

OFFENCES AGAINST WOMAN & CHILD

UNDER BHARATIYA NYAY SANHITA 2023

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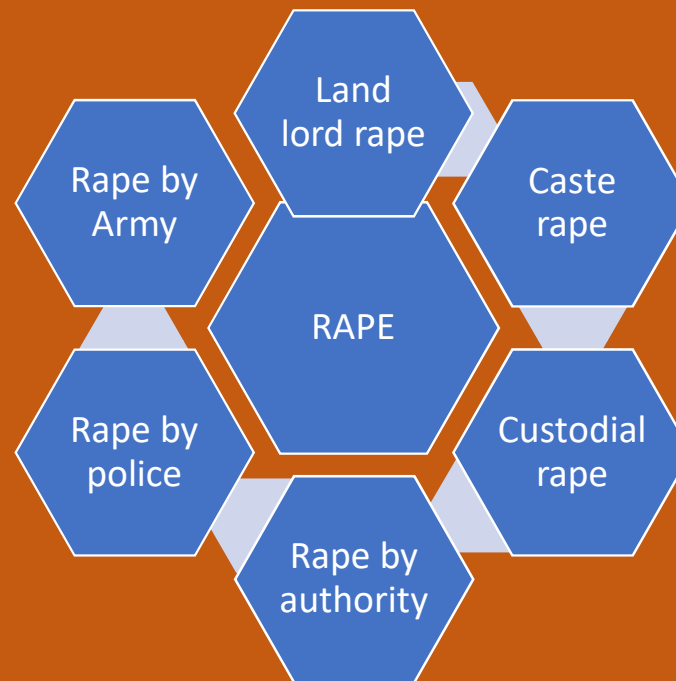
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SEXUAL OFFENCES
SECTION 63 TO SECTION 73 BNS

Rape: Section 63 BNS [Section 375 IPC Now repealed]

- Most common yet under reported crime against women
- Cuts across various social structures
- Of late many cases are being reported but conviction rate is around 3% only.

Classification of Rape



- Rape not recognised: Marital rape, rape of sex workers

Classifications Suggest

- Rape is assertion of power
- Power rests on various social structures such as:
Caste, class, authority of state, employer, army
family
- Intersecting with patriarchal notions of society

Feminist Movement

- Feminist movements connected rape considered:
 - Larger framework of oppression by State and leading sections of society
 - Raised the issues of gender, class, caste, and family oppressions
 - It has taken commission of heinous crimes, sacrifice of young female lives to shake the conscience of the law makers and awaken them from slumber.

WATERSHED STAGES

Aruna Shanbaug 1973 raped-went into a vegetative state-remained in that state till 2015 i. e. 42 years. Died of pneumonia in 2015	Aruna Ramchandra Shanbaug v. Union of India [2015] Judgment on Euthanasia
Raqmeeza Bee Rape case Hyderabad 1978	No action taken
Mathura rape case Delhi, 1979	Criminal Law Amendment Act, 1983 introduced custodial rape
Bhanwari Devi, Rajasthan 1992	Vishakha v. State of Rajasthan [1997], Sexual harassment law,2013
Nirbhaya rape case Delhi 2012	Criminal Law Amendment Act, 2013
Unnao rape case Uttar Pradesh 2017 & Kathua, Jammu 2018	Criminal Law Amendment Act, 2018
Priyanka Reddy Hyderabad 2019	Encounter of the accused
R. G. Kar – Tilottama/Abhaya Kolkata, West Bengal, 2024	On going – allegation of deep conspiracy- APARAJITA BILL

The Journey Commences: Rameeza Bee rape case

- It happened in 1978 in Hyderabad where a woman by the name of Rameeza Bee was raped by several policemen. When her husband, a rickshaw-puller, protested against the gang rape, he was murdered.
- In protest, 22,000 people including activists marched to the police station and put the husband's body on the veranda, blocked the roads, cut telephone wires, stoned the buildings and set fire to some bicycles in the compound. It was only after two platoons of police were called that the people were brought under control. However, this didn't end the agitation. Moreover, politicians now got involved and the next day the Chief Minister was [gheraoed](#) and prevented from leaving, by members of the opposition until their demands were met. Amidst this the police started firing at the crowd which worsened the situation. A *bandh (strike)* was declared the next day to protest the firing, with a curfew in 16 districts, and 9 people were killed and 80 injured in Hyderabad and Secunderabad. The unrest could not be stopped even after the army was deployed, and were finally suppressed by declaring President's Rule and appointing a commission to enquire into the rape and murder.

Aftermath

- Politicians got involved- Rape became an agenda for enlargement of vote bank
- Though found guilty, police men were acquitted
- Other rape cases in Guwahati and Jharkhand, the agitation continued even in 1979
- Instances of extreme judicial insensitivity

Watershed I: Mathura Rape Case

- The story begins with **Tukaram v State of Maharashtra [AIR 1979 SC 185]**
- This case witnessed the problem of custodial rape of a young girl named Mathura. The Judgment of this case delivered by Justice Jaswant Singh, Justice Kailasam and Justice Koshal were highly condemned and criticized for its logical, legal and linguistic fallacies along with its ambiguous and sexist tone.

Reaction of the Intelligentsia

- This case gained widespread recognition after four distinguished professors:
 - Upendra Baxi
 - Raghunath Kelkar
 - Lotika Sarkar, and
 - Vasudha Dhagamwarwrote an open letter to the Chief Justice of India in 1979 to have the case reheard.
- Extreme insensitivity of the Judges

Feminist movement

- A feminist group in Mumbai, came across this letter in February 1980
- Through this letter feminist groups brought the issue of rape to the forefront.
- ***Forum Against Rape* (later changed to *Forum Against Oppression of Women*) was formed,**
- and decided to start a campaign for reopening the case. For this, the group wrote to feminist groups throughout the country to organise protests on International Women's day (March 8).
- **This was the first time that feminist groups had co-ordinated with other groups beyond their states.**

Feminist Movement Failed

- The coordination did not last long, with links being severed between the cities.
- Communication Failure-No smartphone, digital, and social platform support
- However, there was now more coverage of rape cases and protests against rape in the media
- The issue also became subject to public debates.
- Politicians, at local, state and central levels, were now also often held responsible for the crimes, thereby politicising the issue as one of state oppression.

The Flip Side

- However, the involvement of mainstream politics also brought complications with it.
- The focus shifted from the class and gender subordination to the **patriarchal aspect of rape** as a violation of the women's honour and therefore, **a need for her protection**.
- Moreover, feminist groups too, were in a dilemma as the presence of political parties increased their numbers, **but were constrained by them morally and strategically and by Party policy**.

Government Action: Introduction of Custodial rape, gang rape & In-camera trial

- The government had given in to feminists' demands for change in rape law.
- It introduced the category of ***custodial rape***, comprising of state functionaries, employers, immediate superiors. **[Section 376 (2)] LI to LI till remainder of life, Fine sufficient for treatment and rehabilitation of victim. [2018 Amendment]**
- It also added the categories '***mass***' and '***gang***' rape to the already existing individual rape. **[Section 376 DLI to LI till remainder of life, Fine sufficient for treatment and rehabilitation of victim. [2013 Amendment]**
- '***in camera***' trial and the onus of proof to be shifted onto the accused instead of the victim.

Critique: Monitoring v. Identity Protection

- However, feminists found the amendments limited in their scope.
- Those against the *in camera* clause argued that this does not allow for any public monitoring of the rape cases,
- while those for this clause maintained that at least it protected the identity of the victim.

Critique: Burden of Proof

- The most contested clause was, however, the Burden of proof clause According to the clause, **if the woman could prove that she had been forced into intercourse, then the accused would be presumed guilty until proven otherwise.**
- This triggered off a debate whether **too much power was given to the woman with which she could victimise a man**

Aftermath

- This case stirred up great passions and resentment amongst people in the society.
- A law more sensitive to the feelings of the victims had to be drafted, that protected their human rights and dignity.
- This resulted in the Criminal Law Amendment Act being passed in 1983.

The Impact

Mohd. Habib v. State, 1989 Cri. LJ 137:

- The Delhi High Court acquitted the accused for the rape of Aruna Kumari.
- The court again equated no “marks of injury” on his genital parts to lack of resistance by the victim.
 - The facts that Aruna was between 7-10 years, her hymen was ruptured,
 - there were bite marks on her body and
 - there was an eyewitness to this entire incident
- was also considered inconsequential to this Court.

WATERSHED II: Bhanwari Devi

- **Bhanwari Devi (1992)**, the court held that the accused couldn't be held guilty of rape even after the semen of five different men were found in her vaginal swab and on her clothes
- The victim was a Dalit while the accused were from an upper caste and would **“not stoop so low to have sexual relations with a Dalit”**
- Led to formulation of guidelines on sexual harassment at workplace in **Vishakha v. State of Rajasthan, AIR 1997 S C 3011**

Watershed III: Nirbhaya Rape Case

- The **2012 Delhi gang rape** case involved a rape and fatal assault that occurred on 16 December 2012.
- The incident took place when a 23-year-old female Jyoti Singh Pandey was beaten, gang raped, and tortured in a private bus in which she was travelling with her friend, Awindra Pratap Pandey.
- There were six others in the bus, including the driver, all of whom raped the woman and beat her friend. Eleven days after the assault, she was transferred to a hospital in Singapore for emergency treatment but died from her injuries two days later

Verma Commission

- A Judicial committee was setup under chairman ship of late Justice J. S. Verma up to study and take public suggestions for the best ways to amend laws to provide quicker investigation and prosecution of sex offenders.
- After considering about 80,000 suggestions, the committee submitted a report which indicated that **failures on the part of the government and police were the root cause behind crimes against women.**

Criminal Law (Amendment) Act, 2013

- The Indian Penal Code, 1860 used to govern the substantive part and the Code of Criminal Procedure, 1973 along with the Indian Evidence Act, 1872 governed the procedural part of the criminal law of the country.
- These Acts were amended several times to keep pace with the changing demands of society.
- One major amendment in these laws was the **Criminal Law (Amendment) Act, 2013. Nirbhaya Act.**

The Criminal Law (Amendment) Act, 2013

- The Criminal Law (Amendment) Act, 2013 was passed, with changes in Section 375 of IPC, Cr. P. C. & Evidence Act to tighten the laws against rape and sexual assaults against women.
- **Broadened the definition of rape,**
- **Capital punishment for rape cases that have lead to death or rendered the victim in a '*persistent vegetative state*' and minimum 20 years imprisonment for life remainder of accused's life for gang rape.** The Criminal Law (Amendment) Act, 2013

Critique of The Criminal Law (Amendment) Act, 2013

- The Act was also criticised **for not being inclusive** [not including any other gender in the victim category] or
- That of **women in the perpetrator category,**
- **Not recognising marital rape and**
- **Not reducing the age of consent from 18 to 16.**
- There were also no amendments in the AFSPA [Armed Forces Special Powers Act 1958] as suggested by the Justice Verma Commission, according to which **no sanction was required to prosecute an armed force official accused of rape or sexual assault.**

Feminist Movement- Shift in focus

- The feminist groups wanted to develop a class consciousness amongst women, a consciousness of women's oppression, by taking up an issue that they could very much relate to.
- However, the ground reality was much more complex, especially when dealing at such a large scale.
- Nonetheless, **rape now became a socio-political affair**, and issues like:
 - consent of a woman,
 - the definition of rape, issues which were earlier looked at from a parochial view and often became the defence of rapists,
 - were now being articulated in the public sphere.

The original definition of rape in 1860

- Section 359 to 360: Macaulay Draft definition of Rape.
- A man is said to commit "rape" who, except in the case hereinafter excepted, has sexual intercourse with a woman under circumstances falling under any of the six following descriptions:-
 - First.- Against her will.
 - Secondly.- Without her consent while she is insensible.

- Exception:
- Sexual intercourse by a man with his wife is in no case rape .
- 375- final version- exception: Sexual intercourse by a man with his own wife, the wife not being under 10 years of age, is not rape.
- 1891 the age raised from 10 years to 12 years in Fulmoni's [1891]

Definition of rape after 1983 Amendment

- Section 375 IPC Now repealed:
- Rape: A man is said to commit” rape” who, except in the case hereinafter excepted, has sexual intercourse with a woman under circumstances falling under any of the six following 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 sixteen years of age.

- Explanation.- Penetration is sufficient to constitute the sexual intercourse necessary to the offence of rape.
- Exception.- Sexual intercourse by a man with his own wife, the wife not being under fifteen years of age, is not rape.”

Definition of rape after 2013 Amendment: insertion of foreign objects

- A man is said to commit “rape” if he—
- 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
- 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

- 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
- 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:—

- 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.'**

Impact & Watershed IV: Unnao & Kathua

- The Unnao rape case was another shock to the nation where a teenage girl accused an MLA of raping her in the year 2017. She tried to set herself on fire in front of the MLA's residence in Unnao, northern Uttar Pradesh.
- An 8-year-old girl was raped in Kathua, a district of Jammu and Kashmir. It has been alleged that she was kept in a Shrine of Durga Mata for several days and raped continuously and later murdered.

Definition of rape after 2018 Amendment

- Earlier Section 376(1) dealt with punishment for rape of a woman in all the circumstances and the punishment in such cases was rigorous imprisonment of a minimum seven years which may be extended to imprisonment for life.
- Now The punishment under this section has been amended to **10 years which may be extended to life imprisonment & fine.**

- Punishment for rape on a woman under sixteen years of age has been added by the amendment.
- Punishment in such cases has to be rigorous imprisonment of a minimum twenty years which may extend to life imprisonment. Section 376 (3)

- Punishment for rape on a woman under twelve years of age has also been added by the amendment.
- The punishment in such cases is defined as a minimum twenty years rigorous imprisonment which may extend to imprisonment for life. The offender in such cases can also be punished with death penalty. Section 376AB

- Moreover, Section 376DA and 376DB have been added by the amendment which deals with punishment for gang rape on a woman under sixteen years and twelve years respectively.
- The punishment in such cases has to be invariably imprisonment of life. However, for gang rape on a woman under twelve years of age **death penalty can also be awarded.**

Definition of rape under 63 BNS 2023: Old wine in new bottle

- **Section 63:** 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; **(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.

SECTION 64: PUNISHMENT FOR RAPE

TYPE OF RAPE	PUNISHMENT
RAPE	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.
CUSTODIAL RAPE	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.
RAPE BY AUTHORITY	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.

SECTION 65 BNS PUNISHMENT OF RAPE IN CERTAIN CASES

TYPE	PUNISHMENT
commits rape on a woman under sixteen years of age	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
commits rape on a woman under twelve years of age	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 sub-section shall be paid to the victim.

SECTION 66 PUNISHMENT –VEGETATIVE STATE

TYPE	PUNISHMENT
commission of rape inflicts an injury which causes the death of the woman or causes the woman to be in a persistent vegetative state	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.

Section 120 BSA [Amendment of Indian Evidence Act 1872 in 1983 Now Repealed]

- Section 120 BSA [Section 114A IPC Now Repealed] was introduced in the Indian Evidence Act. [1983 Amendment]:
- Presumption in favour of rape victim and includes attempt to rape
- 120. In a prosecution for rape under sub-section (2) of section 64 of the Bharatiya Nyaya Sanhita, 2023, where sexual intercourse by the accused is proved and the question is whether it was without the consent of the woman alleged to have been raped **and such woman states in her evidence before the Court that she did not consent, the Court shall presume that she did not consent.** Presumption as to absence of consent in certain prosecution for rape. Explanation.—In this section, "sexual intercourse" shall mean any of the acts mentioned in section 63 [Rape] of the Bharatiya Nyaya Sanhita, 2023

Section 308 of BNSS [Amendment of Criminal Procedure Code 1973 after 2013 Now Repealed]

- Now Section 308 , Bharatiya Nagarik Suraksha Sanhita 2023
- Evidence to be taken of woman below 18 years:
- Provided that where the evidence of a woman below the age of eighteen years who is alleged to have been subjected to rape or any other sexual offence, is to be recorded, the Court may take appropriate measures to ensure that such woman is not confronted by the accused while at the same time ensuring the right of cross-examination of the accused.
- Explanation.—In this section, "accused" includes a person in relation to whom any proceeding under Chapter IX has been commenced under this Sanhita

Section 48, BSA [Amendment of Indian evidence Act, 1872 after 2013 Now Repealed]

- Section 48. In a prosecution for an offence under section 64 **Punishment for Rape**, section 65 **Punishment of rape in certain cases(minors)**, section 66 **Punishment in case of rape causing death or vegetative State**, section 67 **During separation**, section 68 **rape by person in authority**, section 69 **by deceitful means**, section 70 **Gang rape**, section 71 **Repeat offenders**, section 74 **Assault to outrage her modesty**, section 75 **Sexual harassment**, section 76 **criminal force to disrobe**, section 77 **Voyeurism** or section 78 **Stalking** of the Bharatiya Nyaya Sanhita, 2023 or for attempt to commit any such offence, **where the question of consent is in issue**, evidence of the character of the victim or of such person's previous sexual experience with any person **shall not be relevant** on the issue of such consent or the quality of consent.

Section 173 BNSS [Amendments of Section 154 Cr.P.C Now Repealed]

Proviso to Section 173. (1) Provided that if the information is given by the woman against whom an offence under section 64 [Punishment for rape], section 65 [Rape of Minors], section 66 [Rape resulting in vegetative state or death], section 67 [Intercourse with wife during separation], section 68 [Intercourse by persons in authority], section 69 [By deceitful means], section 70 [Gang Rape], section 71 [Repeat Offenders], section 74 [criminal force to outrage modesty], section 75 [Sexual Harassment], section 76 [Disrobing], section 77 [voyeurism], section 78 [Stalking], section 79 [gesture etc. to insult woman] or section 124 [Acid attack] of the Bharatiya Nyaya Sanhita, 2023 is alleged to have been committed or attempted, then such information shall be recorded, by a woman police officer or any woman officer:

Section 179 BNSS [Amendments Under Cr.P.C Now Repealed]

- **Proviso to Section 179 (1)** Provided that no male person under the age of fifteen years or above the age of sixty years or a woman or a mentally or physically disabled person or a person with acute illness shall be required to attend at any place other than the place in which such person resides:
- Provided further that if such person is willing to attend at the police station, such person may be permitted so to do.

Marital Rape

- Marital Rape is defined as non consensual sex with wife who is over the age of 15 years. The crux of the argument is that any coercive or non consensual sex with a wife over the age of 15 years will not be considered as rape within the purview of section 63 BNS.
- The immunity of the husband from getting convicted for marital rape arises from the assumption that **after marriage husband gets a lifelong consent for sexual intercourse with his wife.**

CRIMINAL FORCE AND ASSAULT AGAINST
WOMAN SECTION 74 TO SECTION 79 BNS

Section 77 BNS- Voyeurism

- **Section 77 BNS:** 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.

- Assault or use of criminal force to woman with intent to outrage her modesty. Sexual harassment assault or use of criminal force to woman with intent to disrobe. Voyeurism. Printing or publishing any matter relating to Court proceedings without permission .
- *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.

SECTION 118 BNS :ACID ATTACK

- **SECTION 118 BNS.** (1) Whoever, except in the case provided for by sub-section (1) of section 122 [[provocation](#)], 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 which may extend to twenty thousand rupees, or with both.**

Section 124 BNS: 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 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

(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.

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.

SECTION 74 BNS: ASSAULT OR USE OF CRIMINAL FORCE TO OUTRAGE MODESTY

- **Section 74 BNS:** 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.

SECTION 75 BNS: SEXUAL HARASSMENT

- SECTION 75 BNS: (1)Aman 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.

SECTION 76 BNS: DISROBING

- **SECTION 76.** 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.

SECTION 78 BNS: STALKING

SECTION 78 BNS. (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.

SECTION 79 BNS: EVE TEASING

- SECTION 79 BNS: Insulting the modesty of a women by uttering words, making sound or gesture or exhibiting any object and intruding upon the privacy of a women.
- Punishment: Simple imprisonment for a term up to 3 years and fine.

SECTION 130 BNS: ASSAULT

- **SECTION 130BNS.** 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.

PROCURATION, KIDNAPPING, TRAFFICKING

SECTION 87 & SECTION 141 BNS: Procurement of a Minor Girl

- **SECTION 87 BNS.** 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

SECTION 142 BNS: WRONGFUL CONFINEMENT OF KIDNAPPED PERSON

- **SECTION 142.** 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.

SECTION 129 BNS: CRIMINAL FORCE

- **CRIMINAL FORCE 129.** 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.

SECTIONS 143,144,98,99 BNS: **Trafficking**

- SECTION 98 BNS: 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 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.

SECTION 99 BNS: PROCURATION FOR PROSTITUTION

- SECTION 99 BNS: 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.

SECTION 143 BNS: Trafficking of person.

- SECTION 143 BNS: (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 practicing 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.

SECTION 144 BNS: EXPLOITATION OF TRAFFICKED PERSONS

- SECTION 144 BNS: (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.

OFFENCE RELATING TO MARRIAGE

SECTION 80 BNS: DOWRY DEATH

- SECTION 80 (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.
- (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.

SECTION	PROVISION	PUNISHMENT
SECTION 81	Cohabitation caused by man deceitfully inducing belief of lawful marriage.	imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine
SECTION 82	Marrying again during lifetime of husband or wife.	imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine
SECTION 83	Marriage ceremony fraudulently gone through without lawful marriage.	imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.
SECTION 84	Enticing or taking away or detaining with criminal intent a married woman.	imprisonment of either description for a term which may extend to two years, or with fine, or with both
SECTION 85	Husband or relative of husband of a woman subjecting her to cruelty.	imprisonment for a term which may extend to three years and shall also be liable to fine.
SECTION 86	<p>“cruelty” means—</p> <p>(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</p> <p>(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.</p>	
SECTION 87	Kidnapping, abducting or inducing woman to compel her marriage, etc.	imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine

OF CAUSING MISCARRIAGE ETC
SECTION 88 TO 92 BNS

OF CAUSING MISCARRIAGE ETC SECTION 88 TO 92 BNS

SECTION	PROVISION	PUNISHMENT
SECTION 88	Causing miscarriage.	imprisonment of either description for a term which may extend to three years, or with fine, or with both
SECTION 89	Causing miscarriage without woman's consent	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 90	Death caused by act done with intent to cause miscarriage	imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.
SECTION 91	Act done with intent to prevent child being born alive or to cause to die after birth.	imprisonment of either description for a term which may extend to ten years, or with fine, or with both.
SECTION 92	Causing death of quick unborn child by act amounting to Culpable homicide.	imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

OFFENCES AGAINST CHILD
SECTION 93 TO 99 BNS

SECTION	PROVISION	PUNISHMENT
SECTION 93	Exposure and abandonment of child under twelve years of age, by parent or person having care of it.	imprisonment of either description for a term which may extend to seven years, or with fine, or with both
SECTION 94	Concealment of birth by secret disposal of dead body.	imprisonment of either description for a term which may extend to two years, or with fine, or with both.
SECTION 95	Hiring, employing or engaging a child to commit an offence.	imprisonment of either description which shall not be less than three years but which may extend to ten years, and with fine
SECTION 96	Procuration of child.	imprisonment which may extend to ten years, and shall also be liable to fine.
SECTION 97	Kidnapping or abducting child under ten years of age with intent to steal from its person.	imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.
SECTION 98	Selling child for purposes of prostitution, etc.	imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.
SECTION 99	Buying child for purposes of prostitution, etc.	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.

Thank You