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PRACTICE NOTE — CRIMINAL LAW

The Bharatiya Nyaya Sanhita, 2023 — Key Points

Substantive criminal law of India in force from 1 July 2024, replacing the Indian Penal Code, 1860 — structure, key changes, offences and exceptions at a glance

|               |                                                              |
|---------------|--------------------------------------------------------------|
| IN FORCE FROM | 1 July 2024                                                  |
| REPLACES      | Indian Penal Code, 1860 (45 of 1860)                         |
| STRUCTURE     | 358 sections in 20 chapters (IPC: 511 sections, 23 chapters) |
| APPLICATION   | Prospective — offences before 1.7.2024 tried under IPC/ CrPC |
| READ WITH     | BNSS, 2023 (procedure) and BSA, 2023 (evidence)              |

CHAPTER SCHEME

| CHAPTER                                                                                                    | SECTIONS (APPROX.) |
|------------------------------------------------------------------------------------------------------------|--------------------|
| I Preliminary                                                                                              | 1–2                |
| II Of Punishments                                                                                          | 3–13               |
| III General Exceptions                                                                                     | 14–44              |
| IV Of Abetment, Criminal Conspiracy and Attempt                                                            | 45–62              |
| V Of Offences Against Woman and Child                                                                      | 63–99              |
| VI Of Offences Affecting the Human Body                                                                    | 100–146            |
| VII Of Offences Against the State                                                                          | 147–158            |
| VIII Of Offences Relating to the Army, Navy and Air Force                                                  | 159–168            |
| IX Of Offences Relating to Elections                                                                       | 169–177            |
| X Of Offences Relating to Coin, Currency-Notes, Bank-Notes and Government Stamps                           | 178–189            |
| XI Of Offences Against Public Tranquillity                                                                 | 190–199            |
| XII Of Offences by/Relating to Public Servants                                                             | 200–207            |
| XIII Of Contempts of the Lawful Authority of Public Servants                                               | 208–226            |
| XIV Of False Evidence and Offences Against Public Justice                                                  | 227–269            |
| XV Of Offences Relating to Religion                                                                        | 298–302            |
| XVI Of Offences Against Property (Theft, Robbery, Extortion, Cheating, Criminal Breach of Trust, Mischief) | 303–334            |
| XVII Of Offences Relating to Documents/Property Marks                                                      | 335–356            |
| XVIII Of Criminal Intimidation, Insult, Annoyance, Defamation                                              | 351–357            |
| XIX Of Attempts to Commit Offences                                                                         | 358                |
| XX Repeal and Savings                                                                                      | —                  |

Section ranges are indicative for quick orientation — verify exact boundaries against the bare Act, as some chapters overlap in numbering.

## KEY CHANGES FROM THE IPC, 1860

### NEW OFFENCES INTRODUCED

- **Organised crime** (S.111) and **petty organised crime** (S.112) — first time defined as standalone offences.
- **Terrorism** (S.113) — statutory definition and punishment, previously only under UAPA.
- **Mob lynching** — murder by a group of five or more acting on grounds such as race, caste, sex or community (S.103(2)); also reflected at S.101(2) for lesser injury.
- **Hit-and-run** — enhanced punishment for fleeing the scene after causing death by rash/negligent driving (S.106(2)).
- **Snatching** (S.302) — theft by sudden/forcible seizure, now separately defined.

### OFFENCES REMOVED / REDEFINED

- **Sedition** (former IPC S.124A) removed; replaced by the narrower **S.152** — acts endangering sovereignty, unity and integrity of India.
- **Adultery** (former IPC S.497) has no counterpart — formalises the Supreme Court's 2018 ruling in *Joseph Shine*.
- Offences against women and children consolidated into a dedicated **Chapter V**, moved ahead of general body offences.

### PUNISHMENT FRAMEWORK (CHAPTER II)

- Death, imprisonment for life, rigorous or simple imprisonment, forfeiture of property, and fine — as under the IPC.
- **Community service** introduced for the first time (S.4(f)) as a standalone punishment for specified minor offences.
- Several offences now carry mandatory minimum sentences and steeper fines compared to the IPC.

### COMMUNITY SERVICE — APPLICABLE OFFENCES

- Public servant unlawfully engaging in trade (S.202).
- Non-appearance in response to a proclamation (S.209, read with BNSS S.84).
- Attempt to suicide to compel/restrain a public servant (S.226).
- Petty theft — property returned, first conviction (S.303(2)).
- Misconduct in public by a drunken person (S.355).
- Defamation (S.356).

## GENERAL EXCEPTIONS — CHAPTER III (SS.14–44)

### EXCUSABLE DEFENCES

- **Mistake of fact** (S.14, S.17) — act done in good faith believing it justified/bound by law.
- **Accident** (S.18) — act done without criminal intent or knowledge, in a lawful manner, by lawful means, with proper care.
- **Infancy** (S.20–S.21) — nothing is an offence done by a child of 7 years or below; child above 7 and below 12 excused if insufficient maturity to judge nature/consequences.
- **Insanity** (S.22) — unsoundness of mind rendering the person incapable of knowing the nature of the act or that it is wrong/contrary to law.
- **Intoxication** (S.23–S.24) — protection generally unavailable where intoxicant was administered without knowledge/against will only.

### JUSTIFIABLE DEFENCES

- **Judicial acts** (S.15–S.16) — acts of Judges/courts acting in good faith under a belief of lawful authority.
- **Consent** (S.25, S.28) — valid consent of a person above 18 years bars liability for harm not intended/known likely to cause death or grievous hurt; consent under fear, misconception, unsoundness of mind, or intoxication is not valid consent.
- **Trifling acts** (S.33) — act causing slight harm which no person of ordinary sense would complain of.
- **Private defence** of body and property (S.34–S.44) — extent, commencement and continuance of the right, and when it extends to causing death.

Burden of proving a general exception lies on the accused — S.108, Bharatiya Sakshya Adhiniyam, 2023 (successor to S.105, Evidence Act, 1872).

## FREQUENTLY CITED OFFENCES — IPC TO BNS QUICK MAP

| OFFENCE                      | BNS         | FORMER IPC  | PUNISHMENT (BNS)                                                 |
|------------------------------|-------------|-------------|------------------------------------------------------------------|
| Culpable homicide            | S.100       | S.299       | Life or up to 10 yrs, and fine (not amounting to murder)         |
| Murder                       | S.103(1)    | S.302       | Death or life imprisonment, and fine                             |
| Murder by mob (5+ persons)   | S.103(2)    | — (new)     | Death, life, or min. 7 yrs, and fine, for each member            |
| Dowry death                  | S.80        | S.304B      | Min. 7 yrs, extendable to life                                   |
| Hurt / Grievous hurt         | S.114–S.118 | S.319–S.326 | Up to 1 yr (simple) to 7 yrs/life (grievous, by dangerous means) |
| Rape                         | S.63–S.64   | S.375–S.376 | Min. 10 yrs, extendable to life, and fine                        |
| Cruelty by husband/relatives | S.85–S.86   | S.498A      | Up to 3 yrs, and fine                                            |

|                          |       |               |                                                                                  |
|--------------------------|-------|---------------|----------------------------------------------------------------------------------|
| Kidnapping               | S.137 | S.359–S.360   | Up to 7 yrs, and fine                                                            |
| Theft                    | S.303 | S.378–S.379   | Up to 3 yrs and/or fine (up to 7 yrs for repeat/aggravated)                      |
| Snatching                | S.302 | — (new)       | Up to 3 yrs, and fine                                                            |
| Extortion                | S.308 | S.383–S.384   | Up to 7 yrs, and fine                                                            |
| Robbery                  | S.309 | S.390–S.392   | Rigorous imprisonment, 7 yrs to life depending on circumstances                  |
| Criminal breach of trust | S.316 | S.405–S.406   | Up to 5 yrs, and fine (higher for public servants/bankers)                       |
| Cheating                 | S.318 | S.415–S.420   | Up to 3 yrs and/or fine (up to 7 yrs, dishonest inducement of property delivery) |
| Criminal conspiracy      | S.61  | S.120A–S.120B | Same as abetment of the offence conspired                                        |
| Criminal intimidation    | S.351 | S.503–S.506   | Up to 2 yrs and/or fine (up to 7 yrs, aggravated)                                |
| Defamation               | S.356 | S.499–S.500   | Up to 2 yrs and/or fine, or community service                                    |

Section numbering was fully reorganised — no IPC section maps to the same number under the BNS. Always confirm the exact sub-clause against the bare Act for drafting/pleading.

## NEW / SPECIAL OFFENCES (NOT IN IPC'S MAIN TEXT)

### ORGANISED CRIME — S.111

- Continuing unlawful activity — kidnapping, extortion, land grabbing, contract killing, cyber-crime, trafficking of persons/drugs/weapons — by a syndicate, individually or jointly.
- Punishment: death/life imprisonment (if death results) or min. 5 years to life, with substantial fine; petty organised crime (S. 112) carries lesser punishment for street-level operations (e.g. vehicle theft, pickpocketing rackets).

### TERRORISM — S.113

- Act intending to threaten unity/integrity/security of India, intimidate the public, or disturb public order.
- Punishment: death or life imprisonment with min. fine of ₹10 lakh if death results; otherwise min. 5 years to life with min. fine of ₹5 lakh.

## PRACTICE NOTES

### Prospective Application

Offences committed before 1 July 2024 continue to be investigated, tried and disposed of under the IPC and CrPC/Evidence Act, 1872 — check the date of the alleged offence before framing charges or citing sections.

### Sedition → S.152

Narrower than the repealed S.124A IPC — requires acts exciting secession, armed rebellion, subversive activities, or endangering sovereignty/unity/integrity; mere criticism of government is expressly excluded. Case law under S.124A is only persuasive, not binding, on S.152.

### Cross-Reference with BNSS & BSA

Substantive offences (BNS) must be read with the procedural code (BNSS, 2023) for arrest, bail, charge and trial, and with the evidence code (BSA, 2023) for admissibility, presumptions and burden of proof.

For internal practice reference only — this note highlights select, frequently used provisions and does not cover all 358 sections. Cross-check exact section text, provisos, and explanations against the bare Act and latest High Court/Supreme Court rulings before relying in proceedings. Prepared 20 July 2026.

Primary sources: Bharatiya Nyaya Sanhita, 2023 ([indiacode.nic.in](https://indiacode.nic.in)); PRS Legislative Research Bill Summary; BPR&D Handbook on BNS, 2023; NCRB Compendium of New Criminal Laws.