

# Induction Training Programme of Panchayat Executive Officers

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# Topics Covered

- ▶ Scheme of the Bharatiya Nyaya Sanhita (BNS)
- ▶ List of Major changes brought in the new Penal Code
- ▶ Offences Against Women
- ▶ Offences Against Children

# Scheme of BNS

- ▶ Overall there are 20 chapters under the BNS.
- ▶ The Chapters on ‘offences against women and children’, have been given precedence. The offences against women and children which were scattered throughout the erstwhile Indian Penal Code, 1860 (IPC) have been brought together and have been consolidated under Chapter-V.
- ▶ In the similar manner, ‘offences against the human body’ have also been brought up in the order and placed after the Chapter on ‘offences against women and children’.
- ▶ BNS has been streamlined and it now consists of only 358 Sections in comparison to 511 Sections in IPC.

# Scheme of BNS (Contd.)

- ▶ Most of these interpretation clauses in sections 8 to 52A of IPC, 1860 have been retained in BNS without any change and have been consolidated in section 2 of BNS in alphabetical dictionary sequence for ease of reading and reference
- ▶ Section 2(3) of BNS defines 'child' to mean any person below the age of 18 years.
- ▶ Section 2(8) of BNS provides that documents include 'electronics and digital record'.
- ▶ Definition in section 2(10) expressly refers to transgender and defines the term which was not the case in section 8 of IPC.

# Scheme of BNS (Contd.)

- ▶ Fines in the IPC were very low ranging from Rs.10 to Rs. 1,000, and the punishments for various offences also needed rationalization. Hence, terms of imprisonment for 33 offences have been suitably enhanced, fines in 83 cases have been increased and mandatory minimum punishment has also been introduced in 23 offences.
- ▶ Punishment of community service has also been introduced for six petty offences.

# List of Major changes brought in the new Penal Code

- ▶ Mob lynching has also been made punishable under the BNS. According to it, murder or grievous hurt by five or more people on specified grounds is an offence. The grounds relate to race, caste, sex, language, or personal belief. Punishment for such offence is a minimum of seven years imprisonment to life imprisonment or death. [Sections 103(2), 117(4)]
- ▶ Another offence that has been recognised under the BNS is organised crime (Section 111). It comprises offences carried out on behalf of a crime syndicate, such as kidnapping, land grabbing, extortion, and cybercrime. Even petty organised crime is an offence now (Section 112). It includes wrongful acts of vehicle theft, pick-pocketing, selling of public examination question papers, etc.

# List of Major changes brought in the new Penal Code (Contd.)

- ▶ Offence of Terrorism (terrorist act) finds place under the BNS. It is described as an act intended to intimidate the populace, disrupt public order, or endanger the nation's unity, integrity, and security. (Section 113)
- ▶ Changes in punishment in hit-and-run cases (Section 106): whoever, after causing death by rash or negligent driving of vehicle, escapes from the scene of incident without reporting to the police or a magistrate, will be punished with a maximum of ten years imprisonment and shall also be liable to fine.

# List of Major changes brought in the new Penal Code (Contd.)

- ▶ BNS has omitted section 124A of IPC, under which sedition was a punishable offence. Instead, treason is made punishable under section 152 of BNS, which deals with acts endangering sovereignty, unity, and integrity of India.
- ▶ Sedition was merely a vestige from colonial times, created to punish any disobedience against the British government.
- ▶ Mere possession of forged or counterfeit currency notes is no longer a punishable offence under the BNS.



# List of Major changes brought in the new Penal Code (Contd.)

- ▶ Scope of the offence of 'theft' enlarged to cover theft of intangible items as well. In view of expanded definition of movable property, theft under BNS includes theft of intangible assets, theft of data, theft through card skimming, online theft through hacking bank accounts or cloning mobile, etc.
- ▶ Section 304 of BNS identifies a new offence of 'Snatching'. 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 property.

# Offences Against Women

- ▶ Exception 2 to section 63 of BNS provides that sexual intercourse or sexual acts by a man with his own wife, the wife not being under 18 years of age, is not rape. Under section 375 of IPC the age limit was 15 years.
- ▶ Section 65 of BNS combines both age categories (under 12 and under 16) into a single section, simplifying the legal framework.
- ▶ Section 69 BNS: 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.

# Offences Against Women (Contd.)

- ▶ Explanation.—“deceitful means” shall include inducement for, or false promise of employment or promotion, or marrying by suppressing identity.
- ▶ Death sentence was provided under section 376DB of IPC for gang rape of woman under 12 years of age. No death penalty was provided for gang rape of woman aged below 16 but above 12 in section 376DA. Now, section 70(2) of BNS provides death penalty for gangrape of woman under 18 years of age.
- ▶ Section 84 BNS: 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. (498 IPC)

# Offences Against Children

- ▶ The act of hiring, employing, or engaging a child to commit an offence, is made a punishable offence under Section 95 of BNS 2023, which entails punishment of imprisonment of minimum seven years, extendable to ten years.
- ▶ Section 366A of IPC provided for offence of procurement of minor girl (under the age of eighteen years). Section 96 of BNS deals with offence of procurement of any child below the age of eighteen years (irrespective of gender).
- ▶ Word 'child' is substituted for 'person' in section 99 of BNS (373 IPC). Imprisonment prescribed is 'not less than 7 years but which may extend to 14 years'. Earlier prescribed imprisonment was 'ten years'.

**THANK YOU!**