

# Bill Summary

## The Bharatiya Nyaya Sanhita, 2023

- The Bharatiya Nyaya Sanhita, 2023 was introduced in Lok Sabha on August 11, 2023. The Bill repeals the Indian Penal Code, 1860 (IPC). IPC is the principal law on criminal offences. Categories of offences covered under it include those affecting: (i) human body such as assault and murder, (ii) property such as extortion and theft, (iii) public order such as unlawful assembly and rioting, (iv) public health, safety, decency, morality, and religion, (iv) defamation, and (v) offences against the state.
- The Bill retains several parts of the IPC. Changes include introduction of offences of organised crime and terrorism, enhancement in penalties for certain existing offences, and introduction of community service as a punishment for certain petty offences. Certain offences under the IPC that have been struck down or read down by courts have been omitted. These include offences of adultery and same-sex intercourse (Section 377).  
Key changes proposed in the Bill include:
  - **Sedition:** IPC defines sedition as bringing or attempting to bring hatred or contempt, or exciting disaffection towards the government. It is punishable with imprisonment term between three years and life imprisonment, and/or a fine. The Bill removes this offence. It instead penalises the following: (i) exciting or attempting to excite secession, armed rebellion, or subversive activities, (ii) encouraging feelings of separatist activities, or (iii) endangering sovereignty or unity and integrity of India. These offences may involve exchange of words or signs, electronic communication, or use of financial means. These will be punishable with imprisonment of up to seven years or life imprisonment, and a fine.
  - **Terrorism:** The Bill defines terrorism as an act that intends to threaten the unity, integrity, and security of the country, to intimidate the general public or disturb public order. Terrorist acts include: (i) using firearms, bombs, or hazardous substances (biological or chemical) to cause death, danger to life, or spread a message of fear, (ii) destroying property or disrupting essential services, and (iii) activities included in the treaties listed in the Second Schedule of the Unlawful Activities (Prevention) Act, 1967 such as unlawful seizure of aircraft or taking of hostages. Punishment for attempting or committing terrorism includes: (i) death or life imprisonment, where the offence has resulted in death of any person, (ii) imprisonment term between five years and life in other cases. An offender will also be liable to a fine of at least five lakh rupees.
- The Bill also penalises conspiring, organising, or assisting in preparation of any terrorist act with an imprisonment term between five years and life imprisonment, and a fine of at least five lakh rupees.
- **Organised crime:** The Bill defines organised crime as: (i) a continuing unlawful activity such as kidnapping, extortion, contract killing, land grabbing, financial scams, and cybercrime, (ii) carried out by use of violence, intimidation, or other unlawful means, (iii) to obtain material or financial benefit, and (iv) carried out by individuals acting singly or jointly, as members of or on behalf of a crime syndicate. Attempting or committing organised crime will be punishable with: (i) death or life imprisonment, where the offence results in death of any person, and (ii) imprisonment term between five years and life, in other cases. The offender will also be liable to pay a fine.
- **Petty organised crime:** The Bill makes attempting or committing petty organised crime punishable with imprisonment between one and seven years, and a fine. Petty organised crimes are those which cause general feelings of insecurity among citizens, and are committed by organised criminal groups/gangs. These include organised pick pocketing, snatching, and theft.
- **Murder by a group of persons on grounds of caste or race:** The Bill specifies separate penalty for murder committed by five or more people on specified grounds. These include race, caste, sex, place of birth, language, or personal belief. Each offender will be punishable with imprisonment between seven years and life, or death. It will also attract a fine.
- **Death penalty for gang rape of minor:** IPC allows death penalty for gang rape of women below 12 years of age. The Bill allows death penalty for gang rape of women below 18 years of age.
- **Sexual intercourse by deceitful means:** The Bill penalises the act of sexual intercourse with a woman (not amounting to rape) through deceitful means or a promise of marriage without intending to fulfil it. It will be punishable with simple or rigorous imprisonment up to 10 years, and a fine.
- **Extending applicability of certain offences to boys:** Under the IPC, importing girls under the age of 21 years for illicit intercourse with another person is an offence. The Bill specifies that importing boys under the age of 18 years for illicit intercourse with another person will also be an offence.

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