

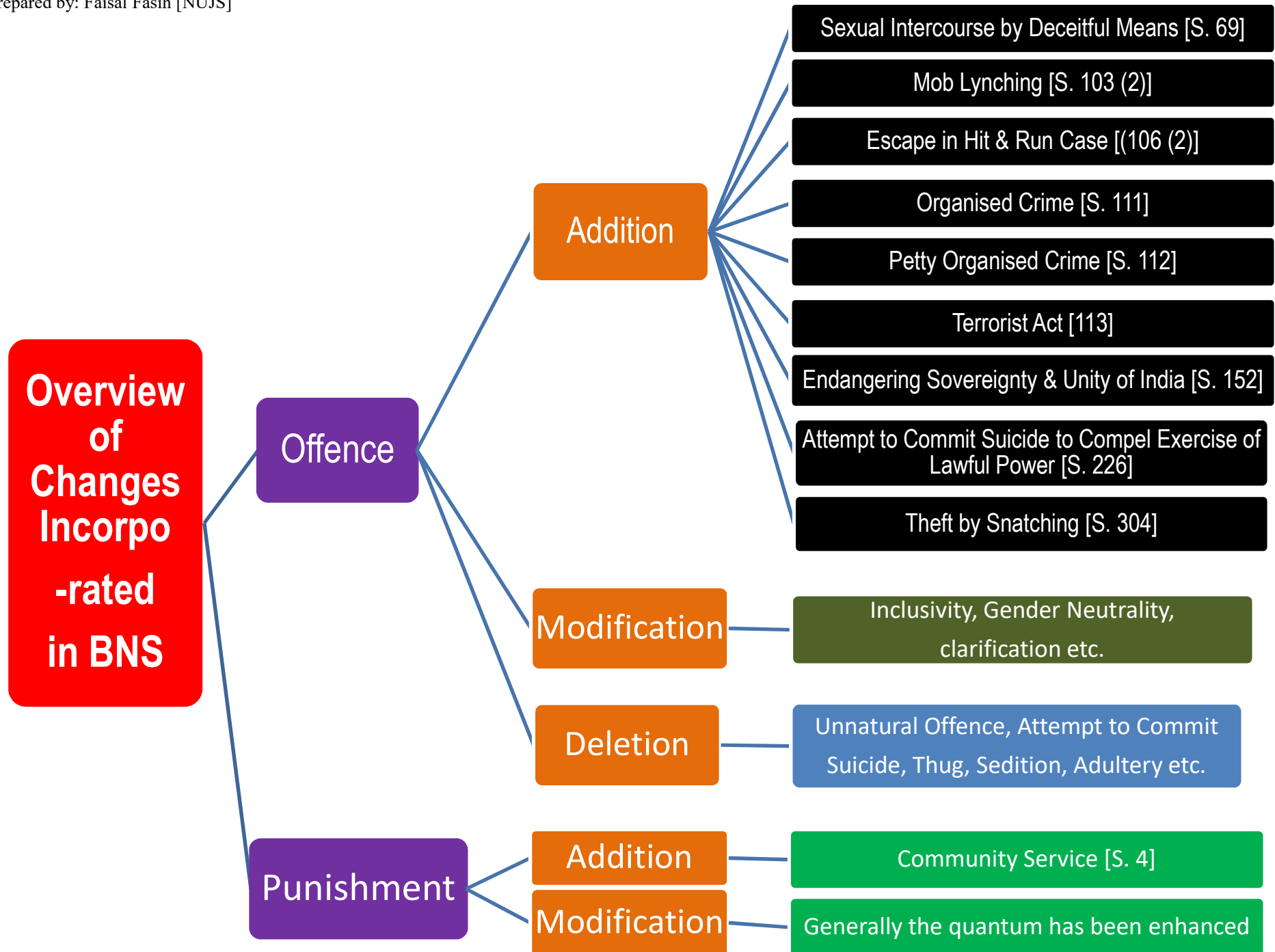
**CHANGES INCORPORATED
IN BHARATIYA NYAYA
SANHITA [BNS]**

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Community Service [Section 4]

The punishments of which offenders are liable under the provisions of this Sanhita are:...(f) Community Service

Defined in Explanation of Sec. 23 of BNSS

"Community service" shall mean the work which the Court may order a convict to perform as a form of punishment that benefits the community, for which he shall not be entitled to any remuneration."

Offences Where Community Service may be Awarded

1. Public Servant Wrongfully Engaging in Trade [S. 202]
2. Non-appearance in Response to Proclamation [S. 209]
3. Attempt to Commit Suicide to Compel or Restrain Public Servant from Discharging his Official Duties [S. 226]
4. Theft of Less than Rs. 5,000/- [S. 303]
5. Misconduct in Public by a Drunken Person [S. 355]
6. Defamation [S. 356]

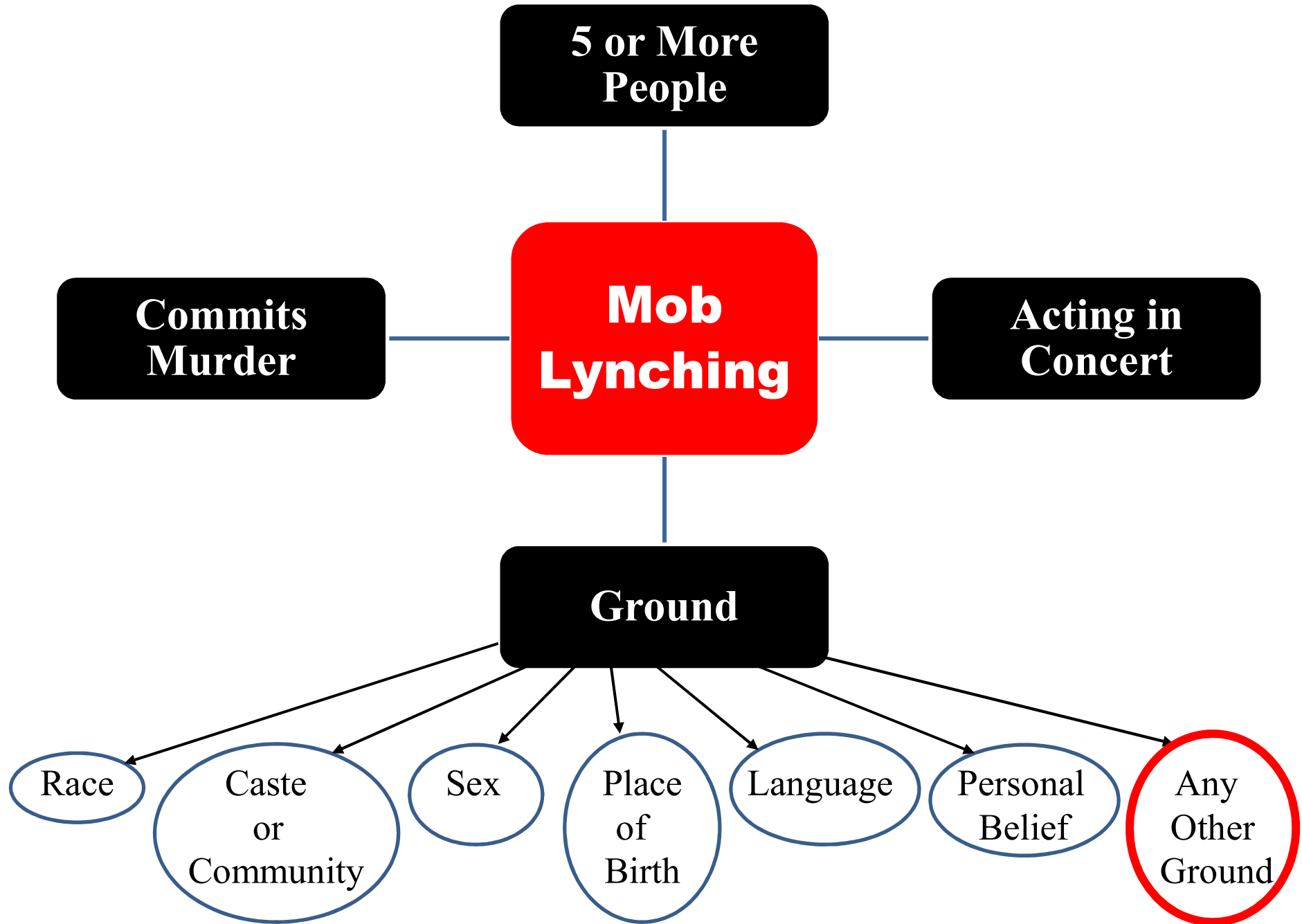
OFFENCES AFFECTING HUMAN BODY

Mob Lynching [Section 103(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 ground each member of such group shall be punished with death or with imprisonment for life, and shall also be liable to fine.

Case Law

- Tehseen Poonawala vs. UOI [AIR 2018 SC 3354]



Escape in Hit & Run Case

[Section 106(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.

Case Law

- State of Punjab vs. Dil Bahadur [(2023) SCC Online SC 3481]

Organised Crime

Organised Crime [Section 111(1)]

Any continuing unlawful activity **including** kidnapping, robbery, vehicle theft, extortion, land grabbing, contract killing, economic offences, cyber-crimes having severe consequences, trafficking in people, drugs, illicit goods or services and weapons, human trafficking racket for prostitution or ransom, by the effort of groups of individuals 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, corruption or related activities or other unlawful means to obtain direct or indirect, material benefit including a financial benefit, shall constitute organised crime.

Nature	Execution by	Means	Purpose
Continuing unlawful activity including kidnapping, robbery, extortion, cyber crimes etc by group of people acting in concert	Singly or jointly, either as a member of an organised crime syndicate or <u>on behalf of such syndicate</u>	Use of violence, threat of violence, intimidation, coercion, corruption or related activities or other unlawful means	Obtain direct or indirect, material benefit including a financial benefit

Explanation: For the purposes of this section –

(i) “organised crime syndicate” means a group of two or more persons who, acting either singly or jointly, as a syndicate or gang indulge in any continuing unlawful activity;

(ii) “continuing unlawful activity” means an activity prohibited by law which is a cognizable offence punishable with imprisonment of three years or more, undertaken by any person, either singly or jointly, as a member of an organised crime syndicate or on behalf of such syndicate in respect of which more than one charge-sheets have been filed before a competent Court within the preceding period of ten years and that Court has taken cognizance of such offence, and includes economic offence;

(iii) “economic offence” includes criminal breach of trust, forgery, counterfeiting of currency-notes, bank-notes and Government stamps, *hawala* transaction, mass-marketing fraud or running any scheme to defraud several persons or doing any act in any manner with a view to defraud any bank or financial institution or any other institution or organisation for obtaining monetary benefits in any form.



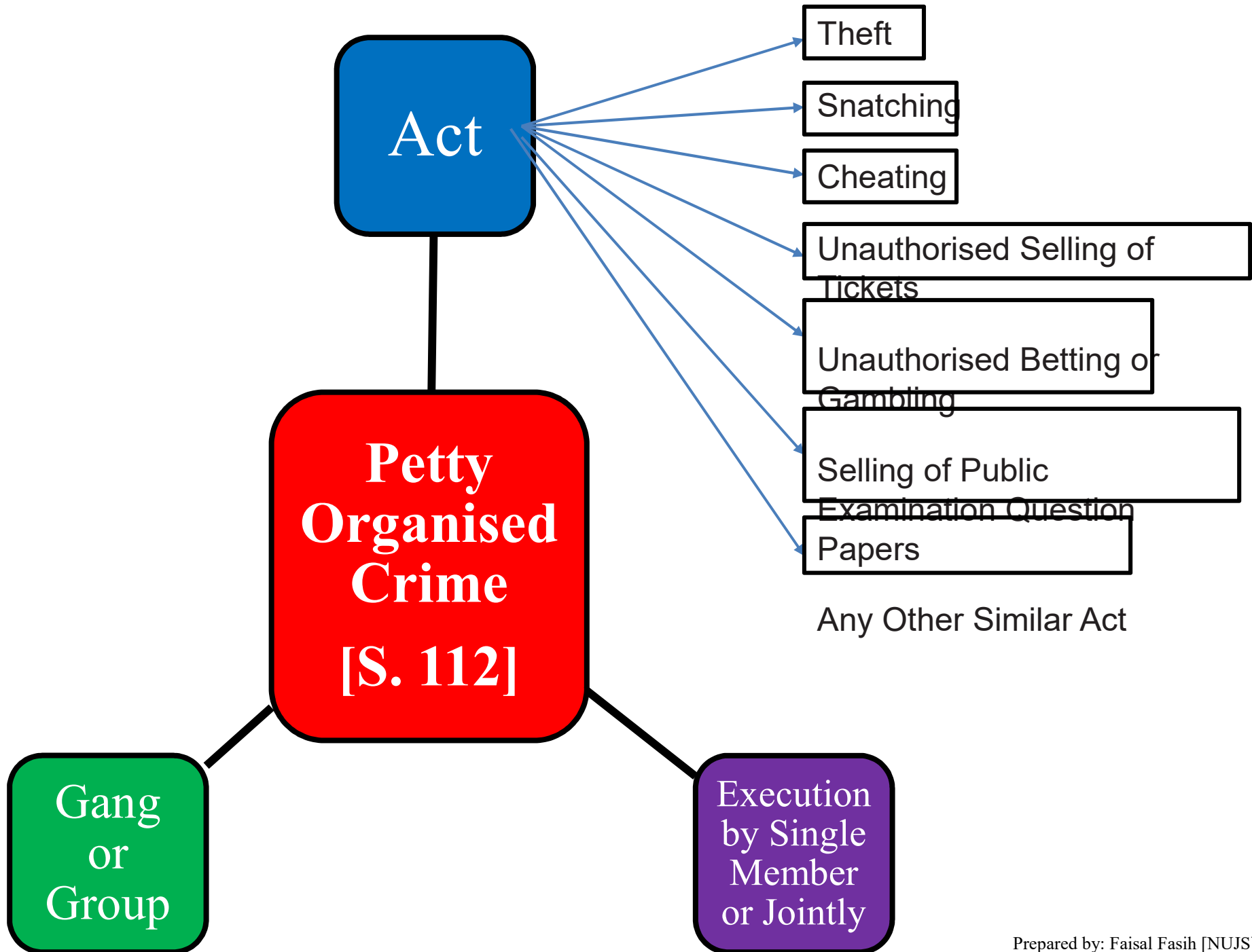
Petty Organised Crime [Sec. 112]

Section 112(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.

(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.

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



Terrorist Act [Section 113]

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

(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:

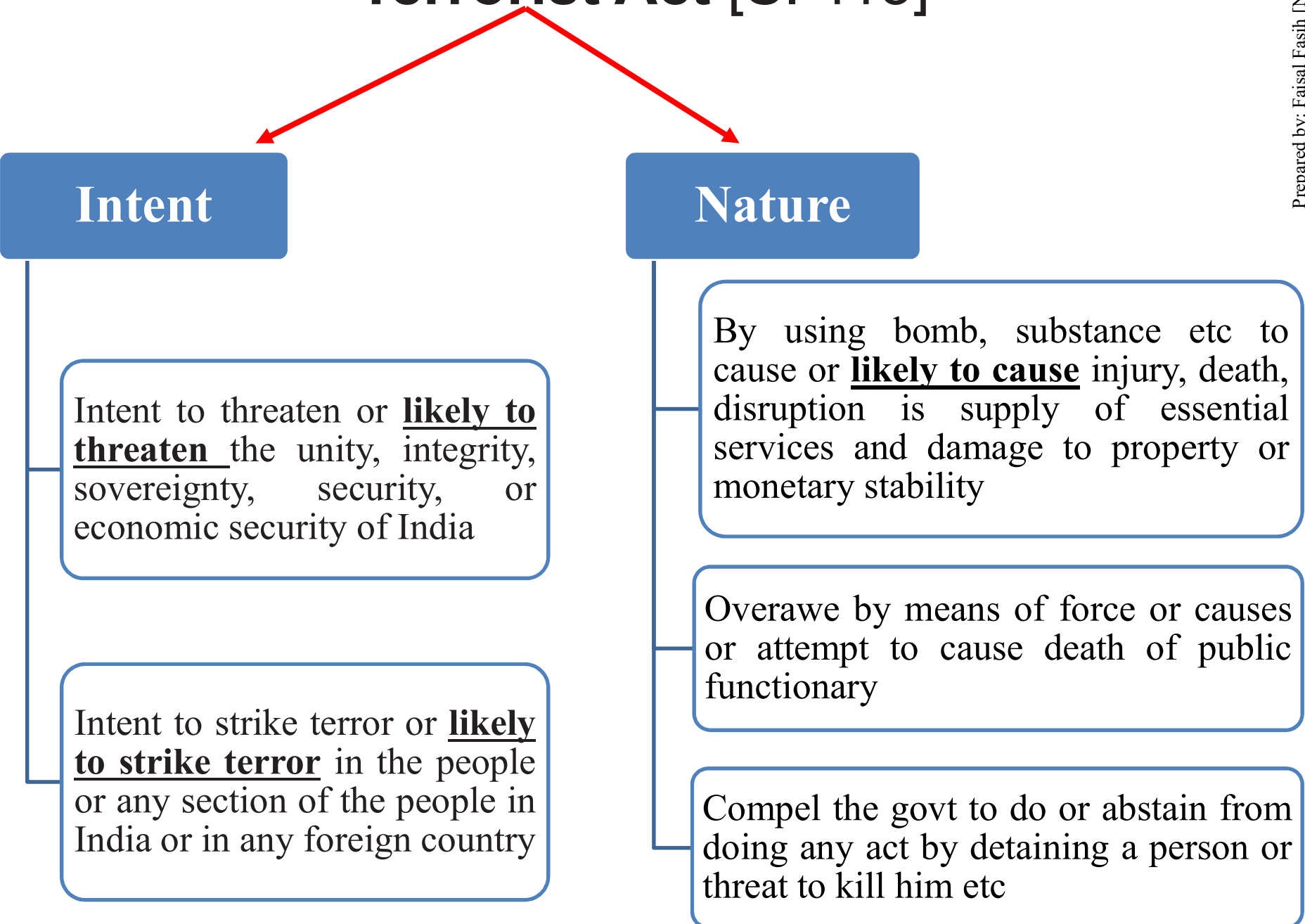
For the purpose of this sub-section,

(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.

Power of S.P. [Explanation of Sec. 113] – For the removal of doubts, it is hereby declared that the officer not below the rank of Superintendent of Police shall

Terrorist Act [S. 113]



Persons Who May be Charged for Terrorist Act

1. Commit
2. Conspire
3. Organise
4. Assist
5. Facilitate
6. Attempt
7. Prepare
8. Advocate
9. Abet
10. Advise
11. Incite
12. Member of Organisation
13. Organises Camp for Training
14. Harbour or Conceal Person Committed Terrorist Act
15. Possess Property Obtained from Terrorist Act
16. Recruit Person for Terrorist Act

**CHANGES INCORPORATED IN BNS
WITH RESPECT TO OFFENCES
RELATING TO PROPERTY**

Offences Relating to Property

Theft

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.

Theft by Snatching

Criminal Misappropriation

+ Entrustment \equiv **Criminal Breach of Trust**

Robbery

Extortion

Accused is present near to the victim and while extorting, put him or any other person in fear of instant death/hurt/wrongful restraint

+
5 Persons
↓
Dacoity

Cheating

Mischief

Criminal Trespass

Stolen Property

Theft by Snatching

[Section 304]

(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 moveable 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.

Meaning of Movable Property

IPC	BNS
<p>The words “movable property” are intended to include <u>corporeal</u> property of every description, except land and things attached to the earth or permanently fastened to anything which is attached to the earth [Sec. 22]</p>	<p>Section 2(21): “movable property” includes <u>property of every description</u>, except land and things attached to the earth or permanently fastened to anything which is attached to the earth [Sec. 2 (21)]</p>

Theft in Dwelling House etc

IPC	BNS
<p>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 [Sec. 380]</p>	<p>Whoever commits 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 (c) of any article or goods from any means of transport used for the transport of goods or passengers; or (d) of idol or icon in any place of worship; or (e) of any property of the Government or of a local authority, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine. [Sec. 305]</p>

Stolen Property

IPC

Property, the possession whereof has been transferred by theft, or by extortion, or by robbery, and property which has been criminally misappropriated or in respect of which criminal breach of trust has been committed, is designated as “stolen property”, whether the transfer has been made, or the misappropriation or breach of trust has been committed, within or without India. But, if such property subsequently comes into the possession of a person legally entitled to the possession thereof, it then ceases to be stolen property. [Sec. 410]

BNS

Section 317(1): Property, the possession whereof has been transferred by theft or extortion or robbery or **cheating**, and property which has been criminally misappropriated or in respect of which criminal breach of trust has been committed, is designated as stolen property, whether the transfer has been made, or the misappropriation or breach of trust has been committed, within or without India, but, if such property subsequently comes into the possession of a person legally entitled to the possession thereof, it then ceases to be stolen property. [Sec. 317]

OFFENCES AGAINST WOMAN AND CHILD

Sexual Intercourse by Employing Deceitful Means etc.

[Section 69]

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

Case Law

- Deelip Singh v. State of Bihar [(2005) 1 SCC 88]; Naim Ahamad v. NCT Delhi [2023 SCC Online SC 89] – The SC demarcated “false promise to marry from the very beginning” with “genuinely made promise

Hiring, Employing or Engaging a Child to Commit an Offence

[Section 95]

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.

Explanation

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

OFFENCE AGAINST STATE

Act Endangering Sovereignty, Unity & Integrity of India

[Section 152]

Whoever, purposely or knowingly, by words, either spoken or written, or by signs, or by visible representation, or by electronic communication or by use of financial mean, or otherwise, excites or attempts to excite, secession or armed rebellion or subversive activities, or encourages feelings of separatist activities or endangers sovereignty or unity and integrity of India; or indulges in or commits any such act shall be punished with imprisonment for life or with imprisonment which may extend to seven years, and shall also be liable to fine.

Explanation

Comments expressing disapprobation of the measures, or administrative or other action of the Government with a view to obtain their alteration by lawful means without exciting or attempting to excite the activities referred to in this section do not constitute an offence under this section

MISCELLANEOUS

Abetment Outside India for Offence in India

[Section 48]

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.

Case Law

➤ Ref. Mobarik Ali vs State of Bombay [AIR 1957 SC 857]

Attempt to Commit Suicide to Compel or Restrain Exercise of Lawful Power [Section 226]

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.

**Deleted
Provisions
of IPC**

Unnatural Offence [Sec. 377]

Counterfeiting of Coin Out of India [236]

Attempt to Commit Suicide [Sec. 309]

Thug [Sec. 310 & 311]

Sedition [124A]

Adultery [497]

Offences Relating to False Weight & Measure
[264-267]

Carrying Arms in Procession [153AA]

House Breaking by Night & Lurking House
Trespass [444 & 446]

Construction of Reference to Transportation [53A]

Thank you!