



Bharatiya Nyaya Sanhita Bill, 2023

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BHARATIYA NYAYA SANHITA (BNS), 2023

BNS 2023 replaced Indian Penal Code 1860, incorporating 358 sections (511 in IPC), maintaining most of the IPC provisions, introducing new offences, eliminating court- struck-down offences, and enhancing penalties for various offences.

New Offences

- 📌 **Promise to Marry:** Criminalising “deceitful” promises to marry
- 📌 **Mob Lynching:** Codify offences linked to mob lynching and hate-crime murders
- 📌 Ordinary criminal law now covers **Organized Crime** and **Terrorism**, including a broader scope for terror financing in BNS compared to UAPA
- 📌 **Attempt to Suicide:** Criminalises attempts to commit suicide with intent to compel or restrain any public servant from discharging official duty
- 📌 **Community Service:** Added as possible form of punishment

Deletions

- 📌 **Unnatural Sexual Offences:** Section 377 of the IPC, which criminalised homosexuality among other “unnatural” sexual activities repealed completely
- 📌 **Adultery:** Offence of adultery omitted in consonance of apex court judgement
- 📌 **Thugs:** Section 310 of IPC fully omitted
- 📌 **Gender Neutrality:** Some laws dealing with children modified to bring gender neutrality

Other Modifications

- 📌 **Fake News:** Criminalisation of publishing false and misleading information
- 📌 **Sedition:** Introduced under a new name ‘deshdroh’ with wider definition
- 📌 **Mandatory Minimum Sentence:** In several provisions, mandatory minimum sentences prescribed which may limit scope for judicial discretion
- 📌 **Damage to Public Property:** Carry a graded fine (i.e. fine corresponding to the amount of damage caused)
- 📌 **Death by Negligence:** Elevates punishment for causing death by negligence from two to five years (for doctors - 2 yrs imprisonment)

Key Issues

- 📌 **Criminal Responsibility Age Discrepancy:** Criminal responsibility starts at seven, extendable to 12 based on maturity, potentially conflicting with global recommendations
- 📌 **Inconsistencies in Child Offense Definitions:** It sets child age below 18, but age criteria for offenses like rape differ, causing inconsistency
- 📌 **Retention of IPC Provisions on Rape and Sexual Harassment:** Maintains IPC provisions on rape and sexual harassment, omitting **Justice Verma Committee's 2013** suggestions for gender-neutral rape and recognizing marital rape as an offense.



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