

Bharatiya Nyaya Sanhita Act, 2023

Why in news?

President gives assent to [3 Criminal Law amendment bills](#), the Bharatiya Nyaya Sanhita, the Bharatiya Nagarik Suraksha Sanhita and the Bharatiya Sakshya Adhiniyam.

To know more about criminal law reforms, click [here](#).

What are the significant take aways from the new act?

- **Addition** - *20 new offences* have been added.
- **Deletion** - *19 provisions* that existed in IPC have been deleted.
- **Punishment of imprisonment** - It has been *increased in 33 offences*.
- **Punishment of fine** - It has been *enhanced in 83 offences*.
- **Punishment of 'community service'** - It has *been introduced in 6 offences*.
- **Mandatory minimum punishment** - It has been *introduced in 23 offences*.
- Reorganisation of offences are made wherein similar provisions have been clubbed together.

What are the major changes in the new act?

- **New definitions** - It defines '*child*' and also defines '*beggary*' as a form of exploitation for trafficking.
- **Modifications** - The definition of '*movable property*' is *widened* to include property of every description.
- In the definition of '*grievous hurt*', the number of days has been reduced from 20 days to 15 days.
- **New chapter** - On '*offence against woman and child*' and on '*inchoate offences*' (attempt, abetment and conspiracy).
- **Sedition** - Under new name '*deshdroh*' with wider definitions.
 - It covers acts of subversive activities, and those encouraging feelings of separatist activities.
- **Gender neutrality** - While rape laws continue to operate only for women, *some children related laws* were modified.
 - For the offences dealing with illicit intercourse.
 - For the '*offence dealing with kidnapping of minors*', it is 18 years for both the genders.
- For adults, the '*offence of outraging the modesty of women*' (354A of the IPC) and voyeurism (354C) now has gender neutrality for the accused, which means that women can also be booked.
- **Inclusion** - It includes '*transgender*' in the definition of 'gender' and includes '*electronic and digital records*' in the definition of 'document'.

- **Deletion** - *Unnatural sexual offences* under Section 377 of IPC, the provisions related to *thugs* and *adultery*.

In 2018, the Supreme Court has struck down the section 377 of the IPC which criminalised homosexuality and the offence of adultery as unconstitutional.

- **Community service** - It is introduced as a punishment for theft of less than Rs 5,000.
- **Attempt to suicide** - It criminalises 'suicide attempts with the intent to compel or restrain any public servant from discharging his official duty".
 - Jail term which may extend to 1 year with community service.
 - It could be invoked to prevent self-immolations and hunger strikes during protests.
- **Damage to public property** - It now carry a graded fine, which means the fine corresponds to the amount of damage caused.
- **Mob Lynching and hate-crime murders** - It is for cases when a mob of *5 or more individuals commits murder* based on factors such as race, caste, community, or personal belief.
 - Punishment extends from life imprisonment to death.
- **Organised crime** - It prescribe vast powers of surveillance and relax standards of evidence and procedure in favour of the state.
 - The punishment for attempt to commit and for committing is the same, but a distinction is based on whether a death is caused or not by the alleged offence.
- A separate category of *petty organised crime* criminalises 'theft, snatching, cheating, unauthorised selling of tickets, unauthorised betting or gambling, selling of public examination question papers'.
- **Terrorist act** - While it imports larger parts from UAPA act, the offence involving terror financing is broader than in UAPA.
- **False Promises to Marry** - *Clause 69* seems to ostensibly tackle the "love jihad" narrative by criminalising "deceitful" promise to marry.
 - It also essentially *criminalises consensual sexual activity too*.

What are the minor changes in the new act?

- **Removal of archaic expressions** - At 9 places, expressions like '*lunatic*', '*insane*' and '*idiot*' have been done away with.
- **Deletion of colonial remnants** - Terms like '*British calendar*', '*Queen*', '*British India*', '*justice of the peace*' have been deleted.
- **Replacement of terminologies**
 - At 44 places 'Court of Justice' has been replaced with '*Court*'.
 - At 12 places 'denotes' has been replaced with '*means*'.
 - At 3 places and 'that is to say' is replaced with '*namely*'.
- **Uniformity** - The *expression 'child'* is same throughout the BNS.
- *Contemporary style of drafting* has been used.

New offences included under Bharatiya Nyaya Sanhita (BNS)

- Organised crime
- Petty organised crime
- Mob lynching
- Terrorism acts
- Hit and run
- Hiring child to commit offence
- Snatching
- Abetment outside India
- Acts endangering the sovereignty, integrity and unity of India.
- Publication of false or fake news etc.

References

1. [The Indian Express| Changes in Nyaya Sanhita](#)
2. [Deccan Herald| Key points from BNS](#)

