, or sufferance of escape, on part of public servant, in cases not otherwise provided for

#### Corresponding Provision of Previous Statute: Section 128, Indian Penal Code, 1860

**Section 128 – Public servant voluntarily allowing prisoner of State or war to escape** - 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

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.

#### Linked Provisions

Collection of Statistics Act, 2008 - Section 29 - Public Servants

Bharatiya Nyaya Sanhita, 2023 - Section 2(28) - Public Servant

Bharatiya Nyaya Sanhita, 2023 - Section 158 - Aiding escape of rescuing or harbouring such prisoner

Bharatiya Nyaya Sanhita, 2023 - Section 261 - Escape from confinement or custody negligently suffered by public servant

**Corresponding Provision of Previous Statute: Section 129, Indian Penal Code, 1860**

**Section 129 – Public servant negligently suffering such prisoner to escape** - 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**

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 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.*

**Linked Provisions**

[Bharatiya Nyaya Sanhita, 2023 - Section 259 - Intentional omission to apprehend on part of public servant bound to apprehend](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 260 - Intentional omission to apprehend on part of public servant bound to apprehend person under sentence or lawfully committed](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 264 - Omission to apprehend, or sufferance of escape, on part of public servant, in cases not otherwise provided for](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 156 - Public servant voluntarily allowing prisoner of State or war to escape](#)

**Corresponding Provision of Previous Statute: Section 130, Indian Penal Code, 1860**

**Section 130 – Aiding escape of, rescuing or harbouring such prisoner** - 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 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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## CHAPTER VIII

## OF OFFENCES RELATING TO THE ARMY, NAVY AND AIR FORCE

**159. Abetting mutiny, or attempting to seduce a soldier, sailor or airman from his duty**

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.

**Linked Provisions**

[Air Force Act, 1950 - Section 37 - Mutiny](#)

[Army Act, 1950 - Section 37 - Mutiny](#)

[Border Security Force Act, 1968 - Section 17 - Mutiny](#)

[Coast Guard Act, 1978 - Section 17 - Mutiny](#)

[Air Force Act, 1950 - Section 35 - Offences Punishable More Severely On Active Service Than At Other Times](#)

[Indo-Tibetan Border Police Force Act, 1992 - Section 19 - Mutiny](#)

[National Security Guard Act, 1986 - Section 17 - Mutiny](#)

[Navy Act, 1957 - Section 42 - Mutiny Defined](#)

[Navy Act, 1957 - Section 43 - Punishment For Mutiny](#)

[Sashastra Seema Bal Act, 2007 - Section 19 - Mutiny](#)

[Air Force Act, 1950 - Section 57 - Falsifying Official Documents And False Declaration](#)

[Army Act, 1950 - Section 40 – Abetment](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 160 - Abetment of mutiny, if mutiny is committed in consequence thereof](#)

#### Corresponding Provision of Previous Statute: Section 131, Indian Penal Code, 1860

**Section 131 – Abetting mutiny, or attempting to seduce a soldier, sailor or airman from his duty** - 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.

#### 160. Abetment of mutiny, if mutiny is committed in consequence thereof

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.

#### Linked Provisions

[Air Force Act, 1950 - Section 37 – Mutiny](#)

[Army Act, 1950 - Section 37 – Mutiny](#)

[Border Security Force Act, 1968 - Section 17 – Mutiny](#)

[Coast Guard Act, 1978 - Section 17 – Mutiny](#)

[Air Force Act, 1950 - Section 35 - Offences Punishable More Severely On Active Service Than At Other Times](#)

[Indo-Tibetan Border Police Force Act, 1992 - Section 19 – Mutiny](#)

[National Security Guard Act, 1986 - Section 17 - Mutiny](#)

[Navy Act, 1957 - Section 42 - Mutiny Defined](#)

[Navy Act, 1957 - Section 43 - Punishment For Mutiny](#)

[Sashastra Seema Bal Act, 2007 - Section 19 - Mutiny](#)

[Air Force Act, 1950 - Section 68 - Abetment of Offences That Have Been Committed](#)

[Army Act, 1950 - Section 66 - Abetment of Offences That Have Been Committed](#)

[Border Security Force Act, 1968 - Section 43 - Abetment of Offences That Have Been Committed](#)

[Coast Guard Act, 1978 - Section 46 - Abetment of Offences That Have Been Committed](#)

[Indo-Tibetan Border Police Force Act, 1992 - Section 46 - Abetment of Offences That Have Been Committed](#)

#### Corresponding Provision of Previous Statute: Section 132, Indian Penal Code, 1860

**Section 132 – Abetment of mutiny, if mutiny is committed in consequence thereof** - 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

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.

### Linked Provisions

[Bharatiya Nyaya Sanhita, 2023 - Section 162 - Abetment of such assault, if the assault committed](#)

### Corresponding Provision of Previous Statute: Section 133, Indian Penal Code, 1860

**Section 133 – Abetment of assault by soldier, sailor or airman on his superior officer, when in execution of his office** - 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

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.

### Linked Provisions

[Bharatiya Nyaya Sanhita, 2023 - Section 161 - Abetment of assault by soldier, sailor or airman on his superior officer, when in execution of His office](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 130 -Assault](#)

[Army Act, 1950 - Section 66 - Abetment of Offences That Have Been Committed](#)

[Border Security Force Act, 1968 - Section 43 - Abetment of Offences That Have Been Committed](#)

[Coast Guard Act, 1978 - Section 46 - Abetment of Offences That Have Been Committed](#)

[Indo-Tibetan Border Police Force Act, 1992 - Section 46 - Abetment of Offences That Have Been Committed](#)

[Indian Air Force Act, 1932 - Section 57 - Falsifying Official Documents And False Declaration](#)

[Army Act, 1950 - Section 40 - Abetment](#)

#### Corresponding Provision of Previous Statute: Section 134, Indian Penal Code, 1860

**Section 134 – Abetment of such assault, if the assault is committed** - 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

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.

#### Linked Provisions

[National Security Guard Act, 1986 - Section 18 - Desertion and aiding desertion](#)

[Border Security Force Act, 1968 - Section 18 - Desertion and aiding desertion](#)

[Army Act, 1950 - Section 38 - Desertion and aiding desertion](#)

[Air Force Act, 1952 - Section 38 - Desertion and aiding desertion](#)

[Coast Guard Act, 1978 - Section 16 - Deserting post and neglect of duty](#)

[Indo-Tibetan Border Police Force Act, 1992 - Section 20 - Desertion and aiding desertion](#)

[Navy Act, 1957 - Section 41 - Deserting post and neglect of duty](#)

**Corresponding Provision of Previous Statute: Section 135, Indian Penal Code, 1860**

**Section 135 – Abetment of desertion of soldier, sailor or airman** - 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.

**164. Harbouuring deserter**

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.

**Corresponding Provision of Previous Statute: Section 136, Indian Penal Code, 1860**

**Section 136 – Harbouuring deserter** - 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 a wife to her husband.

**165. Deserter concealed on board merchant vessel through negligence of master**

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 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.

**Corresponding Provision of Previous Statute: Section 137, Indian Penal Code, 1860**

**Section 137 – Deserter concealed on board merchant vessel through negligence of master** - The master or person in charge of a merchant vessel, on board of which any deserter from the Army, Navy or Air Force of

**Linked Provisions**[Bharatiya Nyaya Sanhita, 2023 - Section 2\(13\) - "Harbour"](#)[Bharatiya Nyaya Sanhita, 2023 - Section 163 - Abetment of desertion of soldier, sailor or airman](#)

the Government of India is concealed, shall, though ignorant of such concealment, be liable to a penalty not exceeding 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

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, or with fine, or with both.

#### **Corresponding Provision of Previous Statute: Section 138, Indian Penal Code, 1860**

**Section 138 – Abetment of act of insubordination by soldier, sailor or airman** - 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 six months, or with fine, or with both.

### 167. Persons subject to certain Acts

No person subject to the Air Force Act, 1950 (45 of 1950), the Army Act, 1950 (46 of 1950) and the Navy Act, 1957 (62 of 1957), or shall be subject to punishment under this Sanhita for any of the offences defined in this Chapter.

#### **Corresponding Provision of Previous Statute: Section 139, Indian Penal Code, 1860**

**Section 139 – Persons subject to certain Acts** - No 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), is subject to punishment under this Code for any of the offences defined in this Chapter.

### 168. Wearing garb or carrying token used by soldier, sailor or airman

Whoever, not being a soldier, sailor or airman in the Army, 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

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extend to three months, or with fine which may extend to two thousand rupees, or with both.

**Corresponding Provision of Previous Statute: Section 140, Indian Penal Code, 1860**

**Section 140 – Wearing garb or carrying token used by soldier, sailor or airman** - Whoever, not being a soldier, sailor or airman in the 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 five hundred rupees, or with both.

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## CHAPTER IX

### OF OFFENCES RELATING TO ELECTIONS

#### 169. Candidate, electoral right defined

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.

#### Corresponding Provision of Previous Statute: Section 171A, Indian Penal Code, 1860

**Section 171A – “Candidate”, “Electoral right” defined -** 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

(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.

#### Linked Provisions

[Indian Telegraph Act, 1885 - Section 31 - Bribery](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 173 - Punishment for bribery](#)

(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.

**Corresponding Provision of Previous Statute: Section 171B, Indian Penal Code, 1860**

**Section 171B – Bribery - (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

(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.

(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

**Linked Provisions**

[Bharatiya Nyaya Sanhita, 2023 - Section 174 - Punishment for undue influence or personation at an election](#)

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(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.

#### **Corresponding Provision of Previous Statute: Section 171C, Indian Penal Code, 1860**

**Section 171C – Undue influence at elections -** (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.

(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**

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.

#### **Linked Provisions**

[Bharatiya Nyaya Sanhita, 2023 - Section 174 - Punishment for undue influence or personation at an election](#)

**Corresponding Provision of Previous Statute: Section 171D, Indian Penal Code, 1860**

**Section 171D – Personation at elections** - 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**

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.

**Corresponding Provision of Previous Statute: Section 171E, Indian Penal Code, 1860**

**Section 171E – Punishment for bribery** - 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**

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.

**Linked Provisions**

[Indian Telegraph Act, 1885 - Section 31 - Bribery](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 170 - Bribery](#)

**Linked Provisions**

[The Representation of People Act, 1951 - Section 123\(2\) - Corrupt Practices](#)

[Indian Contract Act, 1872 - Section 16 - 'Undue Influence' Defined](#)

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**Corresponding Provision of Previous Statute: Section 171F, Indian Penal Code, 1860**

**Section 171F – Punishment for undue influence or personation at an election** - 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**

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.

**Corresponding Provision of Previous Statute: Section 171G, Indian Penal Code, 1860**

**Section 171G – False statement in connection with an election** - 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.

**176. Illegal payments in connection with an election**

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 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.

**Corresponding Provision of Previous Statute: Section 171H, Indian Penal Code, 1860**

**Section 171H – Illegal payments in connection with an election** - 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 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**

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 rupees.

**Corresponding Provision of Previous Statute: Section 171I, Indian Penal Code, 1860**

**Section 171I – Failure to keep election accounts** - 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 hundred rupees of the candidate.

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## CHAPTER X

OF OFFENCES RELATING TO COIN, CURRENCY-NOTES, BANK-NOTES, AND  
GOVERNMENT STAMPS**178. Counterfeiting coin, Government stamps, currency-notes or bank-notes**

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 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;

(2) "coin" shall have the same meaning as assigned to it in section 2 of the Coinage Act, 2011 (11 of 2011) and includes 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;

(3) a person commits 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;

(4) a person commits 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; and

**Linked Provisions**

[Coinage Act, 2011 - Section 2\(a\) - "Coin"](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 181 - Making or possessing instruments or materials for forging or counterfeiting coin, Government stamp, currency notes or bank-notes](#)

[Coinage Act, 2011 - Section 10 - Power To Certain Persons To Cut Counterfeit Coins](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 182 - Possession of forged or counterfeit coin, Government stamp, currency-notes or bank-notes](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 178 - Counterfeiting coin, government stamps, currency- notes or bank-notes](#)

[Bharatiya Nyaya Sanhita, 2023 - Section](#)

(5) the offence of "counterfeiting coin" includes diminishing the weight or alteration of the composition, or alteration of the appearance of the coin.

[179 - Using as genuine, forged or counterfeit coin, Government stamp, currency-notes or bank notes](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 180 - Possession of forged or counterfeit coin, Government stamp, currency-notes or bank-notes](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 184 - Using Government stamp known to have been before used](#)

[Indian Stamp Act, 1899 - Section 2\(26\)](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 181 - Making or possessing instruments or materials for forging or counterfeiting coin, Government stamp, currency notes or bank-notes](#)

#### Corresponding Provision of Previous Statute: Section 230, Indian Penal Code, 1860

**Section 230 – “Coin” defined** - Coin is metal used for the time being as money, and stamped and issued by the authority of some State or Sovereign Power in order to be so used.

**Indian coin.**— Indian coin is metal stamped and issued by the authority of the Government of India in order to be used as money; and metal which has been so stamped and issued shall continue to be Indian coin for the purposes of this Chapter, notwithstanding that it may have ceased to be used as money.

#### *Illustrations*

(a) Cowries are not coin.

- (b) Lumps of unstamped copper, though used as money, are not coin.
- (c) Medals are not coin, in as much as they are not intended to be used as money.
- (d) The coin denominated as the Company's rupee is Indian coin.
- (e) The "Farukhabad rupee", which was formerly used as money under the authority of the Government of India, is Indian coin although it is no longer so used.

**Section 231 - Counterfeiting coin** - Whoever counterfeits or knowingly performs any part of the process of counterfeiting coin, 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 person commits this offence 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.

**Section 232 - Counterfeiting Indian coin** - Whoever counterfeits, or knowingly performs any part of the process of counterfeiting Indian coin, 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.

**Section 246 - Fraudulently or dishonestly diminishing weight or altering composition of coin** – Whoever fraudulently or dishonestly performs on any coin any operation which diminishes the weight or alters the composition of that coin, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

*Explanation.*—A person who scoops out part of the coin and puts anything else into the cavity alters the composition of that coin.

**Section 247 - Fraudulently or dishonestly diminishing weight or altering composition of Indian coin** - Whoever fraudulently or dishonestly performs on any Indian coin any operation which diminishes the weight or alters the composition of that coin, 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 248 - Altering appearance of coin with intent that it shall pass as coin of different description** - Whoever performs on any coin any operation which alters the appearance of that coin, with the intention that the said coin shall pass as a coin of a different description, 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 249 - Altering appearance of Indian coin with intent that it shall pass as coin of different description** - Whoever performs on any Indian coin any operation which alters the appearance of that coin, with the intention that the said coin shall pass as a coin of a different description, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine

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**Section 255 - Counterfeiting Government stamp** - Whoever counterfeits, or knowingly performs any part of the process of counterfeiting, any stamp issued by Government for the purpose of revenue, 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 person commits this offence who counterfeits by causing a genuine stamp of one denomination to appear like a genuine stamp of a different denomination.

**Section 489A - Counterfeiting currency-notes or bank-notes** - Whoever counterfeits, or knowingly performs any part of the process of counterfeiting, any 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, and shall also be liable to fine.

*Explanation.*—For the purposes of this section and of sections 489B, 489C, 489D and 489E, 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.

#### 179. Using as genuine, forged or counterfeit coin, Government stamp, currency-notes or bank-notes

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.

#### Linked Provisions

[Coinage Act, 2011](#) -  
[Section 2\(a\) - "Coin"](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 178 - Counterfeiting coin, government stamps, currency- notes or bank-notes](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 180 - Possession of forged or counterfeit coin, Government stamp, currency-notes or bank-notes](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 182 - Possession of forged or counterfeit](#)

[coin, Government stamp, currency-notes or bank-notes](#)

#### Corresponding Provision of Previous Statute: Section 250, Indian Penal Code, 1860

**Section 250 - Delivery of coin, possessed with knowledge that it is altered** - Whoever, having coin in his possession with respect to which the offence defined in section 246 or 248 has been committed, and having known at the time when he became possessed of such coin that such offence had been committed with respect to it, fraudulently or with intent that fraud may be committed, delivers such coin to any other person, or attempts to induce any other person to receive the same, shall be punished with imprisonment of either description for a term which may extend to five years, and shall also be liable to fine.

**Section 251 - Delivery of Indian coin, possessed with knowledge that it is altered** - Whoever, having coin in his possession with respect to which the offence defined in section 247 or 249 has been committed, and having known at the time when he became possessed of such coin that such offence had been committed with respect to it, fraudulently or with intent that fraud may be committed, delivers such coin to any other person, or attempts to induce any other person to receive the same, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

**Section 258 - Sale of counterfeit Government stamp** - Whoever sells, or offers for sale, any stamp which he knows or has reason to believe to be a counterfeit of any stamp issued by Government for the purpose of revenue, 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 260 - Using as genuine a Government stamp known to be counterfeit** - Whoever uses as genuine any stamp, knowing it to be a counterfeit of any stamp issued by Government for the purpose of revenue, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.

**Section 489B – Using as genuine, forged or counterfeit currency-notes or bank-notes** - Whoever sells to, or buys or receives from, any other person, or otherwise traffics in or uses as genuine, any forged or counterfeit 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

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

#### Linked Provisions

[Bharatiya Nyaya Sanhita, 2023 - Section 178 - Counterfeiting coin, government stamps, currency- notes or bank-](#)

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as genuine, shall be punished with imprisonment of either description for a term which may extend to seven 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.

notes

Bharatiya Nyaya Sanhita, 2023 - Section 180 - Possession of forged or counterfeit coin, Government stamp, currency-notes or bank-notes

Bharatiya Nyaya Sanhita, 2023 - Section 179 - Using as genuine, forged or counterfeit coin, Government stamp, currency-notes or bank notes

Bharatiya Nyaya Sanhita, 2023 - Section 181 - Making or possessing instruments or materials for forging or counterfeiting coin, Government stamp, currency notes or bank-notes

Bharatiya Nyaya Sanhita, 2023 - Section 182 - Possession of forged or counterfeit coin, Government stamp, currency-notes or bank-notes

**Corresponding Provision of Previous Statute: Section 242, Indian Penal Code, 1860**

**Section 242 - Possession of counterfeit coin by person who knew it to be counterfeit when he became possessed thereof** - Whoever, fraudulently or with intent that fraud may be committed, is in possession of counterfeit coin, having known at the time when he became possessed thereof that such coin was 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.

**Section 252 - Possession of coin by person who knew it to be altered when he became possessed thereof -** Whoever, fraudulently or with intent that fraud may be committed, is in possession of coin with respect to which the offence defined in either of the section 246 or 248 has been committed, having known at the time of becoming possessed thereof that such offence had been committed with respect to such coin, 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 253 - Possession of Indian coin by person who knew it to be altered when he became possessed thereof -** Whoever, fraudulently or with intent that fraud may be committed, is in possession of coin with respect to which the offence defined in either of the section 247 or 249 has been committed having known at the time of becoming possessed thereof, that such offence had been committed with respect to such coin, shall be punished with imprisonment of either description for a term which may extend to five years, and shall also be liable to fine.

**Section 259 - Having possession of counterfeit Government stamp -** Whoever has in his possession any stamp which he knows to be a counterfeit of any stamp issued by Government for the purpose of revenue, intending to use, or dispose of the same as a genuine stamp, or in order that it may be used as a genuine stamp, 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 489C - Possession of forged or counterfeit currency-notes or bank-notes -** Whoever has in his possession any forged or counterfeit 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, or with fine, or with both.

#### 181. Making or possessing instruments or materials for forging or counterfeiting coin, Government stamp, currency-notes or bank-notes

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, and shall also be liable to fine.

#### Linked Provisions

[Bharatiya Nyaya Sanhita, 2023 - Section 178 - Counterfeiting coin, government stamps, currency- notes or bank-notes](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 188 - Unlawfully taking coining instrument from mint](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 179 - Using as genuine, forged or counterfeit coin, Government stamp, currency-notes or](#)

[bank notes](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 180 - Possession of forged or counterfeit coin, Government stamp, currency-notes or bank-notes](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 181 - Making or possessing instruments or materials for forging or counterfeiting coin, Government stamp, currency notes or bank-notes](#)

#### **Corresponding Provision of Previous Statute: Section 233, Indian Penal Code, 1860**

**Section 233 - Making or selling instrument for counterfeiting coin** - Whoever makes or mends, or performs any part of the process of making or mending, or buys, sells or disposes of, any die or instrument, for the purpose of being used, or knowing or having reason to believe that it is intended to be used, for the purpose of counterfeiting coin, 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 235 - Possession of instrument or material for the purpose of using the same for counterfeiting Coin** - Whoever is in possession of any instrument or material, for the purpose of using the same for counterfeiting coin, or knowing or having reason to believe that the same is intended 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;

**if Indian coin.**—and if the coin to be counterfeited is Indian coin, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

**Section 256 - Having possession of instrument or material for counterfeiting Government stamp** - Whoever has in his possession any instrument or material for the purpose of being used, or knowing or having reason to believe that it is intended to be used, for the purpose of counterfeiting any stamp issued by Government for the purpose of revenue, 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 257 - Making or selling instrument for counterfeiting Government stamp** - Whoever makes or performs any part of the process of making, or buys, or sells, or disposes of, any instrument for the purpose of being used, or knowing or having reason to believe that it is intended to be used, for the purpose of counterfeiting any stamp issued by Government for the purpose of revenue, shall be punished.

**Section 489D - Making or possessing instruments or materials for forging or counterfeiting currency notes or bank-notes** - Whoever makes, or performs any part of the process of making, or buys or sells or disposes of, or has in his possession, any machinery, 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 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, and shall also be liable to fine.

## 182. Making or using documents resembling currency-notes or bank-notes

- (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 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 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.

### Linked Provisions

[Bharatiya Nyaya Sanhita, 2023 - Section 181 - Making or possessing instruments or materials for forging or counterfeiting coin, Government stamp, currency notes or bank-notes](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 178 - Counterfeiting coin, government stamps, currency- notes or bank-notes](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 179 - Using as genuine, forged or counterfeit coin, Government stamp, currency-notes or bank notes](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 180 - Possession of forged or counterfeit coin, Government stamp, currency-notes or bank-notes](#)

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**Corresponding Provision of Previous Statute: Section 489E, Indian Penal Code, 1860**

**Section 489E - Making or using documents resembling currency-notes or bank-notes** - (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 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 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 that 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**

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.

**Linked Provisions**

[Bharatiya Nyaya Sanhita, 2023 - Section 185 - Erasure of mark denoting that stamp has been used](#)

**Corresponding Provision of Previous Statute: Section 261, Indian Penal Code, 1860**

**Section 261 - Effacing writing from substance bearing Government stamp, or removing from document a stamp used for it, with intent to cause loss to Government** - 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.

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#### 184. Using Government stamp known to have been before used

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.

#### Linked Provisions

[Bharatiya Nyaya Sanhita, 2023 - Section 178 - Counterfeiting coin, government stamps, currency- notes or bank-notes](#)

#### Corresponding Provision of Previous Statute: Section 262, Indian Penal Code, 1860

**Section 262 - Using Government stamp known to have been before used** - 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

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 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.

#### Linked Provisions

[Bharatiya Nyaya Sanhita, 2023 - Section 183 - Effacing writing from substance bearing Government stamp, or removing from document a stamp used for it, with intent to cause loss to Government](#)

#### Corresponding Provision of Previous Statute: Section 263, Indian Penal Code, 1860

**Section 263 - Erasure of mark denoting that stamp has been used** - 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 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

(1) Whoever –

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(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 (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, be deemed to include the person or persons authorised by law to administer executive Government in any part of India or in any foreign country.

#### **Corresponding Provision of Previous Statute: Section 263A, Indian Penal Code, 1860**

##### **Section 263A - Prohibition of fictitious stamps - (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 stamps, 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 255 to 263, 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 section 17, be deemed to include the person or persons authorized by law to administer executive government in any part of India, and also in any part of Her Majesty's dominions or in any foreign country.

#### **187. Person employed in mint causing coin to be of different weight or composition from that fixed by law**

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.

##### **Corresponding Provision of Previous Statute: Section 244, Indian Penal Code, 1860**

**Section 244 - Person employed in mint causing coin to be of different weight or composition from that fixed by law** - 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**

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.

##### **Corresponding Provision of Previous Statute: Section 245, Indian Penal Code, 1860**

**Section 245 - Unlawfully taking coining instrument from mint** - 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.

## CHAPTER XI

## OF OFFENCES AGAINST THE PUBLIC TRANQUILLITY

**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-

(a) 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) to resist the execution of any law, or of any legal process; or

(c) to commit any mischief or criminal trespass, or other offence; or

(d) 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) 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.

*Explanation.--An assembly which was not unlawful when it assembled, may subsequently become an unlawful assembly.*

(2) 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 member shall be punished with

**Linked Provisions**

[Bharatiya Nagarik Suraksha Sanhita, 2023 - Section 130 - Order to be made](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 2\(13\) - "Harbour"](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 189\(5\) - Unlawful Assembly](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 189\(3\) - Unlawful Assembly](#)

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imprisonment of either description for a term which may extend to six months, or with fine, or with both.

(3) 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.

(4) 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.

(5) 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.

*Explanation.--If the assembly is an unlawful assembly within the meaning of sub-section (1), the offender shall be punishable under sub-section (3).*

(6) 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.

(7) 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,

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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.

(8) 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), shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.

(9) Whoever, being so engaged or hired as referred to in sub-section (8), 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.

**Corresponding Provision of Previous Statute: Section 141, Indian Penal Code, 1860**

**Section 141 - Unlawful assembly** - An assembly of five or more persons is designated an "unlawful assembly", if the common object of the persons composing that assembly is –

First.—To overawe by criminal force, or show of criminal force, the Central 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

Second.—To resist the execution of any law, or of any legal process; or

Third.—To commit any mischief or criminal trespass, or other offence; or 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

Fifth.—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.

*Explanation.*—An assembly which was not unlawful when it assembled, may subsequently become an unlawful assembly.

**Section 142 - Being member of unlawful assembly** - 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.

**Section 143 – Punishment** - 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.

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**Section 144 - 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.

**Section 145 - 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 extent to two years, or with fine, or with both.

**Section 150 - 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.

**Section 151 - 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.

*Explanation.*—If the assembly is an unlawful assembly within the meaning of section 141, the offender will be punishable under section 145.

**Section 157 - 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.

**Section 158 - 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 section 141, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both,

**or to go armed.**—and whoever, being so engaged or hired as 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.

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## 190. Every member of unlawful assembly guilty of offence committed in prosecution of common object

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.

### Corresponding Provision of Previous Statute: Section 149, Indian Penal Code, 1860

**Section 149 - Every member of unlawful assembly guilty of offence committed in prosecution of common Object** - 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.

### LANDMARK JUDGMENT

Mala Singh and Ors. vs. State of Haryana, [MANU/SC/0175/2019](#)

## 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.

(2) 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.

(3) 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, or with fine, or with both.

### Corresponding Provision of Previous Statute: Section 146, Indian Penal Code, 1860

**Section 146 - Rioting** - 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.

**LANDMARK JUDGMENT**

Lakshman Singh and Ors. vs. State of Bihar, [MANU/SC/0471/2021](#)

**Section 147 - 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.

**Section 148 - 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 three years, or with fine, or with both.

**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.

**Corresponding Provision of Previous Statute: Section 153, Indian Penal Code, 1860**

**Section 153 – 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.

**193. Liability of owner, occupier, etc., of land on which an unlawful assembly 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.

**Corresponding Provision of Previous Statute: Section 154, Indian Penal Code, 1860**

**Section 154 – Owner or occupier of land on which an unlawful assembly is held** - 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 principal officer 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.

**Section 155 - 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.

**Section 156 - 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.

(2) 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.

(3) 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.

#### 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.

(2) 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 rupees, or with both.

#### Corresponding Provision of Previous Statute: Section 159, Indian Penal Code, 1860

**Section 159 – Affray** - When two or more persons, by fighting in a public place, disturb the public peace, they are said to "commit an affray".

**Section 160 - 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 hundred rupees, or with both.

**195. Assaulting or obstructing public servant when suppressing riot, etc**

(1) Whoever assaults or obstructs any 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, 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.

(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.

**Linked Provisions**

[National Security Guard Act, 1986 - Section 22 - Assault And Obstruction](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 130 -Assault](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 2\(28\) - Public Servant](#)

**Corresponding Provision of Previous Statute: Section 152, Indian Penal Code, 1860**

**Section 152 – Assaulting or obstructing public servant when suppressing riot, etc** - Whoever assaults or threatens to assault, or obstructs or attempts to obstruct, 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 uses, 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, or with both.

**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**

(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

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(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 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) 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.

#### **Corresponding Provision of Previous Statute: Section 153A, Indian Penal Code, 1860**

**Section 153A – Promoting enmity between different groups on grounds of religion, race, place of birth, residence, language, etc., and doing acts prejudicial to maintenance of harmony - (1)** Whoever –

(a) by words, either spoken or written, or by signs or by visible representations 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

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(c) organizes 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 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.

#### **LANDMARK JUDGMENT**

Ramesh vs. Union of India (UOI) and Ors., [MANU/SC/0404/1988](#)

### **197. Imputations, assertions prejudicial to national integration**

(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

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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.

#### **Corresponding Provision of Previous Statute: Section 153B, Indian Penal Code, 1860**

**Section 153B – Imputations, assertions prejudicial to national integration** - (1) Whoever, by words either spoken or written or by signs or by visible representations 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, 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.

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## CHAPTER XII

## OF OFFENCES BY OR RELATING TO PUBLIC SERVANTS

**198. Public servant disobeying law, with intent to cause injury to any person**

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.

**Corresponding Provision of Previous Statute: Section 166, Indian Penal Code, 1860**

**Section 166 – Public servant disobeying law, with intent to cause injury to any person** - 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 of Justice, 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**

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

**Linked Provisions**

[Bharatiya Nyaya Sanhita, 2023 - Section 2\(28\) - Public Servant](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 2\(14\) - "Injury"](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 199 - Public servant disobeying direction under law](#)

**Linked Provisions**

[Bharatiya Nyaya Sanhita, 2023 - Section 198 - Public servant disobeying law, with intent to cause injury to any person](#)

(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 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,

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.

[Bharatiya Nyaya Sanhita, 2023 - Section 2\(28\) - Public Servant](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 255 - Public servant disobeying direction of law with intent to save person from punishment or property from forfeiture](#)

#### **Corresponding Provision of Previous Statute: Section 166A, Indian Penal Code, 1860**

**Section 166A – Public servant disobeying direction under law** - 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 154 of the Code of Criminal Procedure, 1973 (2 of 1974), in relation to cognizable offence punishable under section 326A, section 326B, section 354, section 354B, section 370, section 370A, section 376, section 376A, section 376AB, section 376B, section 376C, section 376D, section 376DA, section 376DB, section 376E or section 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.

## **200. Punishment for non-treatment of victim**

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, shall be punished with imprisonment for a term which may extend to one year, or with fine, or with both.

#### **Corresponding Provision of Previous Statute: Section 166B, Indian Penal Code, 1860**

**Section 166B – Punishment for non-treatment of victim** - 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 357C of the Code of Criminal Procedure, 1973 (2 of 1974), 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

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.

### Linked Provisions

[Bharatiya Nyaya Sanhita, 2023 - Section 2\(28\) - Public Servant](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 2\(14\) - "Injury"](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 256 - Public servant framing incorrect record or writing with intent to save person from punishment or property from forfeiture](#)

### Corresponding Provision of Previous Statute: Section 167, Indian Penal Code, 1860

**Section 167 – Public servant framing an incorrect document with intent to cause injury** - 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

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.

### Linked Provisions

[Bharatiya Nyaya Sanhita, 2023 - Section 2\(28\) - Public Servant](#)

### Corresponding Provision of Previous Statute: Section 168, Indian Penal Code, 1860

**Section 168 – Public servant unlawfully engaging in trade** - 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.

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### 203. Public servant unlawfully buying or bidding for property

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.

#### Linked Provisions

[Bharatiya Nyaya Sanhita, 2023 - Section 2\(28\) - Public Servant](#)

[Bharatiya Nagarik Suraksha Sanhita, 2023 - Section 527 - Public servant concerned in sale not to purchase or bid for property](#)

#### Corresponding Provision of Previous Statute: Section 169, Indian Penal Code, 1860

**Section 169 – Public servant unlawfully buying or bidding for property** - 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

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 and with fine.

#### Linked Provisions

[Bharatiya Nyaya Sanhita, 2023 - Section 2\(28\) - Public Servant](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 268 - Personation of an assessor](#)

#### Corresponding Provision of Previous Statute: Section 170, Indian Penal Code, 1860

**Section 170 – Personating a public servant** - 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 may extend to two years, or with fine, or with both.

### 205. Wearing garb or carrying token used by public servant with fraudulent intent.

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

#### Linked Provisions

[Bharatiya Nyaya Sanhita, 2023 - Section 2\(28\) - Public Servant](#)

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 rupees, or with both.

[Collection of Statistics Act, 2008 - Section 29 - Public Servants](#)

**Corresponding Provision of Previous Statute: Section 171, Indian Penal Code, 1860**

**Section 171 – Wearing garb or carrying token used by public servant with fraudulent intent** - 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 two hundred rupees, or with both.

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## CHAPTER XIII

### OF CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS

#### 206. Absconding to avoid service of summons or other proceeding

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 rupees, or with both;
- (b) where such 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 shall be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to ten thousand rupees, or with both.

#### **Corresponding Provision of Previous Statute: Section 172, Indian Penal Code, 1860**

**Section 172 – Absconding to avoid service of summons or other proceeding** - 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, shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to five hundred rupees, or with both; 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 of Justice], with simple imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

#### 207. Preventing service of summons or other proceeding, or preventing publication thereof

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

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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 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, with simple imprisonment for a term which may extend to six months, or with fine which may extend to ten thousand rupees, or with both.

#### **Corresponding Provision of Previous Statute: Section 173, Indian Penal Code, 1860**

##### **Section 173 – Preventing service of summons or other proceeding, or preventing publication thereof -**

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,

shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to five hundred rupees, or with both;

or, if 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 of Justice with simple imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

#### **208. Non-attendance in obedience to an order from public servant**

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 bound to attend before the time at which it is lawful for him to depart,--

#### **Linked Provisions**

[Collection of Statistics Act, 2008 - Section 29 - Public Servants](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 2\(28\) - Public Servant](#)

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- (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, or with both;
- (b) where 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 rupees, or with both.

*Illustrations*

- (a) A, being legally bound to appear before a High Court, 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.

**Corresponding Provision of Previous Statute: Section 174, Indian Penal Code, 1860**

**Section 174 – Non-attendance in obedience to an order from public servant** - 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 bound to attend before the time at which it is lawful for him to depart,

shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to five hundred rupees, or with both;

or, if the summons, notice, order or proclamation is to attend in person or by agent in a Court of Justice, with simple imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

*Illustrations*

- (a) A, being legally bound to appear before the 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**

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, 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.

**Linked Provisions**

[Bharatiya Nagarik Suraksha Sanhita, 2023 - Section 90 - Issue of warrant in lieu of, or in addition to, summons](#)

[Bharatiya Nagarik Suraksha Sanhita, 2023 - Section 84 - Proclamation for person absconding](#)

[Bharatiya Nagarik Suraksha Sanhita, 2023 - Section 203 - Offence committed on journey or voyage](#)

**Corresponding Provision of Previous Statute: Section 174A, Indian Penal Code, 1860**

**Section 174A - Non-appearance in response to a proclamation under section 82 of Act 2 of 1974** - Whoever fails to appear at the specified place and the specified time as required by a proclamation published under sub-section (1) of section 82 of the Code of Criminal Procedure, 1973 shall be punished with imprisonment for a term which may extend to three years or with fine or with both, 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**

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, or with both;

(b) and where the document or electronic record is to be produced or delivered up to a Court with simple imprisonment for a term which may extend to six months, or with fine which may extend to ten thousand rupees, or with both.

**Linked Provisions**

[Bharatiya Nyaya Sanhita, 2023 - Section 211 - Omission to give notice or information to public servant by person legally bound to give it](#)

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*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.

**Corresponding Provision of Previous Statute: Section 175, Indian Penal Code, 1860**

**Section 175 – Omission to produce document to public servant by person legally bound to produce it -**  
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, shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to five hundred rupees, or with both;

or, if the document or electronic record is to be produced or delivered up to a Court of Justice, with simple imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

*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**

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 rupees, or with both;

(b) where 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 rupees, or with both;

**Linked Provisions**

[Bharatiya Nyaya Sanhita, 2023 - Section 210 - Omission to produce document or electronic record to public servant by person legally bound to produce it](#)

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(c) where the notice or information required to be given is required by an order passed under section 394 of the Bharatiya Nagarik Suraksha Sanhita, 2023 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.

**Corresponding Provision of Previous Statute: Section 176, Indian Penal Code, 1860**

**Section 176 – Omission to give notice or information to public servant by person legally bound to give It -**  
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, shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to five hundred rupees,

or with both; 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 one thousand rupees, or with both;

or, if the notice or information required to be given is required by an order passed under sub-section (1) of section 565 of the Code of Criminal Procedure, 1898 (5 of 1898), 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

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 rupees, or with both;

(b) where 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.

### Linked Provisions

[Bharatiya Nyaya Sanhita, 2023 - Section 216 - False statement on oath or affirmation to public servant or person authorised to administer an oath or affirmation](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 217 - False information, with intent to cause public servant to use his lawful power to the injury of another person](#)

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*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.

(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 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 this section.

*Explanation.--*In section 211 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 and the word "offender" includes any person who is alleged to have been guilty of any such act.

**Corresponding Provision of Previous Statute: Section 177, Indian Penal Code, 1860**

**Section 177 - Furnishing false information** - 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 shall be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both;

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.

(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 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 176 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, 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

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 rupees, or with both.

#### Linked Provisions

[Bharatiya Nyaya Sanhita, 2023 - Section 2\(28\) - Public Servant](#)  
[Bharatiya Nyaya Sanhita, 2023 - Section 2\(23\) - "Oath"](#)

#### Corresponding Provision of Previous Statute: Section 178, Indian Penal Code, 1860

**Section 178 – Refusing oath or affirmation when duly required by public servant to make it** – 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 one thousand rupees, or with both.

### 214. Refusing to answer public servant authorised to question

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

#### Linked Provisions

[Bharatiya Nyaya Sanhita, 2023 - Section 2\(28\) - Public Servant](#)

#### Corresponding Provision of Previous Statute: Section 179, Indian Penal Code, 1860

**Section 179 – Refusing to answer public servant authorised to question** – 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 one thousand rupees, or with both.

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## 215. Refusing to sign statement

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 rupees, or with both.

### Corresponding Provision of Previous Statute: Section 180, Indian Penal Code, 1860

**Section 180 – Refusing to sign statement** - 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 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

Whoever, being legally bound by an oath or affirmation to state the truth on any 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.

### Linked Provisions

[Bharatiya Nyaya Sanhita, 2023 - Section 2\(28\) - Public Servant](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 2\(23\) - "Oath"](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 217 - False information, with intent to cause public servant to use his lawful power to the injury of another person](#)

### Corresponding Provision of Previous Statute: Section 181, Indian Penal Code, 1860

**Section 181 – False statement on oath or affirmation to public servant or person authorised to administer an oath or affirmation** - Whoever, being legally bound by an oath or affirmation to state the truth on any subject to any public servant or other person authorized 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.

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**217. False information, with intent to cause public servant to use his lawful power to injury of another person**

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, or with fine which may extend to ten 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

**Linked Provisions**

[Bharatiya Nyaya Sanhita, 2023 - Section 2\(28\) - Public Servant](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 2\(14\) - "Injury"](#)

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.

**Corresponding Provision of Previous Statute: Section 182, Indian Penal Code, 1860**

**Section 182 – False information, with intent to cause public servant to use his lawful power to the injury of another person** - 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 six months, or with fine which may extend to 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 villages 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**

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 rupees, or with both.

**Linked Provisions**

[Bharatiya Nyaya Sanhita, 2023 - Section 221 - Obstructing public servant in discharge of public functions](#)

**Corresponding Provision of Previous Statute: Section 183, Indian Penal Code, 1860**

**Section 183 – Resistance to the taking of property by the lawful authority of a public servant** - 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 one thousand rupees, or with both.

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## 219. Obstructing sale of property offered for sale by authority of public servant

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 rupees, or with both.

### Linked Provisions

[Bharatiya Nyaya Sanhita, 2023 - Section 221 - Obstructing public servant in discharge of public functions](#)

### Corresponding Provision of Previous Statute: Section 184, Indian Penal Code, 1860

**Section 184 – Obstructing sale of property offered for sale by authority of public servant** – 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 hundred rupees, or with both.

## 220. Illegal purchase or bid for property offered for sale by authority of public servant

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.

### Linked Provisions

[Bharatiya Nyaya Sanhita, 2023 - Section 221 - Obstructing public servant in discharge of public functions](#)

### Corresponding Provision of Previous Statute: Section 185, Indian Penal Code, 1860

**Section 185 – Illegal purchase or bid for property offered for sale by authority of public servant** – 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.

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## 221. Obstructing public servant in discharge of public functions

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, or with both.

### Linked Provisions

[Bharatiya Nyaya Sanhita, 2023 - Section 218 - Resistance to the taking of property by the lawful authority of a public servant](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 219 - Obstructing sale of property offered for sale by authority of public servant](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 220 - Illegal purchase or bid for property offered for sale by authority of public servant](#)

### Corresponding Provision of Previous Statute: Section 186, Indian Penal Code, 1860

**Section 186 – Obstructing public servant in discharge of public functions** - 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 five hundred rupees, or with both.

## 222. Omission to assist public servant when bound by law to give assistance

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 rupees, or with both;

(b) and where such assistance be demanded of him by a public servant legally competent to make such demand for the purposes of executing any process

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lawfully issued by a Court 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 rupees, or with both.

**Corresponding Provision of Previous Statute: Section 187, Indian Penal Code, 1860**

**Section 187 – Omission to assist public servant when bound by law to give assistance** - 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, shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to two hundred rupees, or with both; and 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 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 hundred rupees, or with both.

**223. Disobedience to order duly promulgated by public servant**

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, or with fine which may extend to two thousand and five hundred rupees, or with both;

(b) and where 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, or with fine which may extend to five thousand rupees, or with both.

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*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.

#### **Corresponding Provision of Previous Statute: Section 188, Indian Penal Code, 1860**

**Section 188 – Disobedience to order duly promulgated by public servant** - 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,

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 one month or with fine which may extend to two hundred rupees, or with both;

and 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 six months, or with fine which may extend to 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**

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

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be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

**Corresponding Provision of Previous Statute: Section 189, Indian Penal Code, 1860**

**Section 189 – Threat of injury to public servant** - 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**

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.

**Corresponding Provision of Previous Statute: Section 190, Indian Penal Code, 1860**

**Section 190 – Threat of injury to induce person to refrain from applying for protection to public Servant** - 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.

**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.

## CHAPTER XIV

## OF FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE

**227. Giving false evidence**

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,

**Linked Provisions**

[The Administrator-General's Act, 1913 - Section 51 - False Evidence](#)

[Administrators-General Act, 1963 - Section 50 - Power To Make Rules](#)

[Air Force Act, 1950 - Section 120 - Prohibition Of Second Trial](#)

[Army Act, 1950 - Section 60 - False Evidence](#)

[Border Security Force Act, 1968 - Section 38 - False Evidence](#)

[Marine Act, 1887 - Section 35 - False Evidence](#)

[Indo-Tibetan Border Police Force Act, 1992 - Section 41 - False Evidence](#)

[National Security Guard Act, 1986 - Section 37 - False Evidence](#)

[Sashastra Seema Bal Act, 2007 - Section 41 - False Evidence](#)

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.

[Bharatiya Nyaya Sanhita, 2023 - Section 22- Punishment for false evidence](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 230 - Giving false evidence with intent to procure conviction of capital offence](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 231 - Giving or fabricating false evidence with intent to procure conviction of offence punishable with imprisonment for life or imprisonment](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 232 - Threatening any person to give false evidence](#)

#### Corresponding Provision of Previous Statute: Section 191, Indian Penal Code, 1860

**Section 191 – Giving false evidence** - 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.

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(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

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 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.

### Linked Provisions

[The Administrator-General's Act, 1913 - Section 51 - False Evidence](#)

[Administrators-General Act, 1963 - Section 50 - Power To Make Rules](#)

[Air Force Act, 1950 - Section 120 - Prohibition Of Second Trial](#)

[Army Act, 1950 - Section 60 - False Evidence](#)

[Border Security Force Act, 1968 - Section 38 - False Evidence](#)

[Marine Act, 1887 - Section 35 - False Evidence](#)

[Indo-Tibetan Border Police Force Act, 1992 - Section 41 - 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.

[Bharatiya Nyaya Sanhita, 2023 - Section 230 - Giving false evidence with intent to procure conviction of capital offence](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 231 - Giving or fabricating false evidence with intent to procure conviction of offence punishable with imprisonment for life or imprisonment](#)

#### Corresponding Provision of Previous Statute: Section 192, Indian Penal Code, 1860

**Section 192 – Fabricating false evidence** - 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 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 of Justice. 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

- (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

#### Linked Provisions

[The Sexual Harassment of Women at Workplace \(Prevention, Prohibition and Redressal\) Act, 2013](#)

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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, is a stage of a judicial proceeding, though that investigation may not take place before a Court.*

#### *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 according to law, and conducted under the authority of a Court, is a stage of a judicial proceeding, though that investigation may not take place before a Court.*

#### *Illustration*

A, in an enquiry before an officer deputed by a Court 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.

#### **Corresponding Provision of Previous Statute: Section 193, Indian Penal Code, 1860**

**Section 193 – Punishment for false evidence** - 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, and whoever intentionally gives or fabricates false evidence in any

- Section 14 -  
Punishment For False Or Malicious Complaint And False Evidence

Bharatiya Nyaya Sanhita, 2023 - Section 227 - Giving false Evidence

Bharatiya Nyaya Sanhita, 2023 - Section 228 - Fabricating false evidence

Companies Act, 2013 - Section 449 - Punishment For False Evidence

Bharatiya Nagarik Suraksha Sanhita, 2023 - Section 383 - Summary procedure for trial for giving false evidence

other case, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

*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 of Justice, is a stage of a judicial proceeding, though that investigation may not take place before a 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 of Justice according to law, and conducted under the authority of a Court of Justice, is a stage of a judicial proceeding, though that investigation may not take place before a Court of Justice.

*Illustration*

A, in an enquiry before an officer deputed by a 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

(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 an innocent person be convicted and executed in consequence of 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).

### Linked Provisions

[Bharatiya Nyaya Sanhita, 2023 - Section 227 - Giving false Evidence](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 228 -Fabricating false evidence](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 231 - Giving or fabricating false evidence with intent to procure conviction of offence punishable with imprisonment for life or imprisonment](#)

### Corresponding Provision of Previous Statute: Section 194, Indian Penal Code, 1860

#### Section 194 – Giving or fabricating false evidence with intent to procure conviction of capital offence -

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;

**if innocent person be thereby convicted and executed.**— and if an innocent person be convicted and executed in consequence of such false evidence, the person who gives such false evidence shall be punished either with death or the punishment hereinbefore described.

### **231. Giving or fabricating false evidence with intent to procure conviction of offence punishable with imprisonment for life or imprisonment**

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, 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.

#### **Corresponding Provision of Previous Statute: Section 195, Indian Penal Code, 1860**

**Section 195 – Giving or fabricating false evidence with intent to procure conviction of offence punishable with imprisonment for life or imprisonment** - 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 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.

#### **Linked Provisions**

[Bharatiya Nyaya Sanhita, 2023 - Section 227 - Giving false Evidence](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 228 - Fabricating false evidence](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 230 - Giving false evidence with intent to procure conviction of capital offence](#)

## 232. Threatening any person to give false evidence

(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) 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.

### Linked Provisions

[Bharatiya Nyaya Sanhita, 2023 - Section 228 - Fabricating false evidence](#)

[Bharatiya Nagarik Suraksha Sanhita, 2023 - Section 216 - Procedure for witnesses in case of threatening, etc.](#)

### Corresponding Provision of Previous Statute: Section 195A, Indian Penal Code, 1860

**Section 195A – Threatening any person to give false evidence** - 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;

and if innocent person is convicted and sentenced in consequence of such false evidence, 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.

## 233. Using evidence known to be false

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.

### Corresponding Provision of Previous Statute: Section 196, Indian Penal Code, 1860

**Section 196 – Using evidence known to be false** - 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.

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### 234. Issuing or signing false certificate

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.

#### **Corresponding Provision of Previous Statute: Section 197, Indian Penal Code, 1860**

**Section 197 - Issuing or signing false certificate** - 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

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.

#### Linked Provisions

[Air Force Act, 1950 - Section 57 - Falsifying Official Documents And False Declaration](#)

#### **Corresponding Provision of Previous Statute: Section 198, Indian Penal Code, 1860**

**Section 198 - Using as true a certificate known to be false** - 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

Whoever, in any declaration made or subscribed by him, which declaration any Court 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.

#### Linked Provisions

[Bharatiya Nyaya Sanhita, 2023 - Section 237 - Using as true such declaration knowing it to be false](#)

#### **Corresponding Provision of Previous Statute: Section 199, Indian Penal Code, 1860**

**Section 199 - False statement made in declaration which is by law receivable as evidence** - Whoever, in any declaration made or subscribed by him, which declaration any Court of Justice, or any public servant

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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

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.

#### Linked Provisions

[Air Force Act, 1950 - Section 57 - Falsifying Official Documents And False Declaration](#)

[Air Force Act, 1950 - Section 116 - Composition Of Summary General Court-Martial](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 236 - False statement made in declaration which is by law receivable as evidence](#)

#### Corresponding Provision of Previous Statute: Section 200, Indian Penal Code, 1860

**Section 200 – Using as true such declaration knowing it to be false** - 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 sections 199 and 200.

### 238. Causing disappearance of evidence of offence, or giving false information to screen offender

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,--

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- (a) 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 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 the offence is punishable with imprisonment for any term not extending 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 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.

**Corresponding Provision of Previous Statute: Section 201, Indian Penal Code, 1860**

**Section 201 – Causing disappearance of evidence of offence, or giving false information to screen Offender** - 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,

**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;

**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, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine;

**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.

**LANDMARK JUDGMENT**

State through Superintendent of Police, CBI/SIT vs. Nalini and Ors.,  
[MANU/SC/0945/1999](#)

**239. Intentional omission to give information of offence by person bound to inform**

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.

**Corresponding Provision of Previous Statute: Section 202, Indian Penal Code, 1860**

**Section 202 – Intentional omission to give information of offence by person bound to inform** - 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, or with both.

**240. Giving false information respecting an offence committed**

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 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.

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**Corresponding Provision of Previous Statute: Section 203, Indian Penal Code, 1860**

**Section 203 – Giving false information respecting an offence committed** - 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 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, 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**

Whoever secretes or destroys any document or electronic record which he may be lawfully compelled to produce as evidence in a Court or in any proceeding lawfully held before a public servant, as such, or obliterates or renders 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 years, or with fine which may extend to five thousand rupees, or with both.

**Corresponding Provision of Previous Statute: Section 204, Indian Penal Code, 1860**

**Section 204 – Destruction of document to prevent its production as evidence** - Whoever secretes or destroys any document or electronic record which he may be lawfully compelled to produce as evidence in a Court of Justice, or in any proceeding lawfully held before a public servant, as such, or obliterates or renders 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 two years, or with fine, or with both.

**242. False personation for purpose of act or proceeding in suit or prosecution**

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.

**Corresponding Provision of Previous Statute: Section 205, Indian Penal Code, 1860**

**Section 205 – False personation for purpose of act or proceeding in suit or prosecution** - 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**

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 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 in a civil suit, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine which may extend to five thousand rupees, or with both.

**Corresponding Provision of Previous Statute: Section 206, Indian Penal Code, 1860**

**Section 206 – Fraudulent removal or concealment of property to prevent its seizure as forfeited or in Execution** - 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 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 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.

**244. Fraudulent claim to property to prevent its seizure as forfeited or in execution**

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 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 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.

**Corresponding Provision of Previous Statute: Section 207, Indian Penal Code, 1860**

**Section 207 – Fraudulent claim to property to prevent its seizure as forfeited or in execution** – 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 practices 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 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 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.

**245. Fraudulently suffering decree for sum not due**

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.

#### **Corresponding Provision of Previous Statute: Section 208, Indian Penal Code, 1860**

**Section 208 – Fraudulently suffering decree for sum not due** - 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 Court**

Whoever fraudulently or dishonestly, or with intent to injure or annoy any person, makes in a Court 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.

#### **Linked Provisions**

[Disaster Management Act, 2005 - Section 52 - Punishment for false claim](#)

[Metro Railway \(Operations and Maintenance\) Act, 2002 - Section 80 - Penalty for making a false claim for compensation](#)

#### **Corresponding Provision of Previous Statute: Section 209, Indian Penal Code, 1860**

**Section 209 – Dishonesty making false claim in Court** - Whoever fraudulently or dishonestly, or with intent to injure or annoy any person, makes in a 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**

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

#### **Linked Provisions**

[Bharatiya Nyaya Sanhita, 2023 - Section 247 - Fraudulently obtaining decree for sum not due](#)

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.

**Corresponding Provision of Previous Statute: Section 210, Indian Penal Code, 1860**

**Section 210 – Fraudulently obtaining decree for sum not due** - 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**

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 years, or with fine which may extend to two lakh rupees, or with both;

(b) if such criminal proceeding be instituted on a false charge of an offence punishable with death, imprisonment for life, or imprisonment for ten years or upwards, shall be punishable with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

**Corresponding Provision of Previous Statute: Section 211, Indian Penal Code, 1860**

**Section 211 – False charge of offence made with intent to injure** - 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, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both;

and if such criminal proceeding be instituted on a false charge of an offence punishable with death, imprisonment for life, or imprisonment for seven years or upwards, shall be punishable with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

## 249. Harboiling offender

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 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 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 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 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 shall not extend to any case in which the harbour or concealment is by the spouse of the offender.

### Linked Provisions

[Bharatiya Nyaya Sanhita, 2023 - Section 253 - Harboiling offender escaped from custody or whose apprehension has been ordered](#)

[Narcotic Drugs and Psychotropic Substances Act, 1985 - Section 27A - Punishment for financing illicit traffic and harbouring offenders](#)

[Official Secrets Act, 1923 - Section 13 - Restriction on trial of Offences](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 2\(13\) - "Harbour"](#)

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*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.

**Corresponding Provision of Previous Statute: Section 212, Indian Penal Code, 1860**

**Section 212 – harbouring offender** - 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,

**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;

**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;

and if the offence is punishable with imprisonment which may extend to one year, and not 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.

“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, 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 provision shall not extend to any case in which the harbour or concealment is by the 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.

**LANDMARK JUDGMENT**

State through Superintendent of Police, CBI/SIT vs. Nalini and Ors.,  
[MANU/SC/0945/1999](#)

**250. Taking gift, etc., to screen an offender from punishment**

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

**Linked Provisions**

[Bharatiya Nyaya Sanhita, 2023 - Section 251 - Offering gift or](#)

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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,-

-

(a) 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 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 the offence is punishable with imprisonment not extending 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.

[restoration of property  
in consideration of  
screening offender](#)

[Bharatiya Nyaya  
Sanhita, 2023 - Section  
252 - Taking gift to help  
to recover stolen  
property, etc.](#)

#### **Corresponding Provision of Previous Statute: Section 213, Indian Penal Code, 1860**

**Section 213 – Taking gift, etc., to screen an offender from punishment** - 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,

**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;

**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;

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.

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## 251. Offering gift or restoration of property in consideration of screening offender

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 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 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 the offence is punishable with imprisonment not extending 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.

Exception.--The provisions of this section and section 250 do not extend to any case in which the offence may lawfully be compounded.

### Corresponding Provision of Previous Statute: Section 214, Indian Penal Code, 1860

**Section 214 - Offering gift or restoration of property in consideration of screening offender** - 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,

**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;

**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

### Linked Provisions

[Bharatiya Nyaya Sanhita, 2023 - Section 250 - Taking gift, etc. to screen an offender from punishment](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 252 - Taking gift to help to recover stolen property, etc.](#)

imprisonment of either description for a term which may extend to three years, and shall also be liable to fine;

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 sections 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

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.

### Linked Provisions

[Bharatiya Nyaya Sanhita, 2023 - Section 250 - Taking gift, etc. to screen an offender from punishment](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 251 - Offering gift or restoration of property in consideration of screening offender](#)

### Corresponding Provision of Previous Statute: Section 215, Indian Penal Code, 1860

**Section 215 – Taking gift to help to recover stolen property, etc.** - 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 Code, 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.

## 253. Harbouuring offender who has escaped from custody or whose apprehension has been ordered

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, namely:--

### Linked Provisions

[Bharatiya Nyaya Sanhita, 2023 - Section 2\(13\) - "Harbour"](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 249 - Harbouuring offender](#)

[Official Secrets Act, 1923 - Section 13 - Restriction on trial of Offences](#)

(a) 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;

[Bharatiya Nyaya  
Sanhita, 2023 - Section  
254 - Penalty for  
 harbouring robbers or  
dacoits](#)

(b) 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) 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 provisions of this section do not extend to the case in which the harbour or concealment is by the spouse of the person to be apprehended.

#### **Corresponding Provision of Previous Statute: Section 216, Indian Penal Code, 1860**

**Section 216 – Harbouuring offender who has escaped from custody or whose apprehension has been ordered** - Whenever any person convicted of a 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,

**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;

**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; 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.

“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 provision does not extend to the case in which the harbour or concealment is by the husband or wife of the person to be apprehended.

#### LANDMARK JUDGMENT

State through Superintendent of Police, CBI/SIT vs. Nalini and Ors.  
[MANU/SC/0945/1999](#)

### 254. Penalty for harbouring robbers or dacoits

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.

Exception.--The provisions of this section do not extend to the case in which the harbour is by the spouse of the offender.

#### Linked Provisions

[Bharatiya Nyaya Sanhita, 2023 - Section 2\(13\) - "Harbour"](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 249 - Harbouuring offender](#)

[Official Secrets Act, 1923 - Section 13 - Restriction on trial of Offences](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 253 - Harbouuring offender escaped from custody or whose apprehension has been ordered](#)

**Corresponding Provision of Previous Statute: Section 216A, Indian Penal Code, 1860**

**Section 216A – Penalty for harbouring robbers or dacoits** - 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.

Exception.—This provision does not extend to the case in which the harbour is by the husband or wife of the offender.

**255. Public servant disobeying direction of law with intent to save person from punishment or property from forfeiture**

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.

**Linked Provisions**

[Bharatiya Nyaya Sanhita, 2023 - Section 256 - Public servant framing incorrect record or writing with intent to save person from punishment or property from forfeiture](#)

**Corresponding Provision of Previous Statute: Section 217, Indian Penal Code, 1860**

**Section 217 – Public servant disobeying direction of law with intent to save person from punishment or property from forfeiture** - 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**

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

**Linked Provisions**

[Bharatiya Nyaya Sanhita, 2023 - Section 255 - Public servant disobeying direction of law with intent to save](#)

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.

[person from punishment or property from forfeiture](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 201 - Public servant framing an incorrect document with intent to cause injury](#)

#### Corresponding Provision of Previous Statute: Section 218, Indian Penal Code, 1860

**Section 218 – Public servant framing incorrect record or writing with intent to save person from punishment or property from forfeiture** - 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

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.

#### Linked Provisions

[Bharatiya Nyaya Sanhita, 2023 - Section 256 - Public servant framing incorrect record or writing with intent to save person from punishment or property from forfeiture](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 201 - Public servant framing an incorrect document with intent to cause injury](#)

#### Corresponding Provision of Previous Statute: Section 219, Indian Penal Code, 1860

**Section 219 – Public servant in judicial proceeding corruptly making report, etc., contrary to law** - 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.

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**258. Commitment for trial or confinement by person having authority who knows that he is acting contrary to law**

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.

**Corresponding Provision of Previous Statute: Section 220, Indian Penal Code, 1860**

**Section 220 - Commitment for trial or confinement by person having authority who knows that he is acting contrary to law** - 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.

**259. Intentional omission to apprehend on part of public servant bound to apprehend**

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,-

(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,

**Linked Provisions**

[Bharatiya Nyaya Sanhita, 2023 - Section 3\(7\)](#) - General Explanations and expressions

[Bharatiya Nyaya Sanhita, 2023 - Section 264](#) - Omission to apprehend, or sufferance of escape, onpart of public servant, in cases not otherwise provided for

[Bharatiya Nyaya Sanhita, 2023 - Section 156](#) - Public servant voluntarily allowing prisoner of State or war to escape

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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.

[Bharatiya Nyaya Sanhita, 2023 - Section 157 - Public servant negligently suffering such prisoner to escape](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 260 - Intentional omission to apprehend on part of public servant bound to apprehend person under sentence or lawfully committed](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 261 - Escape from confinement or custody negligently suffered by public servant](#)

#### Corresponding Provision of Previous Statute: Section 221, Indian Penal Code, 1860

##### **Section 221 – Intentional omission to apprehend on the part of public servant bound to apprehend** -

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:—

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

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

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 part of public servant bound to apprehend person under sentence or lawfully committed**

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 for

##### **Linked Provisions**

[Bharatiya Nyaya Sanhita, 2023 - Section 239 - Intentional omission to give information of offence](#)

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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, or by virtue of a commutation of such sentence, to imprisonment for life or imprisonment for a term of ten years, or upwards; or

(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 to imprisonment for a term not extending to ten years or if the person was lawfully committed to custody.

[by person bound to inform](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 259 - Intentional omission to apprehend on part of public servant bound to apprehend](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 261 - Escape from confinement or custody negligently suffered by public servant](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 156 - Public servant voluntarily allowing prisoner of State or war to escape](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 157 - Public servant negligently suffering such prisoner to escape](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 264 - Omission to apprehend, or sufferance of escape, on part of public servant, in cases not otherwise provided for](#)

#### Corresponding Provision of Previous Statute: Section 222, Indian Penal Code, 1860

**Section 222 – Intentional omission to apprehend on the part of public servant bound to apprehend person under sentence or lawfully committed** - 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 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 as follows, that is to say:—

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

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 of Justice, or by virtue of a commutation of such sentence, to imprisonment for life or 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 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

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.

#### Linked Provisions

[Bharatiya Nyaya Sanhita, 2023 - Section 264 - Omission to apprehend, or sufferance of escape, on part of public servant, in cases not otherwise provided for](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 260 - Intentional omission to apprehend on part of public servant bound to apprehend person under sentence or lawfully committed](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 259 - Intentional omission to apprehend on part of public servant bound to apprehend](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 156 - Public servant voluntarily allowing prisoner of State or war to escape](#)

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Bharatiya Nyaya  
Sanhita, 2023 - Section  
157 - Public servant  
negligently suffering  
such prisoner to escape

#### Corresponding Provision of Previous Statute: Section 223, Indian Penal Code, 1860

**Section 223 – Escape from confinement or custody negligently suffered by public servant** - 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

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.

#### Corresponding Provision of Previous Statute: Section 224, Indian Penal Code, 1860

**Section 224 – Resistance or obstruction by a person to his lawful apprehension** - 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

Whoever, intentionally offers any resistance or illegal obstruction to the lawful apprehension of any other person for an offence, or rescues or attempts to

#### Linked Provisions

Bharatiya Nyaya  
Sanhita, 2023 - Section  
263 - Resistance or  
obstruction to lawful  
apprehension of  
another person

Bharatiya Nyaya  
Sanhita, 2023 - Section  
265 - Resistance or  
obstruction to lawful  
apprehension or escape  
or rescue in cases not  
otherwise provided for

#### Linked Provisions

Bharatiya Nyaya  
Sanhita, 2023 - Section  
262 - Resistance or

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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

(d) if the person to be apprehended or rescued, or attempted to be rescued, is liable under the sentence of a Court 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.

#### Corresponding Provision of Previous Statute: Section 225, Indian Penal Code, 1860

**Section 225 – Resistance or obstruction to lawful apprehension of another person** - 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, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both;

or, 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

obstruction by a person to his lawful apprehension

Bharatiya Nyaya Sanhita, 2023 - Section 265 - Resistance or obstruction to lawful apprehension or escape or rescue in cases not otherwise provided for

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, 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, if the person to be apprehended or rescued, or attempted to be rescued, is liable under the sentence of a 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, 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**

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, 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.

#### **Corresponding Provision of Previous Statute: Section 225A, Indian Penal Code, 1860**

**Section 225A - Omission to apprehend, or sufferance of escape, on part of public servant, in cases not otherwise, provided for** - 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 221, section 222 or section 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

Whoever, in any case not provided for in section 262 or section 263 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.

### Corresponding Provision of Previous Statute: Section 225B, Indian Penal Code, 1860

**Section 225B – Resistance or obstruction to lawful apprehension, or escape or rescue in cases not otherwise provided for -** Whoever, in any case not provided for in section 224 or section 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

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.

### Linked Provisions

[Air Force Act, 1950 - Section 178 - Cancellation Of Conditional Pardon, Release On Parole Or Remission](#)

[Army Act, 1950 - Section 180 - Cancellation Of Conditional Pardon, Release On Parole Or Remission](#)

[Border Security Force Act - Section 129 - Cancellation Of Conditional Pardon, Release On Parole Or Remission](#)

National Security  
Guard Act, 1986 -  
Section 125 -  
Cancellation Of  
Conditional Pardon,  
Release On Parole Or  
Remission

**Corresponding Provision of Previous Statute: Section 227, Indian Penal Code, 1860**

**Section 227 – Violation of condition of remission of punishment** - 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**

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 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.

**Corresponding Provision of Previous Statute: Section 228, Indian Penal Code, 1860**

**Section 228 – Intentional insult or interruption to public servant sitting in judicial proceeding** - 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 be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

**268. Personation of assessor**

Whoever, by personation or otherwise, shall intentionally cause, or knowingly suffer himself to be returned, empanelled or sworn as 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 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.

**Corresponding Provision of Previous Statute: Section 229, Indian Penal Code, 1860**

**Section 229 – Personation of a juror or assessor** - Whoever, by personation or otherwise, shall intentionally cause, or knowingly suffer himself to be returned, empanelled or sworn as a juryman or 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 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**

Whoever, having been charged with an offence and released on bail bond or on bond, 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.

**Corresponding Provision of Previous Statute: Section 229A, Indian Penal Code, 1860**

**Section 229A – Failure by person released on bail or bond to appear in court** - Whoever, having been charged with an offence and released on 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.

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## CHAPTER XV

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

## 270. Public nuisance

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.

## Linked Provisions

[Code of Civil Procedure, 1908 - Section 91 - Public Nuisances And Other Wrongful Acts Affecting The Public](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 292 - Punishment For Public Nuisance In Cases Not Otherwise Provided For](#)

[Bharatiya Nagarik Suraksha Sanhita, 2023 - Section 162 -Magistrate may prohibit repetition or continuance of public nuisance](#)

## Corresponding Provision of Previous Statute: Section 268, Indian Penal Code, 1860

**Section 268 – Public nuisance** - 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.

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

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.

## Linked Provisions

[Bharatiya Nyaya Sanhita, 2023 - Section 272 - Malignant act likely to spread infection of disease dangerous to life](#)

**Corresponding Provision of Previous Statute: Section 269, Indian Penal Code, 1860**

**Section 269 – Negligent act likely to spread infection of disease dangerous to life** - 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**

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.

**Linked Provisions**

[Bharatiya Nyaya Sanhita, 2023 - Section 271 - Negligent act likely to spread infection of disease dangerous to life](#)

**Corresponding Provision of Previous Statute: Section 270, Indian Penal Code, 1860**

**Section 270 – Malignant act likely to spread infection of disease dangerous to life** - 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**

Whoever knowingly disobeys any rule made by the Government for putting any mode of transport into a state of quarantine, or for regulating the intercourse of any such transport in a state of quarantine 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.

**Corresponding Provision of Previous Statute: Section 271, Indian Penal Code, 1860**

**Section 271 – Disobedience to quarantine rule** - Whoever knowingly disobeys any rule made and promulgated by the Government for putting any vessel into a state of quarantine, or for regulating the intercourse of 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**

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

**Linked Provisions**

[Bharatiya Nyaya Sanhita, 2023 - Section 275 - Sale of noxious food or drink](#)

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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 rupees, or with both.

[Prevention of Food Adulteration Act, 1954 - Section 2\(ia\) - "Adulterated"](#)

#### **Corresponding Provision of Previous Statute: Section 272, Indian Penal Code, 1860**

**Section 272 – Adulteration of food or drink intended for sale** - 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 one thousand rupees, or with both.

#### **275. Sale of noxious food or drink**

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 rupees, or with both.

#### **Linked Provisions**

[Bharatiya Nyaya Sanhita, 2023 - Section 274 - Adulteration of food or drink intended for sale](#)

#### **Corresponding Provision of Previous Statute: Section 273, Indian Penal Code, 1860**

**Section 273 – Sale of noxious food or drink** - 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 one thousand rupees, or with both.

#### **276. Adulteration of drugs**

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, or with fine which may extend to five thousand rupees, or with both.

#### **Linked Provisions**

[Drugs and Cosmetics Act, 1940 - Section 9A - Adulterated Drugs](#)

[Drugs and Cosmetics Act, 1940 - Section 17A - Adulterated Drugs](#)

[Drugs and Cosmetics Act, 1940 - Section 33EE - Adulterated Drugs](#)

Bharatiya Nyaya  
Sanhita, 2023 - Section  
277 - Sale of adulterated  
drugs

#### Corresponding Provision of Previous Statute: Section 274, Indian Penal Code, 1860

**Section 274 – Adulteration of drugs** - 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 six months, or with fine which may extend to one thousand rupees, or with both.

### 277. Sale of adulterated drugs

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 rupees, or with both.

#### Linked Provisions

[Drugs and Cosmetics Act, 1940 - Section 9A - Adulterated Drugs](#)

[Drugs and Cosmetics Act, 1940 - Section 17A - Adulterated Drugs](#)

[Drugs and Cosmetics Act, 1940 - Section 33EE - Adulterated Drugs](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 276 - Adulteration of drugs](#)

#### Corresponding Provision of Previous Statute: Section 275, Indian Penal Code, 1860

**Section 275 – Sale of adulterated drugs** - 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 one thousand rupees, or with both.

### 278. Sale of drug as a different drug or preparation

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

#### Linked Provisions

[Drugs and Cosmetics Act, 1940 - Section 3\(b\) - Drugs](#)

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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.

**Corresponding Provision of Previous Statute: Section 276, Indian Penal Code, 1860**

**Section 276 – Sale of drug as a different drug or preparation** - 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 one thousand rupees, or with both.

## 279. Fouling water of public spring or reservoir

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, or with fine which may extend to five thousand rupees, or with both.

**Corresponding Provision of Previous Statute: Section 277, Indian Penal Code, 1860**

**Section 277 – Fouling water of public spring or reservoir** - 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 three months, or with fine which may extend to five hundred rupees, or with both.

## 280. Making atmosphere noxious to health

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 rupees.

**Corresponding Provision of Previous Statute: Section 278, Indian Penal Code, 1860**

**Section 278 – Making atmosphere noxious to health** - 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 five hundred rupees.

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### 281. Rash driving or riding on a public way

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.

#### Linked Provisions

[Motor Vehicles Act, 1988 - Section 184 - Driving Dangerously](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 106\(1\) - Causing death by negligence](#)

#### Corresponding Provision of Previous Statute: Section 279, Indian Penal Code, 1860

**Section 279 – Making atmosphere noxious to health** - 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 five hundred rupees.

### 282. Rash navigation of vessel

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 rupees, or with both.

#### Linked Provisions

[Ferries Act, 1878 - Section 28 - Penalty For Rash Navigation And Stacking Of Timber](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 2\(32\) - "vessel"](#)

#### Corresponding Provision of Previous Statute: Section 280, Indian Penal Code, 1860

**Section 280 – Rash navigation of vessel** - 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 one thousand rupees, or with both.

### 283. Exhibition of false light, mark or buoy

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 with fine which shall not be less than ten thousand rupees.

#### Corresponding Provision of Previous Statute: Section 281, Indian Penal Code, 1860

**Section 281 – Exhibition of false light, mark or buoy** - 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, or with fine, or with both.

#### 284. Conveying person by water for hire in unsafe or overloaded vessel

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 rupees, or with both.

**Corresponding Provision of Previous Statute: Section 282, Indian Penal Code, 1860**

**Section 282 – Conveying person by water for hire in unsafe or overloaded vessel** - 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 one thousand rupees, or with both.

#### 285. Danger or obstruction in public way or line of navigation

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 rupees.

**Corresponding Provision of Previous Statute: Section 283, Indian Penal Code, 1860**

**Section 283 – Danger or obstruction in public way or line of navigation** - 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 two hundred rupees.

#### 286. Negligent conduct with respect to poisonous substance

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 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 rupees, or with both.

**Corresponding Provision of Previous Statute: Section 284, Indian Penal Code, 1860**

**Section 284 – Negligent conduct with respect to poisonous substance** - 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 probable danger to human life from 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 one thousand rupees, or with both.

**287. Negligent conduct with respect to fire or combustible matter**

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 rupees, or with both.

**Corresponding Provision of Previous Statute: Section 285, Indian Penal Code, 1860**

**Section 285 – Negligent conduct with respect to fire or combustible matter** - 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,

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 one thousand rupees, or with both.

**288. Negligent conduct with respect to explosive substance**

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 rupees, or with both.

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**Corresponding Provision of Previous Statute: Section 286, Indian Penal Code, 1860**

**Section 286 – Negligent conduct with respect to explosive substance** - 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 one thousand rupees, or with both.

**289. Negligent conduct with respect to machinery**

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 rupees, or with both.

**Corresponding Provision of Previous Statute: Section 287, Indian Penal Code, 1860**

**Section 287 – Negligent conduct with respect to machinery** - 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 one thousand rupees, or with both.

**290. Negligent conduct with respect to pulling down, repairing or constructing buildings, etc**

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 rupees, or with both.

**Corresponding Provision of Previous Statute: Section 288, Indian Penal Code, 1860**

**Section 288 – Negligent conduct with respect to pulling down or repairing buildings** - Whoever, in pulling down or repairing any building, knowingly or negligently omits to take such order 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 one thousand rupees, or with both.

**291. Negligent conduct with respect to animal**

Whoever knowingly or negligently omits to take such measures 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 rupees, or with both.

**Corresponding Provision of Previous Statute: Section 289, Indian Penal Code, 1860**

**Section 289 – Negligent conduct with respect to animal** - Whoever knowingly or negligently omits to take such 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 one thousand rupees, or with both.

**292. Punishment for public nuisance in cases not otherwise provided for**

Whoever commits a public nuisance in any case not otherwise punishable by this Sanhita shall be punished with fine which may extend to one thousand rupees.

**Linked Provisions**

[Bharatiya Nyaya Sanhita, 2023 - Section 270 - Public Nuisance](#)

**Corresponding Provision of Previous Statute: Section 290, Indian Penal Code, 1860**

**Section 290 – Punishment for public nuisance in cases not otherwise provided for** - Whoever commits a public nuisance in any case not otherwise punishable by this Code, shall be punished with fine which may extend to two hundred rupees.

**293. Continuance of nuisance after injunction to discontinue**

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

**Linked Provisions**

[Bharatiya Nagarik Suraksha Sanhita, 2023 - Section 152 - Conditional order for removal of nuisance](#)

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term which may extend to six months, or with fine which may extend to five thousand rupees or with both.

**Corresponding Provision of Previous Statute: Section 291, Indian Penal Code, 1860**

**Section 291 – Continuance of nuisance after injunction to discontinue** - 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, or with both.

#### 294. Sale, etc., of obscene books, etc

(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

(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

#### Linked Provisions

[Information Technology Act, 2000 - Section 67 - Punishment For Publishing Or Transmitting Obscene Material In Electronic Form](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 295 - Sale, etc., of obscene objects to child](#)

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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 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 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 (24 of 1958); or

(ii) any temple, or on any car used for the conveyance of idols, or kept or used for any religious purpose.

**Corresponding Provision of Previous Statute: Section 292, Indian Penal Code, 1860****Section 292 – Sale, etc., of obscene books, etc. –**

(1) For the purposes of sub-section (2), a book, pamphlet, paper, writing, drawing, painting, representation, figure or any other object, 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, 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

(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 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 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 (24 of 1958), or

(ii) any temple, or on any car used for the conveyance of idols, or kept or used for any religious purpose.

**LANDMARK JUDGMENT**

Ranjit D. Udeshi vs. State of Maharashtra, [MANU/SC/0080/1964](#)

**295. Sale, etc., of obscene objects to child**

Whoever sells, lets to hire, distributes, exhibits or circulates to any child any such obscene object as is referred to in section 294, 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.

**Linked Provisions**

[Bharatiya Nyaya Sanhita, 2023 - Section 294 - Sale, etc., of obscene books, etc.](#)

**Corresponding Provision of Previous Statute: Section 293, Indian Penal Code, 1860**

**Section 293 – Sale, etc., of obscene objects to young person** - Whoever sells, lets to hire, distributes, exhibits or circulates to any person under the age of twenty years any such obscene object as is referred to 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.

**296. Obscene acts and songs**

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.

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**Corresponding Provision of Previous Statute: Section 294, Indian Penal Code, 1860**

**Section 294 – Obscene acts and songs** - 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, or with both

(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 rupees.

**Corresponding Provision of Previous Statute: Section 294A, Indian Penal Code, 1860**

**Section 294A – Keeping lottery office** - 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. And whoever publishes any proposal to pay any sum, or to deliver any goods, or to do or forbear 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 one thousand rupees.

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## CHAPTER XVI

### OF OFFENCES RELATING TO RELIGION

#### 298. Injuring or defiling place of worship with intent to insult religion of any class

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.

#### Linked Provisions

[Bharatiya Nyaya Sanhita, 2023 - 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](#)

#### Corresponding Provision of Previous Statute: Section 295, Indian Penal Code, 1860

##### Section 295 – Injuring or defiling place of worship, with intent to insult the religion of any class -

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

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.

#### Linked Provisions

[Bharatiya Nyaya Sanhita, 2023 - Section 302 - Uttering words, etc., with deliberate intent to wound religious feelings of any person](#)

#### Corresponding Provision of Previous Statute: Section 295A, Indian Penal Code, 1860

##### Section 295A – Deliberate and malicious acts, intended to outrage religious feelings of any class by insulting its religion or religious beliefs -

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 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.

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### 300. Disturbing religious assembly

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.

#### Linked Provisions

[Bharatiya Nyaya Sanhita, 2023 - 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](#)

#### Corresponding Provision of Previous Statute: Section 296, Indian Penal Code, 1860

**Section 296 – Disturbing religious assembly** - 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.

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 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.

#### Linked Provisions

[Bharatiya Nyaya Sanhita, 2023 - 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](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 329\(1\) - Criminal trespass and house trespass](#)

#### Corresponding Provision of Previous Statute: Section 297, Indian Penal Code, 1860

**Section 297 – Trespassing on burial places, etc** - 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 sepulture, 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 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

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.

#### Linked Provisions

[Bharatiya Nyaya Sanhita, 2023 - 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](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 299 - Deliberate and malicious acts, intended to outrage religious feelings of any class by insulting its religion or religious beliefs](#)

#### Corresponding Provision of Previous Statute: Section 298, Indian Penal Code, 1860

**Section 298 – Uttering words, etc., with deliberate intent to wound religious feelings** - 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.

## 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.

*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 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.

**Linked Provisions**

[The Electricity Act, 2003 - Section 135 - Theft of Electricity](#)

[The Electricity Act, 2003 - Section 136 - Theft of Electric Lines And Materials](#)

[Indian Electricity Act, 1910 - Section 39 - Theft of Energy](#)

[Information Technology Act, 2000 - Section 66C - Punishment For Identity Theft](#)

[Railway Property \(Unlawful Possession\) Act, 1966 - Section 3 - Penalty For Theft, Dishonest Misappropriation Or Unlawful Possession Of Railway Property](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 134 - Assault or criminal force in attempt to commit theft of property carried by a person](#)

[Bharatiya Nyaya Sanhita, 2023 - Section](#)

*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.
- (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

[305 - Theft in a dwelling house, or means of transportation or place of worship, etc](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 306 - Theft by clerk or servant of property in possession of master](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 307 - Theft after preparation made for causing death, hurt or restraint in order to committing of theft](#)

[Indian Post Office Act, 1898 - Section 52 - Penalty For Theft, Dishonest Misappropriation, Secretion, Destruction, Or Throwing Away Of Postal Articles](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 328 - Punishment for intentionally running vessel aground or ashore with intent to commit theft, etc](#)

[Bharatiya Nagarik Suraksha Sanhita, 2023 - Section 57 - Person arrested to be taken before Magistrate or officer in charge of police station](#)

[Bharatiya Nagarik Suraksha Sanhita, 2023 - Section 58 - Person arrested not to be](#)

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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.

[detained more than twenty-four hours](#)

[Bharatiya Nagarik Suraksha Sanhita, 2023 - Section 59 - Police to report apprehensions](#)

[Bharatiya Nagarik Suraksha Sanhita, 2023 - Section 463 - Warrant for levy of fine issued by a Court in any territory to which this Sanhita does not extend](#)

[Bharatiya Nagarik Suraksha Sanhita, 2023 - Section 464 - Suspension of execution of sentence of imprisonment](#)

[Bharatiya Nagarik Suraksha Sanhita, 2023 - Section 60 - Discharge of person apprehended](#)

(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 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) 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:

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.

#### Corresponding Provision of Previous Statute: Section 378, Indian Penal Code, 1860

**Section 378 – Theft** - 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.

*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 effects 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 the 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.
- (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 jeweller, to be regulated. Z carries it to his shop. A, not owing to the jeweller any debt for which the jeweller 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, inasmuch 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, inasmuch 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 inasmuch 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 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 B's possession. Here, as A does not take dishonestly, he does not commit theft.

#### **LANDMARK JUDGMENT**

K.N. Mehra vs. The State of Rajasthan, [MANU/SC/0030/1957](#)

**Section 379 - 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.

### **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.

### **305. Theft in a dwelling house, or means of transportation or place of worship, etc**

Whoever commits theft--

#### **Linked Provisions**

[Bharatiya Nyaya Sanhita, 2023 - Section 303\(1\) - Theft](#)

(a) in any building, tent or vessel 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

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(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

**Corresponding Provision of Previous Statute: Section 380, Indian Penal Code, 1860**

**Section 380 – Theft in dwelling house, etc.** - Whoever commits theft in any building, tent or vessel, which building, tent or vessel is used as a human dwelling, or used for the custody of 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.

**306. Theft by clerk or servant of property in possession of master**

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.

**Linked Provisions**

[Bharatiya Nyaya Sanhita, 2023 - Section 303\(1\) - Theft](#)

**Corresponding Provision of Previous Statute: Section 381, Indian Penal Code, 1860**

**Section 381 – Theft by clerk or servant of property in possession of master** - 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 committing of theft**

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.

**Linked Provisions**

[Bharatiya Nyaya Sanhita, 2023 - Section 303\(1\) - Theft](#)

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*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.

**Corresponding Provision of Previous Statute: Section 382, Indian Penal Code, 1860**

**Section 382 – Theft after preparation made for causing death, hurt or restraint in order to the committing of the theft** - 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.

*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.

*Of extortion***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.

**Linked Provisions**

[Air Force Act, 1950 - Section 53 - Extortion And Corruption](#)

[Army Act, 1950 - Section 53 - Extortion And Corruption](#)

[Border Security Force Act, 1968 - Section 31 - Extortion And Corruption](#)

*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) Whoever commits extortion shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.

(3) 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.

(4) Whoever, in order to the committing of extortion, puts or attempts to put any person in fear of death or of grievous hurt to that person or to any other,

[Indo-Tibetan Border Police Force Act, 1992 - Section 34 - Extortion And Corruption](#)

[National Security Guard Act, 1986 - Section 30 - Extortion And Corruption](#)

[Sashastra Seema Bal Act, 2007 - Section 34 - Extortion And Corruption](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 308 - Extortion](#)

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

(5) 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.

(6) 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.

(7) 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.

#### Corresponding Provision of Previous Statute: Section 383, Indian Penal Code, 1860

**Section 383 - Extortion** - 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".

#### *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

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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.

**LANDMARK JUDGMENT**

Jadunandan Singh and Ors. vs. Emperor, [MANU/BH/0133/1940](#)

**Section 384 - Punishment for extortion** - Whoever commits extortion shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

**LANDMARK JUDGMENT**

A.R. Antulay vs. R.S. Nayak and Ors., [MANU/SC/0002/1988](#)

**Section 385 - 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.

**Section 386 - 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.

**Section 387 - 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 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.

**Section 388 - 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.

**Section 389 - 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

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*Of robbery and dacoity***309. Robbery**

- (1) In all robbery there is either theft or extortion.
- (2) 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.
- (3) 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 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.

*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.

**Linked Provisions**

[Bharatiya Nyaya Sanhita, 2023 - Section 303\(1\) - Theft](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 308\(1\) - Extortion](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 309\(2\) - Robbery](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 309\(3\) - Robbery](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 309\(4\) - Robbery](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 311 - Robbery, or dacoity, with attempt to cause death or grievous hurt](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 312 - Attempt to commit robbery or dacoity when armed with deadly weapon](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 115\(1\) - Voluntarily causing hurt](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 114 - Hurt](#)

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(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) 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.

(5) 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.

(6) 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.

#### Corresponding Provision of Previous Statute: Section 390, Indian Penal Code, 1860

**Section 390 – Robbery** - In all robbery there is either theft or extortion.

**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.

**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 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.

*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.

**Section 392 - 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.

**Section 393 - 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.

**Section 394 - 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.

### 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.

#### Linked Provisions

[Bharatiya Nyaya Sanhita, 2023 - Section 309\(1\) - Robbery](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 101- Murder](#)

(2) 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.

(3) 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, and shall also be liable to fine.

(4) 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.

(5) Whoever is 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.

(6) Whoever belongs 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.

#### Corresponding Provision of Previous Statute: Section 391, Indian Penal Code, 1860

**Section 391 – Dacoity** - 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”.

#### LANDMARK JUDGMENT

Ghamandi and Ors. vs. State, [MANU/UP/0180/1968](#)

**Section 395 - 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.

**Section 396 - 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 may extend to ten years, and shall also be liable to fine.

[Bharatiya Nyaya Sanhita, 2023 - Section 317\(3\) - Stolen Property](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 311 - Robbery, or dacoity, with attempt to cause death or grievous hurt](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 312 - Attempt to commit robbery or dacoity when armed with deadly weapon](#)

**.Section 399 - 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.

**Section 400 - Punishment for belonging to gang of dacoits** - Whoever, 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.

**Section 402 - Assembling for purpose of committing dacoity** - Whoever, at any time after the passing of this Act, shall be 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.

### 311. Robbery, or dacoity, with attempt to cause death or grievous hurt

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.

#### Linked Provisions

[Bharatiya Nyaya Sanhita, 2023 - Section 310\(1\) - Dacoity](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 309\(1\) - Robbery](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 116 - Grevious Hurt](#)

#### Corresponding Provision of Previous Statute: Section 397, Indian Penal Code, 1860

**Section 397 - Robbery, or dacoity, with attempt to cause death or grievous hurt** - 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

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.

#### Linked Provisions

[Bharatiya Nyaya Sanhita, 2023 - Section 310\(1\) - Dacoity](#)

[Bharatiya Nyaya Sanhita, 2023 - Section 309\(1\) - Robbery](#)

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**Corresponding Provision of Previous Statute: Section 398, Indian Penal Code, 1860**

**Section 398 - Attempt to commit robbery or dacoity when armed with deadly weapon** - 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, etc**

Whoever belongs to any gang of persons associated in habitually committing theft or robbery, and not being a gang of dacoits, shall be punished with rigorous imprisonment for a term which may extend to seven years, and shall also be liable to fine.

**Linked Provisions**

[Bharatiya Nyaya Sanhita, 2023 - Section 303\(1\) - Theft](#)

**Corresponding Provision of Previous Statute: Section 401, Indian Penal Code, 1860**

**Section 401 - Punishment for belonging to gang of thieves** - Whoever, at any time after the passing of this Act, shall belong to any wandering or other gang of persons associated 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.

*Of criminal misappropriation of property*

**314. Dishonest misappropriation of property**

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.

**Linked Provisions**

[Bharatiya Nyaya Sanhita, 2023 - Section 315 - Dishonest misappropriation of property possessed by deceased person at the time of His death](#)

*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

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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.

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

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