



THE BHARATIYA NYAYA SANHITA 2023

Middle Stage
Classes VI to VIII



September 2024
Bhadrapada 1946

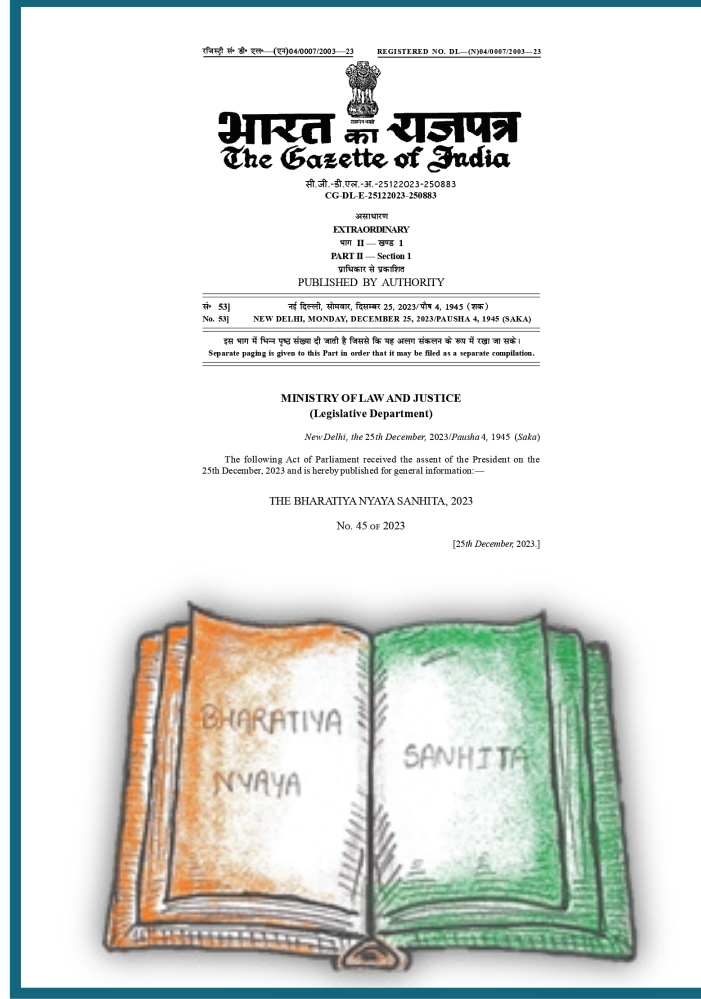
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Middle Stage Classes VI to VIII



राष्ट्रीय शैक्षिक अनुसंधान और प्रशिक्षण परिषद्
NATIONAL COUNCIL OF EDUCATIONAL RESEARCH AND TRAINING



Bharatiya Nyaya Sanhita, 2023



Learning outcomes



After going through this module, you will be able to:

- understand how British colonial laws shaped India's legal system
- know the evolution of India's legal system after independence
- understand the importance of continuous legal reforms to address emerging challenges and new forms of crime in the society
- know the changes brought forth by the new criminal law—BNS

Evolution of Criminal Law in India



The Criminal Justice System in India follows the legal procedures established by the British during the pre-independence era. An Indian Penal Code (IPC) was established in the year 1860. This defined crime and prescribed the appropriate punishments. It was developed in line with the English criminal law. The Code of Criminal Procedure was enacted in 1861. This established the rules to be followed in the stages of a criminal process. In the year 2000, the Government of India formed a committee headed by the former Chief Justice of Kerala and Karnataka, Justice V.S. Malimath, to suggest an overhaul of the century-old criminal justice system to address modern societal and technological changes.

In 2023, India amended the key legal statutes to meet contemporary needs. The Indian Penal Code (1860) was replaced with the Bharatiya Nyaya Sanhita (BNS), the Code of Criminal Procedure (1973) was replaced with the Bharatiya Nagarik Suraksha Sanhita (BNSS), and the Indian Evidence Act (1872) was replaced with the Bharatiya Sakshya Adhinyam (BSA). These new laws introduce updated features, including specific provisions for the



protection of women and children, and represent a necessary evolution of India's criminal justice system.



Bharatiya Nyaya Sanhita (BNS)

The BNS was enacted on 25 December 2023, and came into effect on 1 July 2024, replacing the Indian Penal Code (IPC) of 1860. Lawmakers and legal experts deemed the old code insufficient for modern needs and called for a comprehensive update. The new BNS 2023 replaced the earlier IPC 1860 due to contemporary societal changes and emerging nature of crimes such as cybercrime.



Significance of BNS, 2023

Bharatiya Nyaya Sanhita, 2023 is considered as a progressive step for bringing in laws *by the Indians and for the Indians* as it marks the end of Indian Penal Code (IPC) designed during colonial era. Sedition, the most debated colonial era law finds no place under BNS, bringing hopes to people who were arguing for such changes in Indian law and punishment system. BNS also includes new ways of punishment like community services and punishment for minor offences which will keep the convicts out of prison for their minor offences and long trials. With the change of time and advancement of technology, the nature of societal requirements and crimes have changed.

BNS has very significantly brought in provisions to deal with such advancements, for instance, regarding punishments related to cybercrime which had no place initially under IPC. Adhering to the societal norms and values, BNS has very significantly widened its scope of punishment in terms of crimes against women. Moreover, Bharatiya Nyaya Sanhita also stands significant due to its wide range of coverage that includes crimes like hate speech, defamation and mob lynching whose presence could be found in present day India to a great extent. Punishments related to environment pollutions are also present in BNS which reflects the crucial needs of the



time and society. Hence, Bharatiya Nyaya Sanhita is significant to deal with the crimes of the present day.

Salient Features of Bharatiya Nyaya Sanhita (BNS)

- There are 20 chapters, 358 sections in the BNS (IPC had 511 sections).
- In comparison to IPC, the BNS has hiked penalty and enhanced punishment. Also, newer forms of punishments have been instructed such as community service.
- It is comparatively more streamlined, for example, chapters refer to offences like offences against women and children have been consolidated under Chapter 5 (in IPC, it was scattered).
- Under Section 2(8), 'documents' also include 'Electronics and Digital Records'.
- Under Section 2(10), 'gender' is defined in inclusive manner. It refers to male, female and transgender.
- Similarly, under Section 2(3) 'child' means a person below the age of 18.

Key Changes brought by Bharatiya Nyaya Sanhita (BNS)

The newly introduced BNS has made significant changes to the previous Indian Penal Code (IPC), while preserving its core essence and essential provisions. Some notable changes are:

1. **Community Service as a Form of Punishment:** This concept, absent in the IPC, now applies to minor offences such as failure to appear in response to a proclamation, attempted suicide, public misconduct by intoxicated individuals, defamation and similar offences. Offenders under this provision are required to perform unpaid work that benefits the community, thereby contributing to society through their actions (Ministry of Home Affairs, 2023).



2. **Sedition:** Section 124A of the Indian Penal Code (IPC) states that anyone who uses words, whether spoken, written or through signs or visible representations, to bring hatred, contempt or disaffection towards the Government of India, can be punished with imprisonment for life, or with imprisonment up to three years plus fine, or with just fine (IPC).

Sedition, which was seen as a harsh law during British rule, was used to intimidate and suppress freedom fighters advocating for independence. The first sedition case in India was in 1891 at the Calcutta High Court in *Queen Empress vs. Jogendra Chunder Bose*, where individuals were tried for publishing criticism of the British government's policy (Parthasarathy, 2022). In 1897, Bal Gangadhar Tilak was convicted under sedition for his speeches. Mahatma Gandhi was also sentenced to six years in prison under sedition in 1922 for his work in the *Young India Journal*.

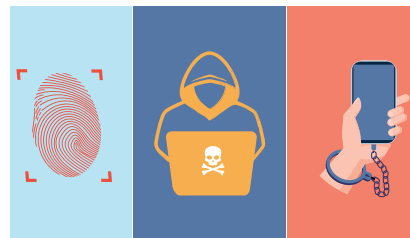


The BNS repeals IPC Section 124A and introduces Section 152 in its place. Instead of using the term 'sedition', Section 152 of BNS addresses acts endangering the sovereignty, unity and integrity of India (Ministry of Home Affairs, 2023). This change reflects BNS's adaptation to contemporary challenges and its broader approach to the concept previously covered by sedition laws.

Activity: Ask the students to display newspaper cuttings related to the historical development of sedition cases in India.

3. **Commission of Offences through Electronic Means:**

The proliferation of the internet, social media platforms and modern information technology has necessitated the creation of new laws to address unfair practices or crimes enabled



by these advancements. Between January and April 2024, Indian citizens suffered losses exceeding ₹ 1,750 Crore due to cybercriminal activities, as reported through over 740,000 complaints lodged on the National Cybercrime Reporting Portal managed by the Ministry



of Home Affairs (National Cybercrime Reporting Portal, Ministry of Home Affairs, 2024). These recent crimes were not covered by the IPC of 1860.

To address this gap, Section 2(39) of the BNS has been introduced. It specifies that all terms related to technology and digital media shall carry the same meanings as defined in the Information Technology Act, 2000, and the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNS, 2023 (Ministry of Home Affairs, 2023). The Information Technology Act 2000 defines terms like data, computer system, cybercrime, cyber security, digital signatures, etc., in the Chapter I Government of India (Government of India, 2000). Punishments for these offences can extend up to life imprisonment. Additionally, Section 2(8) of the BNS expands the definition of 'documents' to include electronic and digital records, thereby enhancing their legal recognition in all forms.

Activity: Ask the students to make pictorial presentations on types of cybercrimes and how they can be mitigated under BNS.

- Defamation:** Section 499 of the IPC states, "Whoever, by words spoken or intended to be read, or by signs or visible representations, makes or publishes any imputation concerning any person, intending to harm or knowing or having reason to believe that such imputation will harm the reputation of that person, commits defamation" (IPC, 1860). Whoever defames another shall be punished with simple imprisonment for a term which may extend to two years, or with a fine, or with both.

Under the Bharatiya Nyaya Sanhita (BNS), the punishment now includes imprisonment for up to 2 years, a fine, or both, as well as the option of community service (Ministry of Home Affairs, 2023).



Activity: Divide the class into groups and ask them to prepare a role-play on adverse effects of defamation on a child's mental health.



5. **Attempt to Commit Suicide:** Section 309 of the IPC classified attempted suicide as a criminal offence, punishing already distressed and mentally vulnerable individuals (Indian Penal Code, 1860). The Mental Healthcare Act of 2017 (MHCA) aimed to decriminalise attempted suicide, but confusion persisted due to the IPC's criminalisation.



The BNS simplifies this by stating that attempted suicide is not a criminal offence, except when it is committed with the intent to compel or restrain a public servant from performing their official duty. In such cases, it can result in punishment of up to one year of simple imprisonment, or community service, or both.

Activity: Organise an awareness campaign regarding prevention of suicides. You may include counselling sessions as well.

6. **Mob Lynching:** Mob lynching is a barbaric act in the garb of community 'justice' where an individual is killed as punishment for an alleged offence, bypassing legal procedures (Srivastava, 2024). The IPC did not address this issue. The BNS now includes provisions for mob lynching, with punishments extending up to death sentence.



Source: <https://www.istockphoto.com/search/2/image?mediatype=illustration&phrase=lynching>

7. **Rape of Minors:** Under IPC Section 376, whoever commits rape was punished with imprisonment for a term not less than ten years. This could also extend for lifetime and was liable to fine. BNS makes it stricter by increasing its maximum punishment to death sentence (Ministry of Home Affairs, 2023).
8. **Terrorism:** Section 111 of the BNS, 2023 talks about offence of terrorist act.

“(1) A person is said to have committed a terrorist act if he commits any act in India or in any foreign country with the intention to threaten the unity, integrity and security of India, to intimidate the general public or a segment thereof, or to disturb public order by an act.” (Ministry of Home Affairs, 2023)



The BNS defined terrorism as a separate offence for the first time as a part of a general law (Khan, 2023). It states that whoever performs any terrorist act under the provision of this section shall be liable to punishment, that is imprisonment for life or death, without parole and shall also be liable for fine up to ten lakh rupees (Ministry of Home Affairs, 2023). The BNS has broadened the scope by including 'intimidate' any segment of the public or 'disturbing public order'.



Activity: Organise a group discussion on terrorism and its causes, consequences and prevention.

9. **Organised Crime:** The BNS introduced organised crime under Section 111 and states that, any continuing activity which is unlawful in nature and harming the society shall be punishable with death, imprisonment and fine. The section read as follows:

111. (1) Any continuing unlawful activity including kidnapping, robbery, vehicle theft, extortion, land grabbing, contract killing, economic offences, cybercrimes having severe consequences, trafficking of people, drugs, weapons or illicit goods or services, 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.

Also, the BNS Act in Section 110 has also introduced the concept of 'petty crime'. It means small organised crime or crime in general which creates feeling of insecurity among the citizens of this nation. This type of crime shall be punished with imprisonment for a term of one year which may extend up to seven years and he shall also be liable to fine.

Activity: Organise a poster making competition regarding awareness on human trafficking.

10. **Hate Speech:** Hate speech provision under BNS was built upon the provisions of Section 153A, Section 295A and Section 505 of



the Indian Penal Code (IPC). The BNS updated and expanded the provisions to tackle hate speech more effectively by considering it as a crime, which was not defined under IPC, recognising the evolving nature of communication and the increased role of digital platforms in disseminating such speech. The provision of punishment under the section includes stronger penalties and up to 3 years of imprisonment (Ministry of Home Affairs, 2023).



Activity: Ask students to bring newspaper cuttings related to hate speech cases in the last five years.

11. **Environmental Pollution:** Recognising the current environmental crisis, the BNS introduces specific provisions to address environmental issues, emphasising the importance of environmental protection in today's society. These provisions penalise actions that harm the environment and ensure stricter enforcement of environmental laws, with punishments extending up to ten years of imprisonment (Ministry of Home Affairs, 2023).



Activity

1. Conduct an essay writing competition on protection of environment and adverse effects of environmental degradation.
2. Conduct a plantation and cleanliness drive in the nearby area of school to create awareness about environmental protection among students.

12. **Sexual Intercourse by Employing Deceitful Means, etc:** Section 69 of BNS includes provisions to address the offence of sexual intercourse based on deceitful means under rape. Here, deceitful means include the false promise of employment or promotion, inducement or marrying after suppressing identity (Ministry of Home Affairs, 2023). The punishment for the said offence includes imprisonment for up to ten years and shall be liable to fine.



Quiz

1. Which among the following was replaced by Bharatiya Nyaya Sanhita?

- (a) CrPC
- (b) IPC
- (c) Evidence Act
- (d) Punishment Code

(Answer: b)

2. When was BNS enacted?

- (a) 1 June 2020
- (b) 1 July 2023
- (c) 25 December 2023
- (d) 25 December 2024

(Answer: c)

3. Who drafted the IPC?

- (a) Warren Hastings
- (b) Thomas Babington Macaulay
- (c) Mountbatten
- (d) Elizabeth

(Answer: b)

4. What does the Section 124A of IPC relate to?

- (a) Sedition
- (b) Crime against women
- (c) Defamation
- (d) Rape of minor

(Answer: a)

5. What do you understand from the following pictures?



- (a) Community service as a form of punishment
- (b) Defamation
- (c) Mob lynching
- (d) Terrorism

(Answer: a)

6. Which one of these is a organised crime?

- (a) Rape
- (b) Terrorism
- (c) Human trafficking
- (d) Defamation

(Answer: c)

Message for Parents

Children are the building blocks of our future society. What we teach them today would surely reflect in their actions tomorrow. It is our responsibility to take care and make everyone aware about what we should teach our children and how shall it impact them. Indeed, our combined effort will make our children bloom beautifully in the future. Children learn from their parents first and then adhere to the words of teachers in the schools.

We expect from you to help us nurture your child by being aware about their actions and learnings at home and outside. We request you to be vigilant about the behaviour of your child and any sign that could indicate problems faced at home and outside. These inputs can help save many lives from getting depressed and suicidal thoughts due the undisclosed problems that affect their physical, emotional and psychological being. Let us collectively create a safe environment where children can open up about their problems and struggles they face at home and outside.



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Section 115. Presumption of severe stress in case of attempt to commit suicide

- (1) Notwithstanding anything contained in Section 309 of the Indian Penal Code (45 of 1860) any person who attempts to commit suicide shall be presumed, unless proved otherwise, to have severe stress and shall not be tried and punished under the said Code.
- (2) The appropriate Government shall have a duty to provide care, treatment and rehabilitation to a person, having severe stress and who attempted to commit suicide, to reduce the risk of recurrence of attempt to commit suicide.





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एन सी ई आर टी
NCERT

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